

**Committee Report**

<b>Application No:</b>	<b>DC/21/00774/FUL</b>
<b>Case Officer</b>	<b>Joanne Munton</b>
<b>Date Application Valid</b>	<b>23 August 2021</b>
<b>Applicant</b>	<b>Mr. John Collins</b>
<b>Site:</b>	<b>Land Bounded North And South Of Blackfell Way. North Side Gateshead Birtley</b>
<b>Ward:</b>	<b>Lamesley</b>
<b>Proposal:</b>	<b>Erection of 73 residential dwellings with associated infrastructure, landscaping and SUDS drainage (additional information and amended plans received 11/10/21, 12/10/21, 11/11/21, 12/11/21, 16/11/21 and 26/11/21).</b>
<b>Recommendation:</b>	<b>MINDED TO GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

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

The site located to the north east of Birtley town centre and is between Gateshead Regeneration Partnership's (GRP) residential development, Birtley Phase 2 (marketed as The Aspens) to the south and a separate housing site to the north (subject to pending planning application DC/19/01250/FUL). The site is accessed via Blackfell Way, which runs parallel to the western boundary of this application site, bends around to be north of the separate site and then back heading south parallel with the eastern boundary of the application site.

1.2 The site topography slopes up from west to east with a variation of levels across the site. For the majority of the site, the topography is an even gradient with an increasing steepness closer to the eastern boundary. The highest point of the site is the south eastern corner, and there is also a knoll located in the north eastern part of the site. The lowest point of the site is the south western corner, adjacent the road access off Blackfell Way.

1.3 The site is mainly vegetated, with a belt of trees/planting along most of the southern boundary. There are two main trodden paths running east to west across the site, and a more formal hardstanding path running between this site and the Phase 2 site to the south.

1.4 This site and the site between this one and Blackfell Way to the north are both allocated for housing under Local Plan policy MSGP9.

**1.5 DESCRIPTION OF APPLICATION**

The application proposes the erection of 73 two storey residential dwellings with associated infrastructure, landscaping and SuDS drainage.

- 1.6 The vehicle access point would be at the south west of the site and the proposed units would follow a circular/loop road layout. Shared surfaces proposed at intervals around the site and the layout shows an indicative SuDS basin and a play space at the south western corner of the site. A cycle route is proposed to link to the northern boundary of the site (indicatively shown to link to the separate site pending application DC/19/01250/FUL) and run south between two plots then join the footway to then link with the cycle route at Phase 2 to the south.
- 1.7 The proposed housing mix is as follows:
  - 4 x 2 bed/4 person
  - 6 x 3 bed/4person
  - 27 x 3 bed/5 person
  - 4 x 4 bed/5 person
  - 12 x 4 bed/6 person
  - 20 x 4 bed/7 person
- 1.8 Therefore, the application proposes 69 (94.5%) family homes (3+ bedrooms).
- 1.9 Eight of the dwellings (10.95%) are proposed to be affordable shared ownership.
- 1.10 Specific details/specification of materials have not been submitted with the application, but a materials layout indicates a mix of red multi and cream multi bricks, with grey roof tiles, grey doors and windows, and black meter boxes and guttering.
- 1.11 **RELEVANT PLANNING HISTORY**  
Outline planning approval (ref. 610/92) was granted on 12th September 1994 for the development of 41 Acres of land for residential purposes, primary school, shopping and community uses, public open space and a new spine road at Northside, Birtley, Gateshead.
- 1.12 The consent was renewed on 5th October 1998 (ref. 400/97).
- 1.13 A full application (ref. DC/03/01528/FUL) was later submitted on 2nd October 2003 seeking a variation of conditions 2, 3, 4, 6 and 7 attached to the initial permission to allow the submission of the Reserved Matters applications over an extended time period. This application was subject to appeal and was approved by the Secretary of State in 2006 to allow continued development.
- 1.14 Also of note is pending application DC/19/01250/FUL for 22 dwellings immediately north of this enquiry site, and the below permissions relating to Birtley Phases 1 and 2:

DC/13/00394/OUT Hybrid planning application comprising a full planning consent for 48 dwellings and outline consent (with all matters reserved) for residential development across Phase 2 at Northside Granted 23.08.2013

DC/13/01069/OUT Variation of condition 1 of DC/13/00394/OUT to remove swale and amend retaining structures of hybrid planning application comprising a full planning consent for 48 dwellings and outline consent (with all matters reserved) for residential development across Phase 2 Granted 14.01.2014

DC/15/00174/NMA Proposed non-material amendment to application DC/13/01069/OUT to allow substitution of Affordable Housing Statement listed in condition 1. Granted 18.03.2015

DC/14/00753/NMA Non-material amendment of planning permission DC/13/01069/OUT to allow installation of different windows. Granted 21.07.2014

