

Committee Report

Application No:	DC/19/00411/FUL
Case Officer	Lois Lovely
Date Application Valid	29 April 2019
Applicant	Mr Peter Charlton
Site:	Dene House Durham Road Gateshead NE9 5AE
Ward:	Saltwell
Proposal:	VARIATION OF CONDITION 1 (approved plans) of DC/18/01206/FUL to provide two parking spaces for basement flat, Unit 1 with access from Littledene (amended/additional information 04/06/19).
Recommendation:	GRANT
Application Type	Full Application

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

The application property Dene House and the associated stand alone store room in the car parking area are located and accessed from Durham Road in Low Fell. A cycle path runs along Durham Road across the access. At the entrance to the car park lies a residential bungalow, Dene Lodge, that has a drive immediately behind the boundary wall to Durham Road. It is understood that the occupant of this property parks his car on land adjacent to the stand alone store room rather than on his drive. This land is in the ownership of Dene House and is included within the application site. The entrance off Durham Road is subject to shared access rights for the neighbouring property Dene Lodge and for residents of Littledene. There is also an access gate onto Littledene itself that was used as an emergency exit and by emergency services when Dene House was occupied as offices.

1.2 Dene House is located in Saltwell Conservation Area. It is not listed nor included on the approved Local List (2004). It first appears on the 3rd edition OS map as 'Red House' when it had large grounds which fronted both East Park Road and Durham Road. Red House changed its name to Dene House between the 4th and 6th edition OS maps.

1.3 The garden and grounds to the west of Dene House and between Dene House and Durham Road have been redeveloped as the small estate Littledene.

1.4 The vacant building has been on the market for a number of years, the most recent use being as offices for a number of small businesses.

- 1.5 The application site slopes downwards from east to west from Durham Road towards the western boundary of the site and the entrance to the property.
- 1.6 The site itself comprises the hard surface of the former car park for the offices, the property and the small area of existing garden and as a consequence has very little planting other than two mature trees within the car park and three trees within the garden area to the west of the building, that are the subject of a Tree Preservation Order. The application property, Dene Lodge, properties on Littledene and the Miller Homes development of the former Gateshead College site have mature trees within their gardens that bound the site.
- 1.7 The property comprises four floors. The property presents the main entrance, two full storeys and rooms in the roofspace with a dormer window and a lantern to the car park (north) elevation.
- 1.8 To the west elevation the property steps down and presents four storeys with an existing basement. There is access to an external garden space from the basement. A single storey pitched roof addition on the east elevation has a raised ramped access. There is a second access door to the property on the east elevation.
- 1.9 The area has seen significant residential development in recent years, in particular Littledene in the former grounds of Dene House and more recently the adjacent site of the former Gateshead College building.
- 1.10 **DESCRIPTION OF THE PROPOSAL**
This application seeks to vary the approved plans at condition 1 of planning permission DC/18/01206/FUL.
- 1.11 The scheme as approved proposes to convert the existing property into seven residential apartments with associated amenity garden space, private and visitor car parking and communal external spaces.
- 1.12 The proposal is to lay a sufficient area of block paving in order to create two parking spaces within the garden curtilage of Unit 1, to be accessed through double gates proposed to replace the existing gate to the property from Littledene.
- 1.13 **PLANNING HISTORY**
01426/01 Erection of single-storey extension at side of annexe to provide new kitchen, toilet and lobby to allow disabled access (consultation under Circular 18/84 Procedure). Granted 08.02.2002
- DC/18/01206/FUL Conversion and upgrading of existing office property into seven apartments and conversion of annexe into a store/workshop (amended 29/01/19 and additional information received 08/02/19 Granted 22.02.2019

