

**Committee Report**

<b>Application No:</b>	<b>DC/19/00813/REM</b>
<b>Case Officer</b>	<b>Tom OConnor</b>
<b>Date Application Valid</b>	<b>20 August 2019</b>
<b>Applicant</b>	<b>Persimmon</b>
<b>Site:</b>	<b>Former Wardley Colliery Wardley Lane Felling Gateshead NE10 8AA</b>
<b>Ward:</b>	<b>Wardley And Leam Lane</b>
<b>Proposal:</b>	<b>RESERVED MATTERS APPLICATION (relating to Access, Appearance, Landscaping, Layout and Scale) pursuant to DC/16/00698/OUT for the erection of 144 residential dwellings with associated new highways access, infrastructure and site remediation works (additional information received 24/10/19, 14/01/20, 29/05/20, 08/06/20, 28/09/20 and 14/10/20 and amended 10/12/19, 24/01/20, 02/03/20, 15/04/20, 22/05/20, 28/05/20, 29/05/20, 11/06/20 and 09/03/21).</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Approval of Reserved Matters</b>

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

The application site extends 5.6 hectares in total and is made up of two adjoining parcels of land that are in separate ownership, collectively making up the former Wardley Colliery site. It is located on land northeast of Wardley, outside of the defined settlement, within Green Belt land that forms the strategic gap between Wardley and Hebburn; that serves to prevent Gateshead from merging with South Tyneside.

1.2 The eastern portion of the application site is adjacent to the Wardley moated site, a Scheduled Monument (SM), of a former 13th century manor house with a surrounding moat. The open land around the site generally forms part of the Wardley Manor Country Park. The site also falls within a designated Wildlife Corridor and sits immediately adjacent to Wardley Manor Local Wildlife Site

1.3 The smaller western portion of the application site (1.5 hectares) contained the derelict remains of several buildings associated with the historic operation of the colliery, but following the granting of outline planning permission and as a result of the serving of a s215 notice, these buildings have been demolished and the land is secured. The site is also heavily contaminated and contains

four mineshafts. This part of the wider application site is considered abandoned in planning terms, as it has had no meaningful lawful use since the colliery closed in the 1970s, having been neglected for the last 40 years since then. This portion of the application site has no prescribed right of access along Wardley Lane.

- 1.4 The larger, eastern portion of the application site (4.1 hectares) is the site of the former JW Coats and Sons Ltd yard. The southern/western edge of the eastern portion is made up of the 10m high steep sided spoil heap associated with the former colliery, which was reprofiled in the past to form a landscaped bund to screen the Yard from the properties in Wardley. The bund, made up of contaminated colliery waste, is covered with a clay cap as part of the reprofiling and landscaping works. The remaining 2.7 hectares of the eastern portion consists of extensive hard cored/concreted areas of land that was used for the open storage of truck bodies, vehicle parts, tyres, etc. The site also used to contain two large two-storey detached metal clad buildings that formed the enclosed repair and dismantling part of the business, both of which have now been demolished. Only one very small flat roofed brick building still remains.
- 1.5 The eastern portion is also considered to be heavily contaminated due to its historic use as a railway siding and since the early 1980s as a vehicle breakers/reclamation yard.
- 1.6 The site is bounded with fencing and screened along its western, and part of its southern boundary is the bund formed from the remodelling of the former colliery spoil heap that has subsequently been planted. The wider application site is bounded to its south/southwest side by the Leamside railway line, to its southeast/east side by the Bowes Railway route, to its north/northeast by Wardley Manor Country Park (restored former landfill that is actively monitored for methane gas) and to its northwest by an un-adopted track, which gives access to the site from Wardley Lane that runs over the Wardley railway bridge, and which continues also in a north westerly direction to the A185 Shields Road.
- 1.7 Access to the site by lighter vehicles has now been closed off but HGVs can still gain access from Wardley Lane to the north.
- 1.8 **DESCRIPTION OF THE APPLICATION**  
Following the granting of outline planning permission ref DC/16/00698/OUT, this reserved matters application seeks consent for 144 new residential dwellings (C3 use) with associated new highways access, landscaping, infrastructure and all site remediation works. The developable area of the application site extends to 4.2 hectares, with a further 1.4 hectares that would be left undeveloped due to it forming the existing screening bunds that define the southern and western boundary of the former vehicle reclamation/breakers yard.
- 1.9 Main access to the site is proposed via Wardley Lane from the north, with the existing rough track upgraded to an adoptable standard up to where it meets

Wardley Railway Bridge, with the entrance to the estate positioned towards the north western part of the site where the former colliery buildings were located. The smaller bridge over the Leamside Line that links to Manor Gardens has already been closed to vehicular traffic, by the Council as Highway Authority, to prevent its use as a rat run between Wardley and Hebburn.