DC/15/00404/FUL Erection of 147 dwellings with associated parking and landscaping (amended plans including increased site area and additional information received 12/06/15 and 22/07/15, amended plans and additional information received 14/08/15 and additional information received 18/08/15 and 07/09/15, amended document received 21/09/15). Granted 15.01.2016

DC/16/00479/NMA Proposed non-material amendment of application DC/15/00404/FUL in relation to car screens, porches and canopies of dwellings and window and door setbacks to dwellings. Refused 15.06.2016

DC/16/00651/NMA Proposed non-material amendment of DC/15/00404/FUL to allow position of external door and windows 80mm back from external masonry face from 100mm originally proposed, canopy and porch materials to change and reduction in size of car enclosure to single sided screen with detail to close match original proposals. Granted 07.07.2016

DC/16/00658/FUL Variation of condition 13 of DC/15/00404/FUL to amend wording of condition relating to phasing of site remediation. Granted 04.08.2016

## **2.0 Consultation Responses:**

Coal Authority	Conditions recommended
Northumbria Police	Comments made
Northumbria Water	Condition recommended
Tyne And Wear Archaeology Officer	No objection

Tyne And Wear Fire And Rescue Service	No objection
Northern Powergrid	No objection
Northern Gas Networks	No objection
Nexus	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 Two objections have been received, raising concerns regarding the following:

- Loss of green space
- Impact on ecology
- Lack of amenities such as shops, restaurants and cycle routes
- Lack of improvement to bus services
- Impact on capacity of GP practice
- Existing poor build quality

3.3 One letter of support has been received, making the following comments:

- Provision of much needed quality housing to the area
- Previous phases were sympathetic to the local area and built with sustainability and the environment in mind
- Measures to alleviate on-street parking congestion
- Local investment,
- Attract professionals

3.4 One representation has been received querying whether GP services in the area will be expanded.

### **4.0 Policies:**

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

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

MSGP8 Digital Infrastructure

MSGP9 Housing Sites Allocation

MSGP10 Accessible and Adaptable Dwellings

MSGP12 Housing Space Standards

MSGP14 Mitigating Impact on Transport Network

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP36 Woodland, Trees and Hedgerows

MSGP 37 Biodiversity and Geodiversity

GPGSPD Gateshead Placemaking Guide SPG

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

- 5.1 The key considerations to be taken into account when assessing this planning application are housing policy, open space and play, highway safety and parking, design, residential amenity, drainage, ecology, trees, ground conditions, climate change, and digital infrastructure.
- 5.2 **HOUSING POLICY**  
The latest results of the Housing Delivery Test (HDT) show that only 63% of homes required are being delivered in the Borough. The proposed scheme will therefore have the potential to increase delivery, which is a positive factor.
- 5.3 The application site, together with the separate site to the north, forms part of a larger site allocated for housing under policy MSGP9, with a total capacity of 132 homes given. Pending application DC/19/01250/FUL referenced above at the northern part proposes 22 houses. The submitted site plan for this

application demonstrates that the northern part of the allocated site could still be developed alongside this part of the site and would therefore not undermine housing delivery in the Borough.

- 5.4 Policy CS11(4) of the CSUCP requires adequate space inside and outside of the home to meet the needs of residents. Policy MSGP12 of MSGP also sets out that new homes should be built in accordance with the Nationally Described Space Standards (NDSS). This policy will apply one year after adoption (1 February 2022) to allow for a transition period. It is noted that the details submitted with the application set out that all dwellings will conform to the NDSS in any event, and this is welcomed. It is also considered that the proposal would provide adequate space for residents, and therefore would comply with policy CS11.
- 5.5 Policy MSGP10 sets out that on housing developments of 15 or more dwellings, 25% of dwellings will be constructed to meet the Building Regulation M4(2) Category 2: Accessible and Adaptable Dwellings standard or equivalent successor standards. This would mean that 19 of the proposed 73 dwellings would need to comply with this standard. Policy CS11 also seeks to encourage the provision of Lifetime Homes and Wheelchair-Accessible Homes. It is noted that the details submitted with the application set out that all dwellings will be Lifetime Homes compliant. Whilst this is welcomed it should be ensured that the M4(2) standards are also met. It is acknowledged that many of the Lifetime Homes features will apply to M4(2) standards, and it is recommended that a condition be imposed securing this requirement.
- 5.6 Part 1 of policy CS11 of the CSUCP requires 60% of new private housing across the plan area being suitable for and attractive to families with a minimum target of 16,000 new homes to have 3 or more bedrooms. The application proposes 69 (94.5%) family homes so would help to achieve this target.
- 5.7 Policy CS11(5) requires the provision of 15% affordable homes on all developments of 15 or more dwellings subject to development viability. Eight of the dwellings (10.95%) are proposed to be affordable shared ownership, and the application does not incorporate the preferred tenure split as set out in the Planning Obligations SPD. The applicant (GRP) states that they are committed to providing a minimum 25% affordable housing across a series of schemes as a whole, targeted specifically to areas of most need, and that through the delivery of all its developments 75% earmarked for general needs social rent and 25% for affordable shared ownership tenures. Of the sites that the applicant refers to, and including the development in this proposal, it is understood that the affordable homes being brought forward would stand at 18.79%. Whilst this is below the applicant's 25% target, it is above the 15% policy requirement.
- 5.8 **HIGHWAY SAFETY AND PARKING**  
The application proposes 73 dwellings. The Council's maximum private parking ratio for new developments is 2 spaces per dwelling, which equates to a maximum allowance of 156 spaces on this site. The development will be