2.0 Consultation Responses:

None

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with formal procedures introduced by the Town & Country Planning (Development Management Procedure) Order 2015. Properties 4 - 14 inclusive were sent a neighbour notification letter on 21 May 2019. A site notice was posted at the site on 10 May 2019 and a notice was published in the local press on the 15 May 2019 in order to alert the public to the submission of the planning application.
- 3.2 Further neighbour notifications were sent on receipt of amended plans on 5 June 2019 with a response date of 12 June 2019. The minor nature of the amendments to correct a date of a revision of the drawing and to show an existing gate opening outwards as built, were undertaken to address an objection.
- 3.3 A petition bearing 30 signatures has been received on the grounds of:
- Increase in traffic movements in an area which is used for turning and visitor parking / access;
 - The proposed gateway is a blind spot adjacent to the existing path and residents' driveways;
 - It will encourage increased parking for visitors and delivery vehicles to the new apartment via Littledene which already suffers from inconsiderate and high volumes of parking for Saltwell Park;
 - A concern that the new residents of the apartment would not always use their gated area and just park in the street;
 - Increased noise, disruption and threat to security as the proposed 1200mm gates will offer opportunity for a person to climb the low level adjacent brick wall onto the secure footpath that leads from Littledene to Durham Road.
- 3.4 Ten letters of representation were received in response to the initial neighbour notification. A further eight letters of representation (from the same household three from one objector and three from another, and two more from neighbours all of whom had previously objected) have been received in response to the second neighbour notification. The concerns raised relate to:
- Littledene is a very small cul de sac of 18 properties most of which have two vehicles;
 - The street is not wide and not capable of two vehicles being parked opposite each other
 - Used by Park employees and visitors;
 - Many are inconsiderate and park opposite or over drives;
 - Visitors leave rubbish behind;
 - Used as a turning area;
 - Residents have complained to Council about parking problems
 - Issue of health and safety as fire tender or ambulance could not get to top of street

- Provision of access to Littledene for one parking space will invite additional vehicle movements and result in additional parking in street;
- The point of vehicle access already has three property drives onto the street
- Adjacent is a private security gated footpath for the sole use of Littledene residents;
- Life threatening proposal where children play at top of street
- The proposed gate will create access to climb into private footpath;
- Proposal is for 9 car spaces - 1 per apartment and 2 visitor spaces there is plenty of space for more spaces in car park and no need to provide in garden;
- Overdevelopment of garden;
- Dene House is in a conservation area and the car parking will affect the setting
- Littledene is in Conservation Area and creating an access will impact on character and appearance of the street contrary to legislation that defines a conservation area as being "areas of special architectural or historic interest the character or appearance of which is desirable to preserve or enhance";
- Will create additional pollution;
- Noise and disturbance;
- Loss of privacy;
- Plan incorrect - gate swings out not into to private path - a vehicle reversing could hit the gate into pedestrians;
- Plan incorrect - there is not a wall between the pedestrian gate and brick retaining wall means gate opens next to drive - dangerous blind spot;
- Plan has other changes on it that are not mentioned e.g. footpath up to Durham Road; - if it is because there is no space previous application should be reassessed;
- Revision note E has wrong year therefore plans are invalid;
- Plans were not available for everyone to view until 17th May therefore consultation period should restart;
- Position of gates will result in headlights from cars entering and leaving to point into residents front windows resulting in loss of privacy;
- Not consulted on original application;
- Viability of development is not threatened by not having the proposed parking spaces;
- Developer has already agreed to give a garage to a resident of Littledene so parking cannot be in short supply;
- Loss of wildlife;
- Flooding in Littledene in 2012 and creating hard surface will cause drainage issues;
- There is no precedent for this access to Dene House;
- 14 cars owned by occupants of 6 to 12 Littledene - the houses at the top of the cul de sac;
- Character of the building will be totally changed and the visual appeal of the building harmed;
- Pay council tax and get nothing for it other than a cul de sac sign at entrance;
- 7, 8 and 9 share a drive that exits adjacent to the pedestrian gate;

- Gates to proposed drive will block existing drives;
- Contrary to Government's cleaner air targets;
- High possibility that the basement flat will end up on the rental market and there will no doubt be a high turnover of tenants which could lead to lack of consideration to an established street community.

