

Committee Report

Application No:	DC/20/00373/FUL
Case Officer	Joanne Munton
Date Application Valid	7 May 2020
Applicant	C/o Tony Stafford
Site:	Land North Of Charlton Walk Gateshead
Ward:	Dunston And Teams
Proposal:	Construction of 16 new residential dwellings with associated highways access and landscaping (amended plans and additional information received 29.05.2020, 21.09.2020, 22.09.2020, 20.10.20 and 22.10.20).
Recommendation:	GRANT
Application Type	Full Application

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

The site is a triangular parcel of land situated to the north-east of Charlton Walk in the Teams area of Gateshead. The site was formerly a school dating back to the late 19th century, with terraced housing adjacent, but has been used as public open space since this was demolished in the mid to late 20th century.

1.2 The south-western boundary to Charlton Walk is open to the adjoining adoptable highway/footpath for its full length and the boundary to the eastern edge is against the East Coast Mainline on its approach to Newcastle City Centre, and consists of a wall of around 2m height with additional security fencing above. The rail line is set into a cutting at a lower level than the application site.

1.3 The north-western boundary fronts onto the A184 and adjoining sliproad from Cuthbert Street, with a public footpath running along half of its length; at the northern part of the site this route moves into the site and then back out to the A184 at the northern tip. Although a low highway barrier fence exists at the edge of the adopted road, the public footpath is open to the site but is not included in the red line boundary. A dense belt of well established trees and bushes also runs the length of this boundary.

1.4 The site is not generally accessible to vehicles except for maintenance, from a stub end of a former access road at the northernmost part of Charlton Walk on the south-western boundary. This also forms the main pedestrian access to the site, with a network of paths running across the site area and out towards the footpath at the edge of the A184. A wide footpath strip runs the length of the eastern boundary to give maintenance access to the railway cutting, which kicks out west at the southern end to connect to Charlton Walk adjacent to an existing substation.

1.5 The site is predominantly laid to amenity grassland with some areas of tarmac hard standing and there are a number of mounded landscape forms on the site. The application site is allocated under saved UDP policies as open space and urban green space.

1.6 DESCRIPTION OF APPLICATION

The application proposes the redevelopment of the site to provide 16 dwellings, a mix comprising 2 bungalows, 7 houses with 2 bedrooms and 7 houses with 3 bedrooms. The submission confirms that all dwellings are proposed to be affordable.

1.7 The existing site entrance to the south west would be retained and upgraded as required, and most of the proposed dwellings would be on the eastern side of the access road, facing west, with three houses at the south facing onto Charlton Walk. Both the substation and the railway access strip are to be retained, and pedestrian routes re-provided.

1.8 There would be a shared secure residents garden and play space to the east with direct connection to the private rear gardens, with some existing mounding incorporated where possible. Plans also show an informal play space at the northern point.

1.9 The proposed materials are as follows:

Red facing brick (Ibstock Glenallen)
Marley Modern Smooth Grey roof tiles
White UPVC windows
Feature panels of timber effect fibre cement cladding

1.10 RELEVANT PLANNING HISTORY

There is no relevant planning history for the site.

2.0 Consultation Responses:

Tyne And Wear Archaeology Officer	No objection
Northumbria Police	No response
Northumbrian Water	Condition recommended
Coal Authority	No objection
Environment Agency	No response
Northern Powergrid	No response
Northern Gas Networks	No objection
Tyne And Wear Fire And Rescue	No objection

Service

Sport England

No objection

Network Rail

No objection, conditions recommended

3.0 Representations:

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

3.2 One objection has been received raising the following concerns:

- Existing trees should be retained and not replaced with new saplings
- Loss of trees proposed would impact on amenity and request that some pruned instead and/or replaced
- Loss of group of trees in northern part of the site (G3) would impact on visual amenity and increase in noise from the A184 at existing and proposed residential properties.

3.3 One representation has been received commenting as follows:

- Note potential for increase in traffic and adequate parking should be provided on site
- Concerns regarding existing trespass at a garden of a neighbouring property (outside the site) and increased impact on privacy and security as a result of the proposed development; with a request that that the relevant front garden be walled off as part of the building programme in order to prevent trespass.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

H5 Housing Choice

H12 Housing Density

H13 Local Open Space in Housing Developments

H15 Play Areas in Housing Developments

CFR23 Protecting and Imp Existing Open Space

CFR28 Toddlers' Play Areas

CFR29 Juniors' Play Areas

CFR30 Teenagers' Recreation Areas

DC1D Protected Species

DC1L Waste Management

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV54 Dev on Land Affected by Contamination

ENV61 New Noise-Generating Developments

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS16 Climate Change

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

MSGP Making Spaces for Growing Places

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 proposal, open space and play provision, visual and residential amenity, highway safety and parking, ground conditions, flood risk, trees and ecology.