1.10 Full details have been provided that show a detailed layout for 144 dwellings showing a combination of 2 and 2 storey with additional accommodation in the roof space, detached, semi-detached and terraced properties and detached garages across three character areas.

#### 1.11 PLANNING HISTORY

The site has had a long planning history, but the most recent, and most relevant to this current planning application, have been the following applications:

Outline planning permission DC/16/00698/OUT for no more than 144 new residential dwellings (C3 use) with associated new highways access, landscaping, infrastructure and all site remediation works with all matters reserved was granted on 24 June 2019.

EIA/16/003 - Environmental Impact Assessment (EIA) Screening Option for a residential development of approximately 150 dwellings (use class C3) on land of former Wardley Colliery and breaking yard, Wardley. Deemed that an EIA is not required in this case - response issued 14.07.2016.

DC/12/00363/OUT - Outline application for residential development with access to be considered. All other detailed matters reserved. Withdrawn - 31.07.2012.

## 2.0 Consultation Responses:

Coal Authority	No objections.
Northumbria Water	No comments received
Nexus	No objections
Tyne And Wear Fire And Rescue Service	No objections
Tyne And Wear Archaeology Officer	No comments received
Environment Agency	No objections, however, advice provided in relation to the impacts of land contamination and landfill gas.

## 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) 2015. Neighbour letters were sent 21 August 2019 and on receipt of amendments again on 15 May 2020.
- 3.2 Four notices were posted around the perimeter of the site on 22 April 2020 and a notice was published in The Journal on 11 September 2019 and again on 29 April 2020
- 3.3 Five written representations have been received.
- 3.4 Two are letters are in support of the application
- 3.5 In addition, three letters of objection have been received; two from the same individual. The concerns relate to:
- the proposal to prevent vehicular access across the bridge to access Hebburn and Jarrow;
  - vehicles (as a result of the bridge being closed) parking on the footpath;
  - more houses are not needed;
  - should be made into an extension to the Country Park;
  - increase in traffic; and
  - impact on wildlife.

#### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

CS19 Green Belt

MSGP12 Housing Space Standards

MSGP14 Mitigating Impact on Transport Network

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP27 Archaeology

MSGP32 Maintain/Protect/Enhance Green Infrast.

MSGP33 Countryside/Landscape Protection

MSGP35 Prop Wardley Manor Country Park

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP40 Provide/Enhance Open Space/Sport/Rec

MSGP48 Waste Management Facilities - New Dev

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

### **5.1 MAIN ISSUES**

Previously the planning issues considered at the Outline application stage were the principle of developing this site for residential development, its impact on the Green Belt, the visual appearance of the site and surrounding area, the impact on highway safety including traffic generation, car and cycle parking provision, sustainable travel measures, contaminated land, flood risk, drainage implications and biodiversity.

5.2 This application seeks approval of reserved matters under conditions of Outline planning permission DC/16/00698/OUT for no more than 144 new residential dwellings (C3 use) with associated new highways access, landscaping, infrastructure and all site remediation works with all matters reserved that was granted 24 June 2019. The following sections assess the submissions made in relation to this reserved matters application only. Where required by the outline approval, separate submissions will have to be made to discharge other conditions imposed on the outline consent and these will be dealt with separately to this application.

### **5.3 Condition 1**

The decision notice for planning permission ref. DC/16/00698/OUT states at condition no. 1 that:

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

- i. Access Parameter Plan received 9 Feb 2018
- ii. 114570 1001 Rev A In Principle Highway Arrangement received 9 Feb 2018
- iii. Maximum Building Heights Parameter Plan received 9 Feb 2018
- iv. Land Use Parameter Plan received 9 Feb 2018
- v. Landscape Parameter Plan received 9 Feb 2018

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

- (1) appearance
- (2) landscaping
- (3) layout
- (4) scale
- (5) access

5.4 The approved Parameter Plans establish the principle for the development and the development must be in substantial accordance with these principles.

5.5 Access Parameter Plan

The approved access parameter plan shows the main vehicular access coming from the north with a secondary pedestrian access to the west towards Manor Gardens.

5.6 Internally the road pattern and the layout proposed is within the constraints of the site with a pinch point in the centre created by a large retained landscaped bund to the south of the site. The proposed dwellings face onto the main internal roads. All internal road carriageways are proposed to be 5.5m wide and an amended plan has been submitted that meets this requirement that will ensure the safe and easy passage of two cars, and all are proposed to have 2m wide footpaths either side.

5.7 On the eastern edge of the development the dwellings that are served by shared drives face outwards towards the Country Park.

5.8 Building Heights Parameters Plan

The approved building heights parameter plan indicates different building heights across the development, this was to address the location of the site and the impact of the development on the openness of the Green Belt.