4.0 Policies:

CS11 Providing a range and choice of housing

ENV10 Dev in Gdns/Grounds in Conservation Area

CS3 Spatial Strategy for Neighbourhood Area

CFR20 Local Open Space

DC1D Protected Species

ENV46 The Durham Biodiversity Action Plan

CS18 Green Infrastructure/Natural Environment

DC1P Contamination, derelict land, stability

ENV54 Dev on Land Affected by Contamination

H4 Windfall and Small Housing Sites

H5 Housing Choice

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

ENV3 The Built Environment - Character/Design

ENV7 Development within Conservation Areas

DC2 Residential Amenity

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP Making Spaces for Growing Places

5.0 Assessment of the Proposal:

5.1 BACKGROUND

The principle of the proposed development has been established through the granting of planning application DC/18/01206/FUL.

5.2 The development, subject to conditions, was considered acceptable in all regards.

5.3 The latest planning application seeks the variation of Condition 1 (approved plans) of permission DC/18/01206/FUL to allow for the inclusion of a block paved area to provide two car parking spaces and an inward opening gate within the garden curtilage of Unit 1. It should be noted that as the residential planning permission DC/18/01206/FUL has not yet been implemented the gates and the hardstanding could be undertaken without the need for planning permission under permitted development rights.

5.4 Based on the above, it is considered necessary to consider the application in regard to changes in site circumstance, planning policy and any implication with regard to the amendment of the planning condition.

5.5 POLICY BACKGROUND/SITE CIRCUMSTANCES

There have been no significant changes to National or Local policy or site circumstances following the granting of application DC/18/01206/FUL on 22 February 2019.

5.6 VARIATION OF CONDITION

Planning condition 1 requires that the development be built in accordance with the approved plans and specifications.

5.7 Dene House does have right of access to Littledene in the Title Deeds. There is an existing gate from the basement area garden and it was approved to be retained on the original approval DC/18/01206/FUL. The occupant of Unit 1 will have vehicular and pedestrian access.

5.8 The main issues are considered to be the impact of the proposal on the character and appearance of the area, heritage assets, highway safety and residential amenity.

5.9 CHARACTER AND APPEARANCE / HERITAGE ASSETS

The application site is located within the Saltwell Conservation Area. It is considered that the proposed amendment to create a small paved area within the garden of Dene House would not result in a significant change to the character of the building and grounds and is considered will not harm the visual appearance of Dene House nor will the proposed gates on Littledene have a harmful impact on the character and appearance of the street. In fact, replacement gates would enhance the appearance of the access.

5.10 As the garden area of Unit 1 comprises 260sqm it can easily accommodate a hard standing for two vehicles measuring 6m x 6m; it is not considered that this proposal would amount to overdevelopment.

- 5.11 The proposal would comply with the aims and requirements of saved policies ENV3 and ENV7 of the UDP, policies CS15 of the CSUCP and the NPPF.
- 5.12 HIGHWAY SAFETY
There are no concerns raised by Officers, in highway safety terms, to the additional two car parking spaces. As the proposal would comply with the aims and requirements of policy CS13 of the CSUCP and the NPPF.
- 5.13 However, various representations have been made in respect of a number of concerns, relating to the proposed access arrangements. Taking the concerns in turn:
- 5.14 An objector has said there is no precedent for this access to Dene House. Whilst it is not a matter for the Planning Committee, officers understand that there is a legal right to a vehicular access to Dene House from Littledene. However, if this is incorrect, and no right of access exists, then the land owner could mount a legal challenge to prevent access, however, this would be a matter to be resolved outside of the planning application process between the relevant parties.
- 5.15 In addition, there is an existing access gate onto Littledene from Dene House, the use of these gates does not require planning permission. The only aspect of this development that needs planning permission (in itself) is the laying of the block paving for the two parking spaces; as there are no permitted development rights associated with flats. As stated above it should be noted that as the residential planning permission DC/18/01206/FUL has not yet been implemented the gates and the hardstanding could be undertaken without the need for planning permission under permitted development rights. If the residential planning permission DC/18/01206/FUL was implemented and the occupant decided they were happy to park on the grass, no planning permission would be required.
- 5.16 An objector has said the proposal will encourage increased parking for visitors and delivery vehicles to the new apartment via Littledene, and that Littledene is used by Park employees and visitors and many are inconsiderate and park opposite or over drives. A concern has also been raised by an objector that the new residents of the apartment would not always use their in-curtilage parking area and just park in the street.
- 5.17 Littledene is an adopted road and anyone with an insured and taxed motor vehicle can park on it. In doing so, drivers would be expected to adhere to the Highway Code.
- 5.18 An objector has said Littledene is a very small cul de sac of 18 properties most of which have two vehicles that is not wide and not capable of two vehicles being parked opposite each other that is an issue of health and safety as a fire tender or ambulance could not get to top of street.
- 5.19 The properties on Littledene have double length drives that can accommodate two vehicles in addition to garages. Officers have undertaken a number of site