5.2 LOSS OF OPEN SPACE AND URBAN GREEN SPACE

The application site is on land allocated as public open space and the proposal would result in the loss of open space. The site is also identified as urban green space under saved policy ENV27 of the UDP. This policy seeks to safeguard, improve and increase areas of urban green space where appropriate. Accordingly, this development should have regard to enhancing urban green space at this location by providing landscaping improvements and/or enhancing tree cover.

- 5.3 The site is located in the Teams residential neighbourhood which has not been identified as deficient in open space provision, the site is of low quality (particularly due to the topography) and does not offer much availability for quality use. The scheme proposes the retention and improvement of some of the open space and includes a shared outdoor space for residents, an informal play area, would retain most existing trees, and (as with detailed tree comments below) it is recommended that conditions be imposed requiring new tree planting to take place.
- 5.4 Therefore, it is considered that the proposal would not conflict with the aims and requirements of saved policies CFR23 and ENV27 of the UDP.
- 5.5 HOUSING POLICY
Policy CS10 of the CSUCP states that 11,000 new homes (excluding purpose-built student accommodation) will be built in Gateshead over the period April 2010 to March 2030.
- 5.6 Saved policy H5 of the UDP requires a range of housing choice and policy CS11(1) of the CSUCP requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms). As the development is for affordable rented housing and not private housing this policy would not apply.
- 5.7 In any event, the proposal would provide seven dwellings with three bedrooms, and paragraph 10.17 of the CSUCP (linked to policy CS11) sets out that as recommended by the Strategic Housing Market Assessment (SHMA), the delivery of new social sector housing should also be closely linked to the needs of older tenants and smaller households. The majority of properties would have two bedrooms and some would be bungalows, and it is considered that the proposal would provide an appropriate range of housing choice.
- 5.8 Policy CS11 also requires 15% affordable homes on all developments of 15 or more dwellings subject to development viability. An affordable housing statement has been submitted with the application, which sets out that all dwellings are to be affordable rent. Therefore, the proposal would meet and exceed the requirements of CS11. Based on the proposed number of dwellings, three dwellings would be required to be affordable homes. The application site is currently within Council ownership and therefore a s106 legal agreement at this stage is not possible. To secure the minimum policy requirement for affordable homes it is recommended that a condition be

imposed requiring final details be submitted to the LPA confirming this would be provided (ie. legal documents confirming as such).

- 5.9 Emerging Policy MSGP13 sets out that new homes should be built in accordance with the Nationally Described Space Standards (NDSS). This policy has been formulated by taking into account viability across MSGP. However, the policy does not have full weight as Making Spaces for Growing Places (MSGP) is currently undergoing examination as Part 3 of the Development Plan, and was subject to objections from third parties. Adopted policy CS11(4) of the CSUCP requires adequate space inside and outside of the home to meet the needs of residents. It is considered that this policy requirement would be satisfied.
- 5.10 The scheme would have a density equating to 15 dwellings per hectare, which is lower than the standards in emerging policy MSGP14 and saved policy H12. However, it is noted that there are constraints on the site such as the need to retain the wooded/landscaped areas along some of the boundaries of the site, and the proposed density is considered acceptable in this case.
- 5.11 The proposal would contribute to housing stock in the borough and would provide affordable and family housing, and the principle of residential use on site would be acceptable, in accordance with saved policies H5 and H12 of the UDP and policies CS10 and CS11 of the CSUCP.
- 5.12 **OPEN SPACE AND PLAY PROVISION**
Saved policies H13 and H15 of the Council's UDP require new residential development to contribute towards open space and play provision. This is based on the anticipated population of the development and is based on the standards of open space and play provision required per population under saved policies CFR20, CFR28, CFR29 and CFR30 of the UDP.
- 5.13 The site is located in the Teams residential neighbourhood which has not been identified as deficient in open space provision. As the proposal is for only 16 dwellings, it is not anticipated that that this would result in a subsequent deficiency of open space.
- 5.14 The site is not within the 60m maximum distance from an existing toddler play area as set out within saved policy CFR28 of the UDP. Developments that would generate a toddler play area requirement of greater than the 40m² practical minimum size for a play area will be required to provide provision on site. The proposal incorporates an informal play area, and this would be suitable for toddler play.
- 5.15 The site is not within the catchment of an existing junior play facility. It is within the catchment of 3 teenage recreation areas at Amberley Street, Eslington Park and Hyde Park Street, however these do not have sufficient capacity to serve the needs of the catchment area.
- 5.16 Pooling restrictions were introduced by the Community Infrastructure Levy Regulations 2010 which meant that no more than 5 obligations can be pooled

in respect of an infrastructure type or infrastructure project. The Council exceeded the 5-obligation maximum in respect of all three types of play (toddler, junior and teenage) and for open space.