5.9 The proposed plan indicates the majority of the development as two storey to minimise the impact, with accommodation in the roof spaces of some taller houses, to create visual interest in the street scene and focus in the areas where the landscaped bund would screen the development and in the area that historically has contained buildings.

- 5.10 The approved land use parameter plan shows the developable area, active frontages for maximum overlooking and the vehicular and pedestrian circulation of the proposed development. Also indicated are the extent of the landscaped areas divided into different landscape character areas that are detailed on the Landscaping Parameter plan.
- 5.11 The SuDS attenuation basins are indicated within the landscaped area to the east and south. However, since the Outline approval it has become apparent that the only suitable location for the SuDS feature is on the eastern boundary, in front of plots 63 and 64.
- 5.12 Landscape Parameter Plan  
The approved Landscape Parameter plan identifies different landscape areas across the development with areas to the east and western boundaries that are proposed to contain formal structural landscape areas designed to enhance and soften the impact of the development.
- 5.13 The large bund to the south is to be retained with restricted public access and planting for habitat creation. The proposed central area of public open space incorporates the play provision for the site. The area reserved for the proposed SuDS attenuation basin is proposed to have appropriate wet habitat landscaping with wildflower seeding for the lip of the basin.
- 5.14 Whilst the proposed scheme is substantially in accordance with the various Parameter Plans Condition 1 also requires details of access, layout, appearance, scale and landscaping.
- 5.15 **ACCESS**  
An 'In Principle Highway Arrangement Plan' was approved by the Outline planning permission and is subject to Condition 28 of that consent. The condition requires submission of details of off-site highway works in relation to the new access road, the junction with Shields Road (in South Tyneside), the railway bridge and improvements to Wardley Lane and a timescale for implementation with any reserved matters application.
- 5.16 The proposed off-site highway works as submitted are acceptable in principle and include a cycle connection onto the Public Right of Way (PROW) southwest of plot 01 and a comprehensive scheme of lining and signing for the cycle routes. The submission includes details of a waiting restriction scheme at the junction of Shields Road with Wardley Lane, as requested by South Tyneside Council's Highway Authority. Gateshead Officers have no objection to the proposals. South Tyneside Council has been consulted but no response has been received. The applicant would need to approach South Tyneside Council as the relevant Highways Authority to agree the details as the junction of Shields Road with Wardley Lane lies within South Tyneside.
- 5.17 Condition 32 of Outline planning permission DC/16/00698/OUT requires submission the details of the layout that demonstrate it is a self enforcing 20mph zone. The proposed internal layout includes raised plateaus and

corresponding on/off ramps and visitor parking bays that are acceptable. However, it is not clear from the drawings submitted where this zone will start, but officers consider that it should commence just prior to (north of) the Durham Coast Line bridge. A proposal for 20mph signage must be submitted as part of the detailed design secured by condition 28.

5.18 Whilst details of off-site highway works have been submitted, a timescale, as required by condition 28, for their implementation has not and this will need to be secured by a separate condition to this reserved matters application (Condition 9).

5.19 It is considered that the submitted details of Access, to and around the development, coupled with conditions imposed on the outline planning approval, the details of which are yet to be submitted, are acceptable and are in accordance with the NPPF and policies CS13, MSGP 14 and MSGP15 of the Local Plan for Gateshead.

#### 5.20 LAYOUT

The main principles of the proposed layout include a spine road, a central area of open space, pedestrian links to Manor Gardens, the new access road, curtilage parking and visitor parking bays and key feature rendered buildings to accent corners. The layout is logical and in keeping with the physical parameters of the site and provides for a number of cul-de-sacs leading off the spine road from the centrally located open space. Use of Character Areas defined by different material palettes (described in more detail later in this report) accentuate junctions between the Character Areas and ease navigation through the development.

5.21 Adequate separation distances are proposed between dwellings across a relatively level site that will ensure that there will be acceptable levels privacy without overlooking and there will be no overbearing impact on residential amenities, in accordance with policy MSGP17. The layout is permeable with pedestrian and cycle connections to Manor Gardens, vehicular and pedestrian access to the B1306 and A185 to the northwest and the A194 and the A184 beyond to the southeast, and pedestrian links to the Country Park. The proposed layout is acceptable and is in substantial accordance with the approved parameter plan.

5.22 The proposed traffic calming layout is acceptable subject to the provision of dropped kerbs at all junctions, unless there is a raised/level plateau.

5.23 The layout includes 46 visitor parking spaces, which is below the Council's preferred standard of one space per three dwellings (equal to 48 bays) but well above the minimum standard of 1 per 4 dwellings (equal to 36 bays). The level of visitor parking is therefore considered to be acceptable.

5.24 Two pedestrian links are proposed to the Country Park from cul de sac ends, one adjacent to the SuDS area in front of plot 63 and the other from the end of the cul de sac in front of plot 97. Dog waste bins are proposed to be located at the boundary with the Country Park on both pedestrian links. A third



pedestrian link is proposed through the landscaped area at the western end of the site in front of plot 120 to meet Wardley Lane.