provided with 110 private parking spaces, which is within Council parameters. Visitor parking is to be provided at a ratio of 1 space per 4 dwellings (which equates to 19 spaces in total). The proposed cycle storage (a shed with integral Sheffield-style stand) is considered to be acceptable, and a condition is recommended to require implementation of the approved details.

5.9 There are no concerns relating to future waste/bin management on site.

5.10 Additionally, it is recommended that conditions be imposed requiring a full final Travel Plan to be submitted and to the LPA for consideration, and implementation and maintenance/monitoring of the approved details.

5.11 Cycle Route

The submitted details show provision of a strategic cycle route, which will be a shared cycle and pedestrian path linking to Birtley Phase 2 to the south, and with the intention to link with potential provision at the separate site to the north.

5.12 Cyclists within the development site would cross at two raised/level plateaus. The route itself will be protected by no waiting at any time restrictions (double yellow lines). Shared pedestrian/cycle pavements and signage would highlight that this route is for pedestrians and cyclists only. The route within the development site has been subject to a stage 1 Road Safety Audit (RSA). The problems identified in the auditor's report have been addressed (with actions agreed) and officers are satisfied that the proposals are fit for purpose at this planning stage.

5.13 It is recommended that conditions be imposed requiring final details of cycle route signage and markings to be submitted to the LPA for consideration, and implementation of the approved details. Additionally, it is recommended that an informative be attached advising that the developer is responsible for seeking a Traffic Regulation Order for the waiting restrictions.

5.14 Extension to 20mph Zone, Blackfell Way

A preliminary design for a traffic calming scheme and extended 20mph zone on Blackfell Way has been submitted with the application. This proposes the use of cushions (with splitter islands as necessary) as well as the removal of an existing pedestrian refuge and replacement with a build-out feature that will include a pedestrian and cycle crossing facility. This detail has been subject to a stage 1 RSA with all problems resolved (or to be actioned) and officers are satisfied that the proposals are fit for purpose at this planning stage.

5.15 It is recommended that conditions be imposed requiring submission of a detailed design for the 20mph scheme to the LPA for consideration, and its implementation of the approved scheme. Additionally, it is recommended that an informative be attached advising that the design work must be completed by Gateshead Council's Highway Design Team, that Stage 2, 3 and 4 RSAs will be required in due course and that the proposed traffic calming cushions require a formal hump notification to be advertised by the Council's Network Management team.

5.16 Other highway works

The stage 1 RSA identified concerns in relation to the existing tactile paving crossing points on Blackfell Way and also the possibility of foliage interfering with the proposed visibility splay at the bellmouth junction onto Blackfell Way.

5.17 It is recommended that conditions be imposed requiring submission of final details for new/replacement tactile paving crossing points at the vehicular access onto Blackfell Way, securing of the 2.4m x 43m visibility splay at Blackfell Way junction including details of all foliage/trees to be removed, and implementation of the approved schemes.

5.18 Conditions are also recommended to be imposed requiring final details of the removal of the unused bellmouth access on Blackfell Way (to the east) and the area reinstated as a continuous footway and verge to be submitted to the LPA for consideration, and implementation and maintenance of the approved details.

5.19 The developer has indicated that a 2m x 2m visibility splay would be available at all driveways. A number of driveways would have retaining walls alongside them and it is recommended that conditions be imposed requiring final details demonstrating a 2m x 2m visibility splay at all driveways be submitted to the LPA for consideration, and implementation of the approved details.

5.20 Given the application is for major development, policy CS13 requires that charging infrastructure for electric vehicles is provided, and conditions are recommended to be imposed requiring a scheme for this provision and implementation of the approved scheme.