- 5.17 With regards to the open space and play space contributions, the legislation has changed to mean that the pooling restriction has now been lifted and therefore, in theory, the Local Planning Authority could seek a contribution towards off site open space and/or play provision. Given that there has not been enough time since the change to the legislation for the Council to identify where an off-site contribution could be spent, the Local Planning Authority are of the opinion that it would not be reasonable in this instance to require it.
- 5.18 Therefore while it cannot be concluded that the proposal would fully comply with saved policies H15, CFR29 and CFR30 of the UDP, the Local Planning Authority consider that it is not possible to require any contribution for off-site play provision in this case based on the above assessment.
- 5.19 **HIGHWAY SAFETY AND PARKING**
The proposal would provide adequate parking provision for residents and visitors, and safe access for pedestrians within and crossing through the site. It is also considered that the proposal would not result in such a significant amount of additional traffic that would result in an unacceptable impact on highway safety. Submitted plans show highway provision with the intention that this would be adopted (including a raised plateau for traffic calming and pedestrian crossing points).
- 5.20 It is recommended that conditions are imposed requiring the following to be submitted to the LPA, and implementation of the approved details:
- A detailed highways design, including for the extension of the 20mph zone into the new cul-de-sac; any necessary upgrade work deemed necessary on the existing carriageway of Charlton Walk (between Derwentwater Road and the development access), inclusive of all signs, lines and any new traffic calming devices; dropped kerbs across the new access; any signs, lines or features deemed necessary to protect the existing cycle route along Charlton Walk; any amendment deemed necessary to the existing 20mph Traffic Regulation Order (TRO) and/or a new TRO
 - Details of all areas of public highway to be stopped-up or improved
 - A street lighting scheme to adoptable standards (showing relocation of the existing lighting column on Charlton Walk and a new street lighting scheme for the development, including the specifications and locations of the street lights.)
 - A scheme for the provision of electric vehicle charging infrastructure (given the proposal is major development)

- Final details of secure and weatherproof cycle parking provision for each dwelling

5.21 Subject to conditions it is considered that the proposal would not have an unacceptable impact on highway safety and parking, and would comply with the aims and requirements of policy CS13 of the CSUCP.

5.22 DESIGN

It is considered that the proposed layout and materials are appropriate for the site and that the design, density and scale of the proposal would make a positive contribution to, and respond positively to, the established local character and identity. The applicant has amended plans to show that all residents would have access to the eastern shared outdoor space. It is considered that the proposal would create safe and inclusive environments and would ensure connectivity, accessibility and legibility.

5.23 It is recommended that conditions be imposed requiring the materials to be implemented as proposed.

5.24 The proposal would comply with the aims and requirements of saved policy ENV3 of the UDP and policy CS15 of the CSUCP.

5.25 TREES

The access road would separate the proposed properties from the main tree element on the site and would therefore provide some protection for the trees in this way. This should allow them to be retained without having a negative impact on future residents of the proposal. The retention of the trees would also provide a level of relief from the noise and fumes from the A184.

5.26 Some groups of trees are proposed to be removed in order to allow the proposal to be built, G1 partially for the drainage works and G3 in full for the works to provide the access to the informal play space to the north east. It does not appear that significant gaps would be formed in the screening provided by the remaining trees in the G3 location, however, the loss of the planting at this location is noted and the applicant has confirmed that trees would only be removed from G3 as is necessary.

5.27 In terms of the proposed loss of individual trees, in particular, the loss of T9 and T15 are not ideal, especially as T9 is a good specimen and visible within the street scene. However, their removal would enable the development in terms of the requirements for drainage infrastructure at T15, and officers have worked with the applicant to achieve appropriate parking/driveways on site, which would unfortunately impact on T9. To address these matters, it is recommended that conditions be imposed requiring a replacement landscaping scheme to be submitted to the Local Planning Authority for consideration (particularly in relation to the loss of trees at G1, T9 and T15) and implementation and maintenance of the approved scheme. Additionally, and in any event, it is considered that the removal of T1 (although not within the red line boundary of the application site) is required for justifiable Arboricultural reasons.