5.25 The three footpaths links to the front of plot 63, plot 97 and plot 120 must be a shared footway/cycle path. Bollards or other suitable measures will need to be installed to prevent inappropriate motorised vehicular access along the links. A scheme for cycle signage through the estate is also required.

## 5.26 APPEARANCE

### Character Areas

Three character areas are proposed, the rural edge, the transitional zone and the traditional zone; proposed across the development to create individual areas through use of differing materials palettes.

5.27 The Rural Edge has outward facing development of predominately detached houses in red and multi brick reflecting the wider palette of Wardley and bookended by dwellings in cream render. Front doors, garage doors and window frames are proposed in cream. Front gardens do not have boundary treatments to create an open aspect. To the east of the site a low wooden bird's mouth rail is proposed to prevent cars bumping onto landscaping to park.

5.28 The Transitional zone is the part of the site that contains the spine road through the development and links the character areas. It includes materials reflective of the industrial history of the site and includes metal railings to front gardens and black front doors and garage doors. The central open space area in the Transitional Zone provides a traffic calming feature to the layout as well as a play area. It is a focal point and well overlooked. A pedestrian link to Manor Gardens runs through the Transitional zone. The dwellings in this zone are also in red multi bricks with black doors interspersed by rough texture cream render where the layout links to the Traditional Zone. Black metal rail boundary treatment to gardens that front the spine road are proposed and gable elevations are proposed to have a masonry wall with horizontal wooden panels between brick pillars.

5.29 The Traditional zone lies between the urban character of the spine road and the rural edge. Use of buff bricks plus elements of stone are proposed to create a rural feel to the edge of the development in two locations where the development bounds the Country Park. The corner turning plots have brick boundary walls with fence panels between brick pillars. The front gardens have no boundary treatment to create a sense of openness.

## 5.30 House Types

144 dwellings are proposed of which 25 have two bedrooms, 80 have three bedrooms, 36 have four bedrooms and three have five bedrooms in a mixture of short terrace, semi-detached and detached dwellings. In total, 13 different house types are proposed, with some additional variation depending if the house type is used mid or end terrace. All are either two storey or two storey with additional accommodation in the roof space.

5.31 Materials

Whilst the proposed materials are described as part of the information relating to the three character areas, and are considered appropriate, condition 36 of Outline Planning Permission DC/16/01068/OUT requires samples of the external materials to be used to be submitted

5.32 Boundary Treatments

The proposed boundary treatments are annotated on the site layout drawing A/GA/001 Rev T and comprise:

600mm 'race course' style timber fencing  
1800mm masonry with vertical fence panels  
1800mm masonry with horizontal fence panels  
1800mm high close board  
1800mm masonry wall with fence panels and stone cap to brick pillars  
600mm high black estate railings to contain gardens

5.33 The proposed boundary treatments are considered to be acceptable.

5.34 SCALE

Family Homes

The recently adopted MSGP continues to seek an increase in the range and choice of housing across Gateshead by improving the balance of the Borough's housing stock in terms of dwelling size, type and tenure. Whilst the outline permission grants permission for 144 dwellings, the housing mix was not approved as part of that consent. The details submitted as part of this reserved matters application seek to address NPPF and local plan policy requirements in this respect.

5.35 CSUCP policy CS11(1) 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). All but 25 of the proposed 144 homes have three bedrooms or more, therefore satisfying this policy.

5.36 Residential space standards

Policy CS11(4) requires that new residential development provides "adequate space inside and outside of the home to meet the needs of residents". Further, Policy MSGP12 requires all new homes to be built in accordance with Nationally Described Space Standards (NDSS), however supporting text is clear that:

*"These standards will be introduced one year after the adoption of the Plan [plan adopted 01 February 2021] to allow for a period of transition in accordance with national planning guidance."*

5.37 It is considered that all proposed dwellinghouses provide adequate space both internally and externally in accordance with Policy CS11(4) of the Local Plan for Gateshead.

5.38 LANDSCAPE

There are four main areas where landscaping is proposed; the spine road, the landscaped bund, the SuDS area to the eastern boundary and the centrally located open space / play area. There are other elements of structural planting at the entrance to the site and within front gardens.