visits where it was noted that cars were parked bumped up onto the footpath whilst there were few vehicles parked on the drives. It would therefore appear that there would be adequate residents' car parking, if existing parking spaces were utilised.

- 5.20 An objector has said the proposal will increase traffic movements in turning area that is used for visitor parking / access
- 5.21 The hammer head at the top of Littledene is designed to be used as a turning area and there should be no visitor parking taking place as this would prevent a vehicle who needed to turn from turning.
- 5.22 An objector has said the point of vehicle access already has three property drives onto the street and is a blind spot adjacent to the existing path
- 5.23 There are three drives to Nos.7,8 and 9 Littledene but they share the egress onto the turning head thus there is only one point at which vehicles will emerge adjacent to the gate to the secure footpath. Drivers leaving their drive would need to be cautious with regard to the drivers emerging from other drives and the pedestrians emerging from the secure footpath. The proposed double gates to the drive are indicated on the proposed plan as inward opening and would therefore not be capable of blocking existing drives. It is not considered that the proposal would make the existing arrangement any more hazardous as vehicle speeds would by necessity be minimal..
- 5.24 A fourth drive also emerges onto the turning head from No.6 Littledene.
- 5.25 An objector has said there is plenty of space for more spaces in car park and there is no need to provide parking in the garden and the viability of development is not threatened by not having the proposed parking spaces.
- 5.26 The proposal is to create spaces for Unit 1 it is not proposed in order to overcome a shortage of space in the main car park. No information has been submitted in respect of the viability of the scheme, so the objector's opinion cannot be substantiated.
- 5.27 An objector has said the developer has already agreed to give a garage to a resident of Littledene so parking cannot be in short supply.
- 5.28 As referred to above the proposal is to create spaces for Unit 1 it is not proposed in order to overcome a shortage of space in the main car park.
- 5.29 An objector has highlighted that the plan is incorrect as the secure gate to the footpath opens outwards over the highway and not into the private path.
- 5.30 No gate should not open outwards over the adopted highway. It is known from correspondence in 1997 that the then residents of Littledene had erected large locked gates at both ends of the path. There were complaints at the time that a right of way had been established long before Littledene was constructed and that it had been blocked. However, as the path was not adopted by the Council

there was not a public right of way so the Council could take no action to have the path reopened.

5.31 However, the drawing has been amended to show the gate opening outwards over the adopted highway.

5.32 RESIDENTIAL AMENITY

In terms of potential for additional noise and disturbance, the residents of all 18 dwellings on Littledene have access to the footpath with the locked gate. The occupants of the basement flat of Dene House would not have use of the footpath that is locked, however the proposed parking spaces are immediately next to the path. Compared to existing activity levels it is considered the use of the two parking spaces would not result in materially more significant comings and goings.

5.33 An objector has said that the position of the gates will result in headlights from cars entering and leaving to point into residents' front windows resulting in loss of privacy by illuminating the room.

5.34 As mentioned earlier there are three drives that would result in vehicles accessing and egressing onto Littledene in the same orientation as the proposed car parking spaces. Thus if there is an existing issue with headlights shining into front windows then the two spaces would not result in any materially greater loss of privacy.