- 5.28 Additionally, it is recommended that conditions be imposed requiring the submission of a Tree Protection Scheme and Arboricultural Method Statement to the LPA and implementation of the approved details. The recommended conditions would ensure the loss of trees are mitigated and the retained trees can be successfully protected during the construction phase.
- 5.29 Therefore, it is considered that the proposal would be acceptable in terms of the impact on trees and would comply with the aims and requirements of saved policy ENV44 of the UDP and policy CS18 of the CSUCP.
- 5.30 **RESIDENTIAL AMENITY**
The proposal would provide appropriate distances from existing neighbouring dwellings, and it is considered that it would not result in an unacceptable loss of privacy, loss of light, loss of outlook or overbearing impact at neighbouring residential properties. It is recommended that a condition be imposed limiting construction hours to minimise disturbance to neighbours.
- 5.31 In terms of potential future occupiers, it is considered that the proposal would provide adequate internal and external space. Additionally, given the location of the site between a busy road and a railway line, a noise and vibration assessment has been provided with the application, which recommends that mitigation to reduce noise impact from the road and rail network should take the form of acoustic glazing/ventilation, roof/ceiling mitigation and a 2.5m high acoustic fencing. Submitted plans show 2.5m fencing would be along the eastern boundary of the site with the railway land, 1.8m fencing between gardens, 2.5m high acoustic fencing on side boundaries at 'bookends' of a run of houses, and close boarded fence with trellis top (to a height of 1.8m) at the ends of gardens, with the exception of plots P14 to P16, which would have the 2.5m high eastern boundary acoustic fence at the ends of gardens.
- 5.32 Officers agree with the recommendations of the report in terms of noise mitigation and it is considered that the proposed boundary treatment arrangement would be appropriate, striking a balance between noise mitigation and outlook for occupiers. It is recommended that a condition be imposed requiring compliance with the mitigation measures.
- 5.33 Officers also agree that vibration would not result in such an impact on future residents to warrant mitigation measures being required by condition.
- 5.34 Therefore, subject to conditions, the proposal would comply with the aims and requirements of saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.35 **GROUND CONDITIONS**
The site is partially within a Coal Authority defined High Risk Area. The Coal Authority records indicate that a coal outcrop crosses through the application site which may have been subjected to unrecorded coal mining at shallow depth.

- 5.36 A Ground Investigations Report has been submitted and the investigations identified workings beneath the application site and did not encounter sufficient rock cover above these workings. Therefore, the report recommends that a scheme of remedial measures (drilling and grouting) should be undertaken to consolidate these mine workings. However, the part of the site where the housing is proposed lies outside of the defined High Risk Area and as such, the Coal Authority do not consider themselves in a position to insist on the imposition of relevant conditions requiring remedial works to take place.
- 5.37 That said, saved policy DC1 of the UDP requires new development to address the issues of potential ground stability and policy CS14 of the CSUCP requires development to prevent negative impacts on residential amenity and wider public safety from ground instability. Given this policy requirement and that site investigations have identified that remedial works are required to ensure the safety and stability of the development as a whole, it is recommended that a condition be imposed requiring the measures in the submitted report relating to land stability be implemented on site.
- 5.38 In terms of potential land contamination, the site has been assessed and inspected as part of the Council's Contaminated Land Strategy and is situated on potentially contaminated land based on previous historic use. As above, a Ground Investigations Report has been submitted, but it notes that the site investigation process in relation to contaminated land is incomplete, with further works to be completed. Officers agree with the recommendations of the report and it is recommended that conditions be imposed requiring a report of further site investigations and Phase II Risk Assessment, and remediation measures where required, the implementation of approved remediation measures and the submission of a verification report(s) demonstrating their effectiveness.
- 5.39 Subject to conditions, the proposal would comply with the aims and requirements of saved policies DC1(p) and ENV54 of the UDP and policy CS14 of the CSUCP.

- 5.40 DRAINAGE AND FLOOD RISK
Paragraph 165 of the NPPF states that:

'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- (a) take account of advice from the lead local flood authority;
- (b) have appropriate proposed minimum operational standards;
- (c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- (d) where possible, provide multifunctional benefits.'

5.41 The application is supported by a Flood Risk Assessment (FRA) and a Drainage Strategy. This proposes SuDS in the form of permeable paving to private driveways and geocellular attenuation at the western part of the site. This overall approach is considered to be acceptable, however, there are some outstanding matters and it is recommended that conditions are imposed requiring the following to be submitted to the LPA, and implementation of the approved details:

- A plan showing the impermeable areas including all of the paving that would need to connect to the drainage system. It is common to not connect minor paving to a positive drainage system, but only if it can be drained to soft landscaping. There are instances of paving between gable ends of buildings that clearly cannot shed runoff to soft landscaping. Whilst rear patio areas can have a crossfall away from the buildings, if the garden also falls towards the building, then there is a risk of localised ponding. The impermeable area plan is also unclear in relation to the size of each hatched area is and which pipe run the hatched area would connect to. A demonstration that 'urban creep' allowance (i.e. accounting for potential additional residential hardstanding in the future) has been included is also required.