- 5.39 It is proposed to plant trees in the front gardens of dwellings facing onto the spine road of native species along with hedgerows and shrub planting. Trees with formal hedging are proposed at the entrance to the development to create a defensible space for the four dwellings facing Wardley Lane.
- 5.40 A Landscape Proposals Plan has been submitted in support of the reserved matters application and further landscape details are in the process of being submitted in respect of the bund. The dwellings nearest to the eastern boundary face outwards over the SuDS and landscaped area and the country park beyond. The proposal to landscape this area will form a soft edge to the development with the Country Park. The SuDS basin is proposed to drain into the stream to the east of the development and this allows for habitat creations in this area that will be beneficial to the Country Park and the stream. SuDS basin will allow wet habitat creation in the wet areas, and wildflower seeding, native shrub and tree planting at the top of basin slope. Native hedgerow planting is proposed to form a boundary between the adjacent dwellings and the SuDS ensuring no public access to SuDS area to protect the habitat being created. No details of wildflower grassland mixes and aquatic planting for the SuDS area have been provided and a condition is recommended to secure these details (CONDITIONS 7, 8 and 9).
- 5.41 Tree planting is indicated for the centrally located open space area along with a footpath crossing diagonally and indicative location for play equipment. The principles of the proposed landscape plan are considered to be acceptable and the specifications on that plan are acceptable, however there are no indications of numbers / densities for planting. As such a condition is recommended to secure these details (CONDITIONS 5 and 6).
- 5.42 Condition 29 of outline planning permission DC/16/00698/OUT requires details of the retained landscape bund as part of any reserved matters pursuant to condition 1. The existing mound is to be retained and managed in line with a Habitat Management Plan that will propose selected thinning of existing vegetation and seeding.
- 5.43 Further landscape submissions have since been submitted for consideration but will need to be further examined and agreed by the Local Planning Authority as acceptable prior to the full discharge of this condition. A condition is recommended to be imposed on this application in respect of submission of further landscape details (Condition 10).
- 5.44 Play Areas and Open Space  
As was established at outline application stage, the neighbourhood in which the site is located is not deficient in open space and there is therefore no requirement for the development to provide any.

- 5.45 The assessment at outline application stage also concluded that, due to the restrictions on the pooling of contributions at that time, that it would not be possible to require any contribution towards junior and teenage play provision. Toddler play provision is to be provided on site, in the centrally located open space; and was secured by condition 40 of the outline approval.
- 5.46 **AFFORDABLE HOUSING**  
The viability assessment submitted in support of the outline application confirmed that there could be no requirement to provide affordable housing. However, despite this, the applicant offered 5% and the outline planning permission was granted subject to a S106 legal agreement that required a 5% affordable housing contribution. This equates to 7.2 dwellings, the submitted information proposes 7 dwellings to be 'affordable'. This is considered to be acceptable and in accordance with the S106 agreement.
- 5.47 The s106 agreement also specifies the type of affordable housing and defines the affordable housing units as "each dwelling .... to be sold at a Discount Market Price" and that the discounted market price "should not exceed 80% of the Open Market Value the dwelling could command if offered on the open market".
- 5.48 **COAL MINING**  
Condition 19 of Outline planning permission DC/16/00698/OUT requires that prior to the commencement of the development, details of remediation measures to remove risks associated with coal mining legacy in the development and to ensure the ground stability of the development are submitted and approved and condition 20 requires implementation of the remediation measures approved under condition 19 prior to the commencement of the development.
- 5.49 The amended site layout drawing shows the potential zones of influence / exclusion zones for the shafts and all built development is arranged such that it would be located clear of the defined zones of influence.
- 5.50 Whilst the proposed buildings would be located outside the potential zones of influence of the shafts, a section of the new adoptable estate street, public open space and a number of private gardens will fall within these zones.
- 5.51 The condition and characteristics of the caps/past shaft treatments have not been fully established, but it would appear clear from the available information that all of the shafts have been capped with superficial deposits and that the caps would not meet the Coal Authority's current requirements.
- 5.52 The Coal Authority does not consider that the information presented by the applicant thus far would satisfactorily address the requirements pre-commencement Conditions 19 and 20 of the outline consent.
- 5.53 As such, further consideration of the adequacy of the past treatment works will be required in light of the more sensitive end use of the site, along with a

detailed scheme of further remedial works, to ensure the safety and stability of the development.

5.54 Given the above it is considered that the information submitted with this reserved matters application is inadequate, however, the applicant can submit details for approval through a Discharge of Condition application.

5.55 CONTAMINATION

Condition 13 of Outline planning permission DC/16/00698/OUT requires, prior to the commencement of the development, a Phase 2 Preliminary Risk Assessment to be undertaken. However, Condition 49 requires a programme of archaeological building recording also prior to commencement of development and condition 50 that requires archaeological fieldwork prior to any groundworks. Therefore, the wording of condition 13 requires amendment. The recommended amended condition is Condition 8.

5.56 ECOLOGY

Condition 42 of Outline planning permission DC/16/00698/OUT requires a lighting strategy for biodiversity for the proposed development site to be submitted prior to first occupation of the development.