5.35 An objector has suggested that the proposal is a threat to security as the proposed 1200mm gates will offer an opportunity for a person to climb the low level adjacent brick wall onto the secure footpath that leads from Littledene to Durham Road.

5.36 If, in the event that a miscreant climbed into the secure footpath by climbing over the proposed 1200mm gates, the locked gate at the top of the footpath is also locked and gaining access to the footpath would have no gain.

5.37 An objector has said the proposal is life threatening as children play at top of street.

5.38 Eight drives in total emerge onto the turning head and this is not an appropriate location for children to play. All of the dwellings in Littledene have substantial gardens to the front and rear where children might play. In addition, there are the extensive facilities at Saltwell Park, which is within 120m of the property furthest away from the Park on Littledene.

5.39 Subject to conditions, the proposal would comply with the aims and requirements of saved policies DC2, ENV3 and ENV7 of the UDP, policies CS13, CS14 and CS15 of the CSUCP and the NPPF.

5.40 OTHER MATTERS

A representation has highlighted:

- a change to the footpath up to Durham Road that is not mentioned in the application and suggests that if it is because there is no space the previous application should be reassessed;
 - Revision note E has 2018 the wrong year and therefore the plans are invalid.
 - Plans were not available for everyone to view until 17th May therefore consultation period should restart.
 - Not consulted on original application.
- 5.41 An amended layout 8546c/02 Revision F has addressed the incorrect date and indicated the secure gate as opening outwards onto the adopted highway to reflect the site as existing and replaced with 2019.
- 5.42 Publicity for the original planning application DC//18/01206/FUL included neighbour notifications carried out in accordance with formal procedures introduced by the Town & Country Planning (Development Management Procedure) Order 2015. Properties 4 - 10 inclusive and 12 Littledene were sent a neighbour notification letter. A site notice was posted at the site on 2nd January 2019 and a notice was published in the local press on the 21st January 2019 in order to alert the public to the submission of the planning application.
- 5.43 It is considered the publicity was undertaken fully in accordance with the legislation.
- 5.44 An objector has said that the plans have only been available to inspect since the 17th May, for 40 days, therefore it is considered this is adequate time for interested parties to review and it is considered that residents rights to object have not been compromised.
- 5.45 Tenure
An objector has said that there is a high possibility that the basement flat will end up on the rental market and there will no doubt be a high turnover of tenants which could lead to lack of consideration to an established street community.
- 5.46 The tenure of the apartment is not relevant to a proposal for two car parking spaces within a garden.
- 5.47 An objector has said the proposal would result in loss of wildlife.
The proposal is not considered will result in loss of wildlife as there would be no significant loss of habitat caused by the hard surfacing of part of the garden area of Unit 1.
- 5.48 An objector has said the proposal is contrary to the Government's cleaner air targets and the proposal is not environmentally friendly as it will create additional pollution.
- 5.49 The flat has approved parking associated with it, whether the vehicles access the property from Durham Road or from Littledene will not result in any additional pollution.

- 5.50 An objector has said that in 2012 Littledene was flooded and creating a hard surface will cause drainage issues.
- 5.51 The two proposed car parking spaces are surrounded by 200sqm of lawned garden. Flooding is not considered to be a risk as a result of this proposal.
- 5.52 **CONDITIONS**
The current application, given it would grant a new planning consent, allows an opportunity to re-consider the conditions attached to permission DC/18/01206/FUL.
- 5.53 All original conditions (i.e. other than conditions 1 and condition 28) are recommended to be reattached to the new permission without modification. Condition 28 includes a requirement for the gates to the Littledene access to be automated.
- 6.0 **CONCLUSION**
- 6.1 It can be concluded that the development would not have an unacceptable impact on the character and appearance of the conservation area, the visual amenity of the area, highway safety or the residential amenities of existing and potential future occupiers, wildlife or flooding.
- 6.2 It is recommended that planning permission should be granted.

Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Service Director of Communities, Transport and Environment 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 -

8546c-01 Location Plan
8546c-02F Existing + Proposed Site Plan
8546c-03 Existing Plans
8546c-04C Proposed Plans
8546c-05 Existing Elevations
8546c-06B Proposed Elevations
8546c-07 Proposed Cycle Store
8546c-08A Proposed Workshop
A4 drawing Typical Gas barrier 10
Visqueen data sheet

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 the 21 February 2021.

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 first occupation of the development hereby permitted the gas membrane/ gas protection measures indicated on A4 drawing Typical Gas barrier 10 and Visqueen data sheet received on 8th February 2019 shall be installed wholly in accordance with the approved details.

Reason

To ensure that risks from coal mining gas to the future users of the land and neighbouring land are minimised 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.

4

Prior to commencement of the development hereby permitted a Preliminary Risk Assessment shall be undertaken and submitted for the consideration and written approval of the Local Planning Authority.

Should the findings of the Preliminary Risk Assessment indicate an intrusive site investigation with a Phase II Detailed Risk Assessment is required, these shall be undertaken and a report of the findings submitted for the consideration and written approval of the Local Planning Authority.

The site investigation and Phase 2 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, controlled waters 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 of this area. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and proposed validation strategy. 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.

N.B. The Local Authority requires that a minimum of 1.15m of 'proven' uncontaminated 'clean cover' is provided in all soft landscape / garden areas.

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 pre commencement condition

To ensure the approved remediation measures are undertaken prior to commencement of the development hereby permitted to ensure risks to future users of the land are minimised.

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.

5

The details of remediation measures approved under condition 4 shall be implemented prior to commencement of the development hereby permitted 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 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 pre commencement condition

To ensure risks to future users of the land are minimised.

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

6

Following completion of the remediation measures approved under condition 5 a verification report that demonstrates the effectiveness of the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to first occupation of the development hereby permitted

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan

7

During development works, any contaminated material observed during excavation of the existing ground should be screened and removed. If any areas of contaminated ground, that had not previously been identified, are encountered during development works, then operations should cease in that area, and 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 shall be submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with

Policies DC1, and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC1(p) of the Unitary Development Plan.

8

No development shall commence on the development hereby permitted until a Demolition and Construction Management Plan (CMP) for the development has been submitted to and approved in writing by the Local Planning Authority.

The CMP shall include :

- full asbestos survey and proposed controls and management of any asbestos found
- a dust management plan
- a noise management plan
- pollution prevention measures
- contractor parking
- details of delivery arrangements including hours
- measures to limit and manage transfer of debris on to the highway

Reason for condition

In order to avoid nuisance to the occupiers of adjacent properties during the demolition and construction of the development in accordance with the NPPF, saved policy DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

Reason for pre commencement condition

The proposed CMP must demonstrate that the demolition and construction operations will not harm residential amenities or highway safety before the development commences.

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

9

The CMP approved under condition 8 shall be wholly implemented and adhered to for the full duration of the demolition and construction of the development hereby permitted

Reason for condition

In order to avoid nuisance to the occupiers of adjacent properties during the demolition and construction of the development in accordance with the NPPF, saved policy DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

10

The tree protection measures indicated on drawing 160/PA/01 Tree Constraints Protection Plan and Planting Proposals shall be implemented wholly in accordance with the details prior to the commencement of the development hereby permitted and retained for the duration of the construction of the development

Reason for condition

To minimise the risk of harm and long-term adverse impacts of the development on protected trees in accordance with CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

Reason for prior to commencement condition

The proposed tree protection measures must be retained to ensure there can be no damage during construction of the development hereby permitted.

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.