- Details of how the water quality of runoff from the proposed highway would be managed.

- Consideration of the potential for overland runoff being directed towards properties (i.e where parking falls towards the property) and a scheme to manage this.

5.42 Subject to conditions the proposal would comply with the aims and requirements of policy CS17 of the CSUCP.

5.43 **ECOLOGY**

The site currently supports a mosaic of habitats including amenity grassland, broadleaved plantation woodland, scattered trees, species poor semi-improved grassland, tall ruderal vegetation, buildings/structures and hardstanding. The application is supported by a Preliminary Ecological Appraisal and Tree Survey.

5.44 Generally, the majority of habitats on site are considered to be of low conservation value. The habitats present have been assessed as providing suitable habitat for low numbers of more common and widespread foraging and commuting bats, nesting and foraging birds and small mammals including hedgehog.

5.45 The construction of the proposed development has the potential to have an adverse impact on biodiversity through the direct loss of habitats/features, damage/harm to retained habitats and harm to individual species should they be present within the site.

- 5.46 Following occupation of the site the development has the potential to have an adverse impact on biodiversity through the degradation of retained and newly created areas of habitat/soft landscaping and the disturbance/displacement of species resulting from increased disturbance (e.g. activity, recreational access, lighting, noise, vehicle movements and introduction of physical barriers).
- 5.47 Avoidance and mitigation measures are proposed to reduce the impacts of the development on biodiversity and ecological connectivity. Officers agree with the report and it is recommended that a condition be imposed requiring compliance with the measures.
- 5.48 Subject to condition, the proposal would comply with the aims and requirements of saved policies DC1, ENV46 and ENV47 of the UDP and policy CS18 of the CSUCP.
- 5.49 **SUSTAINABILITY**
The site is not near a decentralised energy scheme or any planned scheme, and the next option would be to install renewable energy solutions. In addition, in accordance with policy CS16 of the CSUCP, all development is required to use a good standard of building fabric, passive design and landscaping measures to minimise demand and achieve a good level of sustainability, as required by national standards and also reduce its whole life CO2 emissions.
- 5.50 The applicant has confirmed that the development would be constructed to current building regulations using a "fabric first" approach where they will aim to better wherever possible, giving low running costs. It is considered that this approach is acceptable given the scale of the development.
- 5.51 **PROXIMITY TO RAILWAY**
The site is immediately west of a railway line and Network Rail have confirmed no objection to the proposal, subject to conditions requiring the following:
- Method statement relating to any temporary works compounds that would be located adjacent to the operational railway (where relevant)
 - Full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence
 - Method statements relating to the method of construction, risk assessment in relation to the railway and construction traffic management plan, where excavations/piling/buildings would be located within 10m of the railway boundary
 - Method statement and details of use of machinery, where vibro-compaction machinery is to be used in development
- 5.52 It is also recommended that informatives be attached to the permission advising the applicant of other general Network Rail requirements.
- 5.53 **COMMUNITY INFRASTRUCTURE LEVY**

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

5.54 OTHER MATTERS

Public trespass/cutting through a garden at a neighbouring property outside of the application red line boundary is not a matter that can be addressed in this planning application. It is considered that the introduction of the additional dwellings themselves would not result in an unacceptable loss of privacy, and has the potential to increase a sense of security at neighbouring properties in terms of additional surveillance and formalisation of low quality, uneven public open space (that at the time of officer site visit had evidence of fly tipping).

6.0 CONCLUSION

6.1 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 visual and residential amenity, highway safety and parking, ground conditions, flood risk, trees and ecology and the provision of affordable housing would comply with the aims and objectives of the NPPF, and the relevant policies of the UDP and the CSUCP.

6.2 Therefore, it is recommended that planning permission be granted, subject to the below conditions.

7.0 Recommendation:

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

1

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

Location Plan 4003-10-100-P3
Site Block Plan 4003-10-102-P9
Site Layout 4003-10-101-P11
House Type A 4003-20-01-P4
House Type B 4003-20-02-P4
House Type C 4003-20-03-P4

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 dwellings hereby approved shall not be occupied until final details of the appearance 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 saved policy ENV3 of the Unitary Development Plan, policy CS15 of the Core Strategy and Urban Core Plan and the NPPF.