5.57 The Council Ecologist is concerned that any lighting along Wardley Lane will have an adverse impact on biodiversity, including the section of new footway/cycleway and highway between the narrow bridge over the disused Leamside Line and the Durham Line overbridge; and the Durham Line overbridge and A185 Shields Road.

5.58 The route was not included in the ecological survey undertaken to support the Outline planning submission and as such it is not possible to accurately predict the significance of any such impacts and allow an appropriate scheme of avoidance, mitigation and compensatory measures to be developed and implemented, however, it is reasonable to assume that foraging and commuting bats utilising the woodland edge and connecting hedgerow immediately adjacent the route are likely to be impacted. There is also the potential for lighting to impact negatively on foraging nocturnal birds such as barn owl and tawny owl and result in the increased predation of priority bird species including skylark which breeds in the field to the north of Wardley Lane by extending the time period during which predators such as crow species and kestrel can forage.

5.59 The Council's Ecologist is of the opinion that as a minimum the lighting scheme should be developed in accordance with Guidance Note 08/18 by the Bat Conservation Trust and Institute of Lighting Professionals; and should seek to minimise light spill/levels impacting habitats located along the length of the route and which are designated as Local Wildlife Site and Wildlife Corridor.

5.60 However, from both a road safety and pedestrian personal security perspective there is a need for lighting on this section of Wardley Lane between the Durham Line overbridge and the A185 Shields Road and a

lighting scheme for the overall development is required. This must include lighting coverage for the off-site highway works and the shared cycle/pedestrian route to the rear of plots 1 to 12. Lighting along Wardley Lane, up to Shields Road, is a recommended action of the stage one Road Safety Audit, but the final design of this will need to take account of the biodiversity concerns and there are certain restrictions/requirements that could be utilised such as lamp shades or diffusers that could achieve a balance between protecting biodiversity interests whilst ensuring highway safety. The final details can be submitted through a Discharge of Condition application to seek approval of details under condition 42.

#### 5.61 FLOOD RISK AND DRAINAGE

Flood risk and drainage were considered at outline application stage and a number of conditions were imposed to secure: an updated Flood Risk Assessment, Drainage Construction Method Statement, SuDS Health and Safety Risk Assessment in accordance with the CIRIA SuDS Manual, a drainage strategy and drainage maintenance plan. Whilst some of this information has already been provided, final details are yet to be approved through the discharge of condition process.

#### 5.62 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a CIL Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development because it is housing related.

5.63 The site is located within Charging Zone A, with a levy of £60 per square metre for this type of development.

### 6.0 CONCLUSION

6.1 This is a reserved matters application to discharge conditions for the details of the residential development on land at Wardley.

6.2 The principal of residential development of this site was established at outline application stage and the proposed development is in substantial accordance with the approved Parameter Plans. It is therefore recommended that the reserved matters be granted as the details are considered to accord with the general aims and objectives of national and local planning policies, subject to the planning conditions imposed on the outline planning permission and those listed below.

### 7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Service Director Development, Transport and Public Protection 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 -

Site Layout -A/GA/0001 Rev T  
Proposed Highway Improvement on Wardley Lane (Drawing 1 of 2) 19-135/006 Rev C  
Proposed Highway Improvement on Wardley Lane (Drawing 2 of 2) 19-135/007 Rev B  
Proposed Waiting Restrictions on Wardley Lane 19-135/SK02  
Drainage Layout Sheet 1 -19065 -01 -P3  
Drainage Layout Sheet 2 -19065 -02 -P4  
Drainage Layout Sheet 3 -19065 -03 -P2  
Proposed Surface Finishes and Kerb Layout -19065 -21 -P1

Housetypes:

EP-WD11 -Epping R20  
DY-WD11 -Danbury R20  
DY-WD11 -Dalby R20  
SW-WD11 -Sherwood R20  
SW-WD11 -Sherwood Corner R20  
CW-WD11 -Charnwood R20  
SN-WD11 -Saunton R20  
SN-WD11 -Braunton R20  
GB-WD11 -Gisburn R20  
WL-WD11 -Whiteleaf R20  
WL-WD11 -Whiteleaf Corner R20  
SW-WD11 -Selwood  
CM-WD10 -Compton  
HY-WD10 -Harley  
MB-WD10 -Marlborough  
DY-WD11 -Danbury R20 -Feature Plots 96 & 119  
SN-WD11 -Saunton R20 -Feature Plot 97  
SW-WD11 -Sherwood Corner R20 -Feature Plots 51, 52, 83, 103 & 127  
GB-WD11 -Gisburn R20 -Feature Plots 12 & 13  
SW-WD11 -Sherwood Corner R20 -Feature Plot 120  
CM-WD10 -Compton -Feature Plot 63  
HY-WD10 -Harley -Feature Plots 60, 61 & 65-68  
GB-WD11 -Gisburn R20 -Feature Plot 1  
SW-WD11 -Sherwood Corner R20 -Feature Plot 140

Documents:

Coast Consulting Engineers -Flood Risk Assessment & Drainage Statement 10 June 2020  
Milestone Transport Planning -Travel Plan June 2020

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 2 years from the date of this approval of the reserved matters.