11

Development shall not progress above damp proof course until samples of all materials, colours and finishes to be used on all external surfaces have been made available for inspection on site and are subsequently approved in writing by the Local Planning Authority. The materials shall include:

timber appearance cladding
flat roof covering
grey upvc windows
grey render
permeable block paving

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with the NPPF, Saved Policies DC2, ENV7 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

12

The materials approved under condition 11 shall be implemented wholly in accordance with the approved details and retained for the life 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 building in accordance with the NPPF, Saved Policies DC2, ENV7 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

13

Prior to the development hereby permitted progressing above damp proof course final largescale details of the conservation rooflights for the single storey flat roof shall be provided for the consideration and written approval of 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 building in accordance with the NPPF, Saved Policies DC2, ENV7 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

14

The details approved under condition 13 shall be implemented wholly in accordance with the approved details prior to first occupation of Unit 3 and retained for the life of the development thereafter

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with the NPPF, Saved Policies DC2, ENV7 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

15

Prior to first occupation of the development hereby permitted details of autotracking of the turning head by a refuse wagon shall be submitted for the consideration and written approval of the Local Planning Authority. If the autotracking demonstrates that there is an overrun over the footpath then details of an extension of the imprint paving into the development site to create a small shared surface area with a segregated footway to include a demarcation between the adopted highway and private drive must be submitted for the consideration and written approval of the Local Planning Authority.

Reason

In order to ensure the layout can be adequately serviced by a refuse wagon and to accord with CSUCP policy CS13.

16

The details approved under condition 15 shall be implemented wholly in accordance with the approved details prior to the first occupation of any part of the development and retained clear for the purposes of turning vehicles and for the life of the development thereafter.

Reason

In order to ensure the layout can be adequately serviced by a refuse wagon and to accord with CSUCP policy CS13.

17

Prior to first occupation of the development hereby permitted a lighting scheme for the proposed footpaths and parking areas of the development site shall be submitted to and approved in writing by the local planning authority.

Reason

To ensure the development is safe in highway terms in accordance with CSUCP policy CS13.

18

The details approved under condition 17 shall be implemented wholly in accordance with the approved details and retained for the life of the development thereafter.

Reason

To ensure the development is safe in highway terms in accordance with CSUCP policy CS13.

19

Prior to first occupation of the development hereby permitted, details of warning signs to be installed within the site advising drivers of the potential for cyclists crossing ahead shall be submitted for the consideration and written approval of the Local Planning Authority. The scheme should include a red triangle warning sign to TSRGD diagram 950.

Reason

To ensure highway safety by addressing concerns over the conflict between vehicles emerging from the site and cyclists on the shared use footway on Durham Road and to accord with CSUCP policy CS13.

20

The details approved under condition 19 shall be implemented wholly in accordance with the approved details and retained thereafter for the life of the development.

Reason

To ensure highway safety by addressing concerns over the conflict between vehicles emerging from the site and cyclists on the shared use footway on Durham Road and to accord with CSUCP policy CS13.

21

Prior to first occupation of the development hereby permitted details of electric vehicle charging points to be provided including details of the number, location and specification of the charging points have been submitted to and approved in writing by the Local Planning Authority.

Reason

To promote sustainable travel choices in accordance with the NPPF and policies CS13 of the Council's Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

22

The electric vehicle charging points approved at condition 21 shall be provided in accordance with the approved details prior to the development being first occupied and be retained thereafter.

Reason

To promote sustainable travel choices in accordance with the NPPF and policies CS13 of the Council's Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

23

Unless otherwise approved in writing by the Local Planning Authority, all works, demolition and ancillary operations in connection with the construction of the development hereby permitted, including the use of any equipment on the site, shall be carried out only between 08:00 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Internal works within dwellings shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1800 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

To safeguard the amenities of nearby residents and in accordance with Policies DC1, DC2 and ENV61 of the Unitary Development Plan and CS14 of the CSUCP.

24

The driveway to unit 6 shall have a minimum visibility splay of 2m x 2m with no obstruction above 600mm.

Reason

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

25

No dwelling of the development hereby permitted shall be first occupied until final details of the cycle parking provision for that dwelling is submitted to and approved in writing by the Local Planning Authority and the cycle parking shall be provided on site prior to the occupation of each respective dwelling in accordance with the approved details.

Reason

In order to ensure adequate provision for cyclists in accordance with the NPPF, policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the Council's Cycling Strategy.