4

The boundary treatment details approved under condition 3 shall be implemented in accordance with the approved details before the dwellings hereby approved are occupied and retained as such for the lifetime of the development.

The development hereby permitted shall also be constructed entirely of the materials detailed below:

Red facing brick (Ibstock Glenallen)
Marley Modern Smooth Grey roof tiles
White UPVC windows
Feature panels of timber effect fibre cement cladding

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 dwellings hereby approved 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, and to ensure the proposal

would provide an appropriate level of privacy for future occupiers, in accordance saved policies DC2 and ENV3 of the Unitary Development Plan, policies CS14 and CS15 of the Core Strategy and Urban Core Plan and the NPPF.

5

All external works and ancillary operations in connection with the construction of the development, including deliveries to the site, shall be carried out only between 0800 hours and 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 saved policies DC1, DC2 and ENV61 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the NPPF

6

The development hereby approved shall be implemented in accordance with the noise mitigation measures as detailed in section 4 of the 'Residential Noise and Vibration Assessment' by Nova Acoustics dated 08.09.2020 (project no. 4936BE), and with boundary treatment types as shown on plan 4003-10-101-P11. No dwelling shall be occupied until the respective measures relating to that unit have been fully implemented and post-construction noise testing has demonstrated that the relevant internal noise levels have been achieved. Thereafter, the measures shall be maintained in accordance with the approved details for the lifetime of the development.

Any dwelling not passing the post-construction noise test shall not be occupied until the internal noise levels, at that property, have been re tested and have been shown to have achieved the relevant internal noise levels.

Reason

To safeguard the amenities of future occupiers in accordance with saved policies DC1, DC2 and ENV61 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan and the NPPF.

7

The dwellings hereby approved shall not be occupied until details of a scheme demonstrating a minimum of 15% affordable homes would be provided on site has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the proposal would provide appropriate range and choice of housing in accordance with policy CS11 of the Core Strategy and Urban Core Plan and the NPPF

8

No dwelling hereby approved shall be occupied until final details of the informal play area, including a timescale for its laying out, and long term maintenance have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure adequate and appropriate play provision in accordance with saved policies H15 and CFR28 of the Unitary Development Plan and the NPPF.

9

The informal play area approved under condition 8 shall be implemented in accordance with the approved details and maintained as such for the lifetime of the development.

Reason

To ensure adequate and appropriate play provision in accordance with saved policies H15 and CFR28 of the CSUCP and the NPPF

10

No dwelling hereby approved shall be occupied until a landscaping and replacement tree scheme, including plant species (with a focus on species specified in section E of the Preliminary Ecological Appraisal dated March 2020 (BE001270.011)), sizes, planting densities and timescale for delivery have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the development would provide appropriate landscaping on site in the interests of the visual amenity of the area and in accordance saved policies DC1, ENV3 and ENV44 of the Unitary Development Plan, Policy CS18 of the Core Strategy and Urban Core Plan and the NPPF.

11

The scheme approved under condition 10 shall be implemented in full accordance with the approved details 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 planting which die, become diseased or are removed shall be replaced in the first available planting seasons (October to March) with others of a similar size and species.

Reason

To ensure that the planting scheme becomes well established and is satisfactorily maintained in the interests of the visual amenity of the area and in accordance saved policies DC1, ENV3 and ENV44 of the

Unitary Development Plan, Policy CS18 of the Core Strategy and Urban Core Plan and the NPPF.

12

No development or other operations shall commence on site in connection with the development hereby approved, (including, soil moving or any operations involving the use of motorised vehicles or construction machinery) until a Tree Protection Scheme and Arboricultural Method Statement have been submitted to and approved in writing by the Local Planning Authority.

The Tree Protection Scheme shall indicate which trees in G3 will be retained and the Scheme shall be devised in such a way as to maximise the retention of trees from that Group.

Reason

To ensure the retained trees can be successfully protected during the construction phase in accordance saved policy ENV44 of the Unitary Development Plan, policy CS18 of the Core Strategy and Urban Core Plan and the NPPF.

Reason for pre-commencement condition

To ensure that trees are appropriately protected at all times during works and construction.

13

The details approved under condition 12 shall be implemented at all times during construction and there shall be no access, storage, ground disturbance or contamination within the protected areas without the prior written approval of the Local Planning Authority.

Reason

To ensure the retained trees can be successfully protected during the construction phase in accordance saved policy ENV44 of the Unitary Development Plan, policy CS18 of the Core Strategy and Urban Core Plan and the NPPF.