(N.B. if the reserved matters are approved on different dates, the two-year period is calculated from the approval of the last such matter to be approved.)

Reason

This condition is imposed pursuant to the requirements of section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

Notwithstanding the architectural layout A/GA/001 Rev T full details of the three footpath links to the front of plot 63, plot 97 and plot 120 indicating shared footway/cycle paths to include:

- details of bollards or other suitable measures required to prevent inappropriate motorised vehicular access
- a scheme for cycle signage throughout the development

Shall be submitted for the consideration and written approval of the Local Planning Authority prior to first occupation of the development hereby permitted.

Reason

In the interests of highway safety in accordance with policy CS13 of the Local Plan for Gateshead.

4

The approved details under condition 3 shall be implemented wholly in accordance with the details prior to first occupation of the development hereby permitted.

Reason

In the interests of highway safety and in accordance with policy CS13 of the Local Plan for Gateshead.

5

Development hereby permitted shall not progress above damp proof level of any dwelling hereby approved, until final details of a fully detailed scheme for the landscaping of the site detailing the retention, creation, enhancement and management of all soft landscaping areas



within the site has been submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall include details and proposed timetable for hard and soft landscaping, to include gardens, open space and play area, the SuDS planting, all existing trees and hedges to be retained, reinstatement/landscaping and future management of areas disturbed as a result of the highways works ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and to ensure adverse impacts on biodiversity are adequately mitigated/compensated in accordance with the NPPF and in accordance with policies CS14, CS18, MSGP24 and MSGP32 of the Local Plan for Gateshead..

6

All hard and soft landscaping works shall be completed in full accordance with the landscaping scheme approved by condition 5, and the timetable for the implementation of the landscaping scheme unless otherwise agreed in writing by the Local Planning Authority. The date of Practical Completion of the landscaping scheme shall be supplied in writing to the Local Planning Authority within 7 days of that date.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and to ensure adverse impacts on biodiversity are adequately mitigated/compensated in accordance with the NPPF and in accordance with policies CS14, CS18, MSGP24 and MSGP32 of the Local Plan for Gateshead..

7

The details approved under condition 5 and implemented under condition 8 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 trees or planting which die, become diseased or are removed shall be replaced in the first available planting seasons with others of a similar size and species and any grass which fails to establish shall be re-established.

Reason

To ensure that a well laid out planting scheme is achieved in the interests of the visual amenity of the area and to ensure adverse impacts on biodiversity are adequately mitigated/compensated in accordance with the NPPF and in accordance with policies CS14, CS18, MSGP24 and MSGP32 of the Local Plan for Gateshead..

8

No development shall commence until further site investigations (based on the findings of the Patrick Parsons Phase 2 Preliminary Ground Investigations report prepared by Simon Jones and dated November 2012) are undertaken and a Phase 2 Risk Assessment report of the findings submitted to the Local Authority for written approval.

The site investigation will consist of a series of trial pits, and boreholes, in situ testing, groundwater and ground gas monitoring, soil sampling and chemical and geotechnical laboratory testing of samples to assess potential contamination issues and inform foundation design. A suitable suite of chemical soil analysis should be undertaken on soil samples and should include asbestos analysis (presence, type and quantity). The investigation should delineate the extent of asbestos previously identified on site.

Further investigation is required into the main body of the perimeter mound to assess the potential risk of combustion of materials in the mound, the extent of any existing capping to the mound and to assess the potential 'spread of fire' risk to the adjacent proposed development.

The site investigation and Phase 2 Risk Assessment report shall include a summary of the findings of the Patrick Parsons Preliminary Site Investigation and shall identify potential contamination, and possible areas which may require remedial works in order to make the site suitable for its proposed end use to ensure that no contamination is present that poses a risk to future users of the site and construction workers. Reference should be made to CLR 11 - Model Procedures for the Management of Land Contamination and BS 10175:2011 - Investigation of Potentially Contaminated Sites - Code of Practice. The Risk Assessment should confirm possible pollutant linkages. Ground gas monitoring shall be undertaken at the site and a Gas Risk Assessment report produced and submitted to the Local Planning Authority with recommendations for ground gas mitigation measures.

#### Reason

In order to ensure the land is suitable for its sensitive end use in accordance with the National Planning Policy Framework, policies CS14, MSGP17 and MSGP20 of the Local Plan for Gateshead.

#### Reason for pre commencement condition

To ensure that contamination and remediation measures are identified 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.