26

Upon first occupation of each dwelling a sustainable travel welcome pack shall be provided to each of the new residents to inform of sustainable travel options to include bus timetables and cycle maps.

Reason

In order to encourage residents to consider sustainable travel options and in accord with the NPPF and policy CS13 of the CSUCP.

27

The recommendations at Section H of the Bat Survey dated December 2018 prepared by Taryn Rodgers of E3 Ecology shall be implemented in full for the life of the development

Reason

To avoid harm to bats and ensure the maintenance of the 'local' bat population at or above its current level in accordance with CSUCP policy CS18, Saved UDP policies DC1(s) and ENV46 and the NPPF.

28

No gate shall be installed across the access opening on Durham Road without details having first been submitted to the Local Planning Authority for consideration and written approval. The details shall include a minimum 6m set back from the boundary wall along Durham Road.

The approved gate shall be installed thereafter and retained for the life of the development.

The approved gate to Littledene shall be automated and maintained as such for the life of the development.

Reason

In the interests of highway safety and in accordance with CSUCP policy CS13.

29

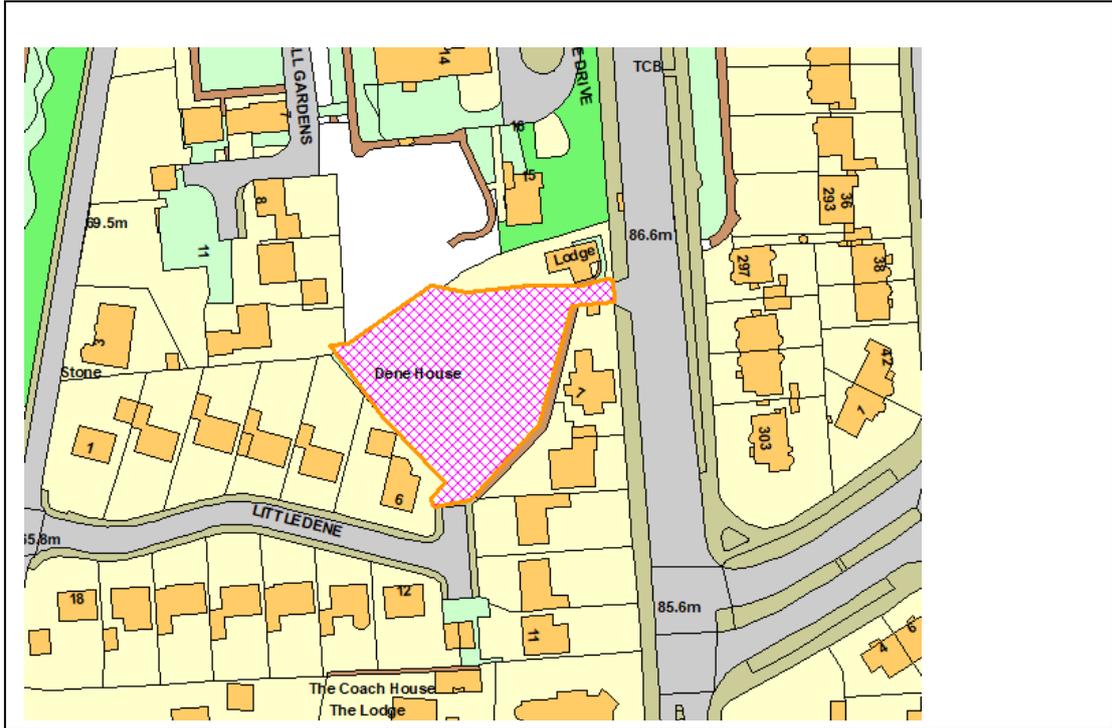
No development hereby permitted shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

Reason: To provide an archive record of the historic building or structure and to accord with paragraph 199 of the NPPF and saved Unitary Development Plan Policy ENV23 and CSUCP policy CS15

Reason for pre commencement condition

To ensure that the non designated heritage asset is recorded for the archives.

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.



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