14

No dwellings hereby approved shall be occupied until a scheme relating to electric vehicle charging infrastructure has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate provision for electric vehicles in accordance with policy CS13 of the Core Strategy and Urban Core Plan and the NPPF.

15

The scheme approved under condition 14 shall be implemented in accordance with the approved details before the respective dwelling is

occupied and the electric vehicle infrastructure shall be retained and maintained as such for the lifetime of the development.

Reason

To ensure appropriate provision for electric vehicles in accordance with policy CS13 of the Core Strategy and Urban Core Plan and the NPPF.

16

No dwellings hereby approved shall be occupied until final details of secure and weatherproof cycle storage for each dwelling have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure adequate cycle storage provision in accordance with policy CS13 of the Core Strategy and Urban Core Plan and the NPPF.

17

The details approved under condition 16 shall be implemented in accordance with the approved details before the respective dwelling is occupied and retained and maintained as such for the lifetime of the development.

Reason

To ensure appropriate provision for electric vehicles in accordance with policy CS13 of the Core Strategy and Urban Core Plan and the NPPF.

18

No dwellings hereby approved shall be occupied until the following details and timescales for their implementation, have been submitted to and approved in writing by the Local Planning Authority:

a) A detailed highways design, including for the extension of the 20mph zone into the new cul-de-sac; any necessary upgrade work deemed necessary on the existing carriageway of Charlton Walk (between Derwentwater Road and the development access), inclusive of all signs, lines and any new traffic calming devices; dropped kerbs across the new access; any signs, lines or features deemed necessary to protect the existing cycle route along Charlton Walk; any amendment deemed necessary to the existing 20mph Traffic Regulation Order (TRO) and/or a new TRO

b) Details of all areas of public highway to be stopped-up or improved

c) A street lighting scheme to adoptable standards (showing relocation of the existing lighting column on Charlton Walk and a new street lighting scheme for the development, including the specifications and locations of the street lights.)

Reason

To ensure appropriate highway safety in accordance with policy CS13 of the Core Strategy and Urban Core Plan and the NPPF.

19

The details approved under condition 18 shall be implemented in accordance with the approved details and timescales and retained and maintained as such thereafter.

Reason

To ensure appropriate highway safety in accordance with policy CS13 of the Core Strategy and Urban Core Plan and the NPPF.

20

The development hereby approved shall not commence until a report of findings arising from further intrusive site investigations and a Phase II Detailed Risk Assessment (to assess potential contamination at the site) have 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 saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the NPPF

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.

21

The remediation and monitoring measures approved under Condition 20 (including measures to address land stability) shall be implemented in accordance with the 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, to ensure that the development can be carried out safely without unacceptable risks to

workers, neighbours and other offsite receptors, and to ensure appropriate land stability in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the NPPF

22

Any undesirable material observed during excavation of the existing ground shall be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations shall cease and the exposed material shall be chemically tested.

The works shall not continue until an amended Risk Assessment and, if required, amended remediation and monitoring measures have been and submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the NPPF

23

The amended remediation and monitoring measures approved under condition 22 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 saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the NPPF

24

Where remediation is required (under conditions 20-23), following completion of the approved remediation and monitoring measures, the development hereby approved shall not be occupied until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and to ensure there is adequate land stability in accordance with saved policies DC1 and ENV54 of the Unitary Development Plan, policy CS14 of the Core Strategy and Urban Core Plan and the NPPF

25

No new hard surfacing shall be installed on site until a revised Flood Risk Assessment and Drainage Strategy incorporating the following details have been submitted to and approved in writing by the Local Planning Authority:

- A plan showing the impermeable areas including all of the paving that would need to connect to the drainage system
- Clarification of the size of each hatched area on the impermeable area plan and which pipe run each would connect to
- A demonstration that 'urban creep' allowance (i.e. accounting for potential additional residential hardstanding in the future) has been considered
- Details of how the water quality of runoff from the proposed highway would be managed
- Consideration of the potential for overland runoff being directed towards properties (i.e where parking falls towards the property) and a scheme to manage this.

Reason

To prevent the increased risk of flooding from any sources and to ensure an appropriate drainage strategy in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the NPPF

26

The development hereby approved shall be implemented in accordance with the details approved under condition 25 at all times and retained and maintained as such for the lifetime of the development.

The drainage scheme shall also ensure that foul flows discharge to the foul sewer at manhole 4309 and ensure that surface water discharges to the surface water sewer at manhole 4310. The surface water discharge rate shall not exceed the available capacity of 5l/sec that has been identified in this sewer.