9

No development shall commence until a timetable for the commencement, and intended construction timescales of the off-site highway works, secured through condition 28 of the outline permission DC/16/00698/OUT, have been submitted to and approved in writing by the Local Planning Authority. The off-site highway works shall thereafter be undertaken in accordance with the approved timescales unless first approved in writing by the Local Planning Authority.

**Reason for condition**

In the interests of highway safety and to ensure safe pedestrian and cycle access to the site can be achieved and in accordance with policies CS13, MSGP14 and MSGP15 of the Local Plan for Gateshead.

**Reason for pre commencement condition**

The proposed highway works must demonstrate that the design will ensure highway safety.

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.

10

No development shall commence until full landscaping and planting details, in addition to the requirements of condition 29 of the outline permission DC/16/00698/OUT, have been submitted to and approved in writing by the Local Planning Authority of the retained landscaped bund running along the southern part of the development site, in respect of

- a. A Bund Landscape Maintenance and Management Manual
- b. Landscape Softworks Bund
- c. Proposals for Native Hedgerow Mix
- d. Landscape Specification Sheets
- e. Planting Details in respect of appropriate sowing, establishment and maintenance prescriptions required for:
- f. Wildflower Mix
- g. Wet Wildflower Mix
- h. Native Hedgerow Mix (as per landscaped bund detailed within Bund Landscape Maintenance and Management Manual dated October 2020)

Such details to include existing and retained bund heights, details of any remediation requirements and landscape management proposals for ecological purposes.

**Reason**

To ensure suitable landscaping and planting is achieved in the interests of the visual amenity of the area and to ensure adverse impacts on biodiversity are adequately mitigated/compensated in

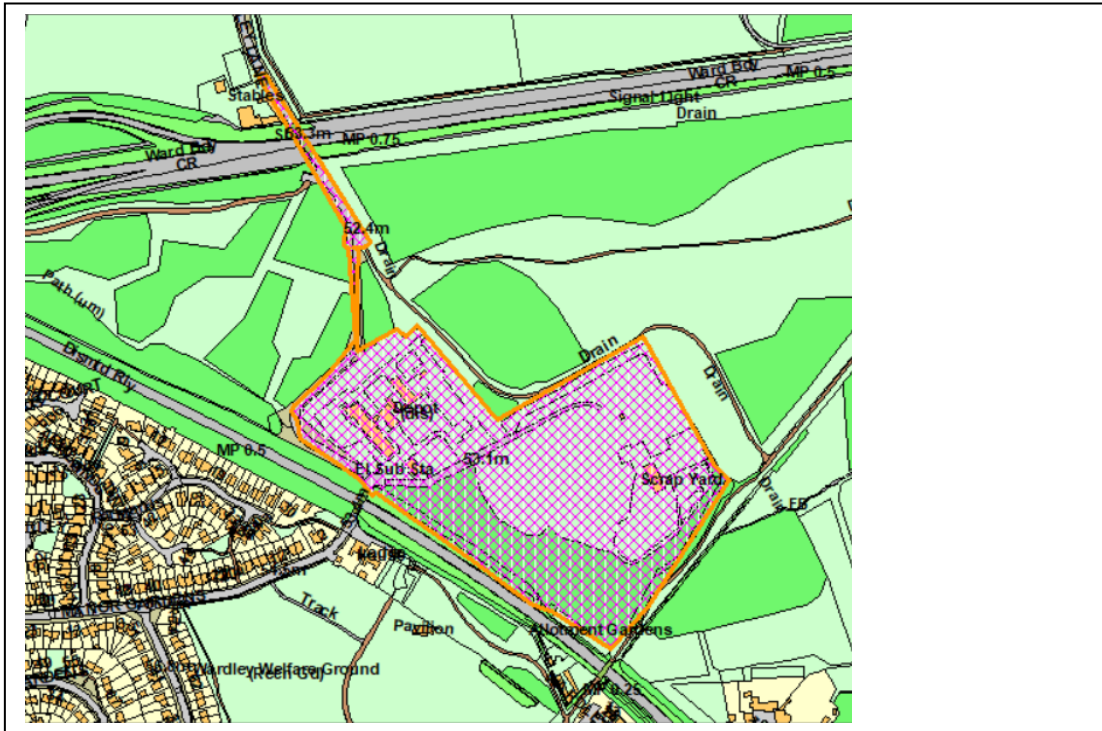
accordance with the NPPF and in accordance with policies CS14 and MSGP 37 of the Local Plan for Gateshead.

11

The details of the bund approved under condition 10 (and condition 19 of DC/16/00698/OUT) shall be implemented wholly in accordance with the approved details and retained for the life of the development thereafter.

#### Reason

To ensure suitable landscaping and planting is achieved in the interests of the visual amenity of the area and to ensure adverse impacts on biodiversity are adequately mitigated/compensated in accordance with the NPPF and in accordance with policies CS14 and MSGP 37 of the Local Plan for Gateshead.



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