Reason

To prevent the increased risk of flooding from any sources and to ensure an appropriate drainage strategy in accordance with policy CS17 of the Core Strategy and Urban Core Plan and the NPPF

27

The development shall be carried out in full accordance with the Preliminary Ecological Appraisal dated March 2020 (BE001270.011), and the dwellings hereby approved shall not be occupied until the following features have been implemented on site, and they shall be retained as such for the lifetime of the development:

- Integral potential bat roost features within at least four of the new dwellings
- A total of eight bird nesting boxes (a mix of integral and tree mounted) for an appropriate suite of species
- Hedgehog highways (13cm x 13cm gaps) to all 1.8m high fencing as shown on plan 4003-10-101-P11

Reason

To protect and enhance the conservation status of protected/priority species within the development site in accordance with saved policies DC1, ENV46 and ENV47 of the Unitary Development Plan, policy CS18 of the Core Strategy and Urban Core Plan and the NPPF.

28

Installation of temporary works compounds located adjacent the operational railway, excavations and earthworks carried out near the railway undertaker's boundary fence, and use of machinery where vibro-compaction machinery is to be used in development shall each not commence until final details and method statements relating to the respective works have been submitted to and approved in writing by the Local Planning Authority (in consultation with Network Rail).

Additionally, where excavations/piling/buildings would be located within 10m of the railway boundary, no works within that area shall commence until method statements relating to the method of construction, risk assessment in relation to the railway and construction traffic management plan have been submitted to and approved in writing by the Local Planning Authority (in consultation with Network Rail).

Reason

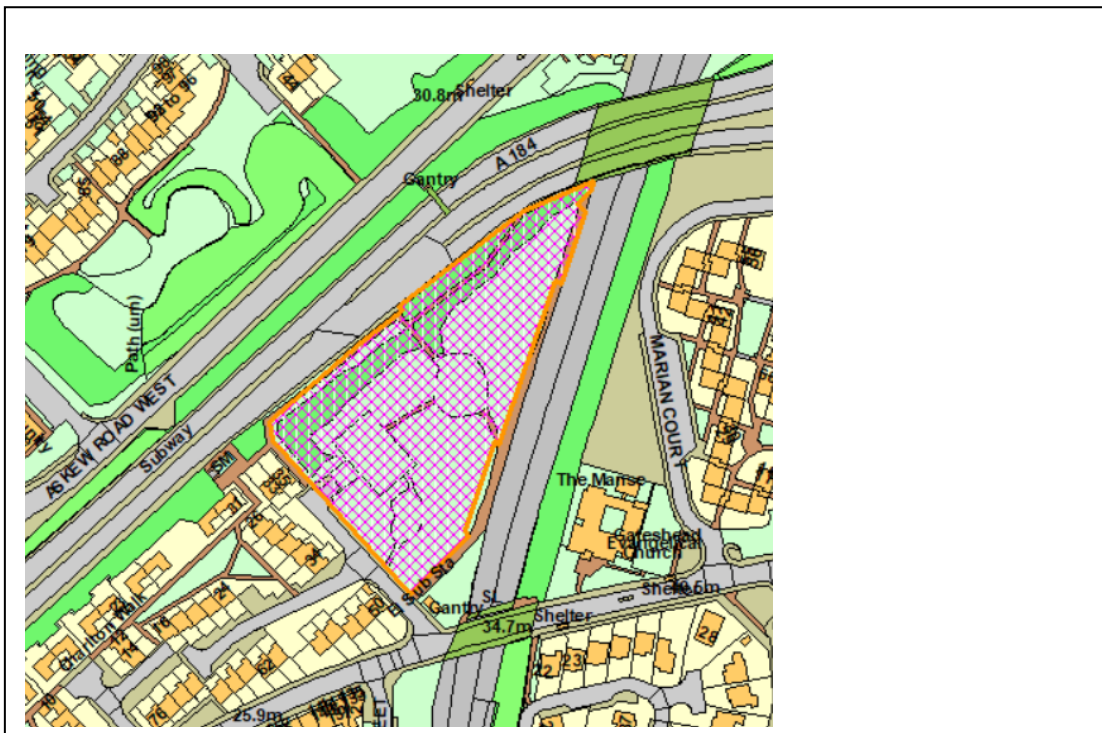
To ensure safety, operational needs and integrity of the railway in accordance with saved policy DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan and the NPPF

29

Where required, the details approved under condition 28 shall be implemented in full accordance with the approved details at all times until final completion of the development.

Reason

To ensure safety, operational needs and integrity of the railway in accordance with saved policy DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan and the NPPF



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