5.21 Additionally, it is recommended that conditions be imposed requiring:

- Final swept path testing (primarily relating to the driveways at plots 11, 48 and 49)
- Final details of the new footpath at the south eastern part of the site
- Final details of the arrangement of the Visitor Parking laybys at the south eastern part of the site
- All kerbing throughout the development to have a face/upstand of 100mm, only reducing to near flush at driveways and pedestrian crossing points;
- The raised plateaus to be 100mm high, with 1:10 on/off ramps;
- Channel drains where any driveway falls towards a public footway or carriageway

5.22 An informative is recommended advising that a section 278 legal agreement is required for all permanent changes to existing highway (such as the 20mph zone/traffic calming area, closure of the unused bellmouth access, and the new tactile paving pedestrian crossing points), and also that a section 38 agreement is required for any area proposed for adoption as public highway, and the Council will not adopt any retaining structures. Comments from the adoptions team have been received and it is recommended that the applicant is made aware of these by appending them to the decision notice.



- 5.23 Further, whilst there are no formal Public Rights of Way across the site, there are some well-trodden tracks across the land. The developer has commented that they consider there to be no risk is present, but this is without justification/reasoning. It is considered that there is a strong possibility that these trodden tracks have acquired highway status and claims could be made. The proposed development layout caters for pedestrian movements in all directions and so the new footways/paths would effectively replace the well-trodden existing tracks with higher-quality pedestrian routes, and this is considered to be acceptable. Nevertheless, an informative is recommended to be added to the decision advising that a stopping-up order should be applied for via the DfT under the Town and Country Planning Act.
- 5.24 Subject to conditions, it is considered that the proposal for 73 dwellings would not result in an unacceptable impact on highway safety, and would comply with the aims and requirements of the NPPF and policies CS13, MSGP14 and MSGP15 of the Local Plan.
- 5.25 NEXUS  
Section 7.0 of the Design and Access Statement proposes the Access Strategy of the development and shows several bus stops around the site along Blackfell Way, including three 'future bus stops' to adjoin the same route as the existing bus stops. However, Nexus is aware that the existing bus stops marked on the submitted diagram are not currently in use after the suspension of the Go North East 82 service in September 2021. This means that no bus services currently operate along Blackwell Way as of October 2021, suggesting Go North East saw there was little commercial viability for this service route as a result of their recent 2021 Network Review.
- 5.26 Nexus welcome the provision of new bus stops along Blackfell Way which would serve this development well, giving all residents an accessible option to travel via public transport. However, this would only be the case if these bus stops can be used regularly by a bus service. On consultation with Go North East, Nexus has established that due to smaller roads on Highridge with many parked cars causing a barrier to the bus to traverse this area and a lack of patronage from this area of Birtley overall triggered the decision for service 82 to be withdrawn. Therefore, Go North East have established that any such future service which operates here in the future would need to be a minibus.
- 5.27 There are two bus stops located on Mount Pleasant, 650 metres walking distance from the development. At present the Go North East 25 service traverses this road with a half hourly service operating between Newcastle and Langley Park via Gateshead Interchange and Chester le Street. Whilst this walking distance is more than what is prescribed in the Nexus Planning Liaison Policy (and as such is deemed unacceptable for a development of this kind), there is a potential for these stops to be used routinely by some residents of this development.
- 5.28 Nexus recommends that the LPA seek to secure contributions for public transport from other Northside development phases to fund an appropriate

minibus service for these existing and future stops on Blackfell Way. Nexus is of the view that this option should be the priority to best utilise the stops on Blackfell Way as an accessible point for all residents of this proposed development to travel via sustainable modes. Bearing in mind the tests for conditions set out in the NPPF, it is recommended that appropriate provision is included in conditions relating to the Travel Plan, proportionate to the development proposed.

5.29 Nexus also recommends that a condition be imposed requiring the developer/applicant to meet the costs of two introductory tickets per dwelling equalling four weeks travel per ticket to be introduced to residents within their welcome packs, to encourage a greater take up of public transport overall. This is also recommended to be required through the Travel Plan.

### 5.30 DESIGN

It is considered that the site would be laid out in an appropriate and logical way, and that each unit would have adequate space. Adequate parking would be provided that would at the same time not dominate the site, and it is considered that the proposal would not represent overdevelopment of the site.

5.31 The proposed house types would have a similar appearance to those at Phase 2 to the south, with some differences to indicate design progression. There is use of feature bricks and stack bonding to represent the next generation of house design, and the feature houses also have pitched roofs rather than flat roofs (as in phase 2).

5.32 The Houses would be constructed from Red Multi or Cream/Buff Multi brick, with feature elements in opposing brick. The units would also incorporate grey coloured UPVC windows and soffits / fascias and black rainwater goods. The main roof would be pitched construction with Marley modern smooth grey roof tiles.

5.33 The use of dual aspect dwellings and prominent building frontages on corners and detached dwellings would create points of specific visual interest, contribute to a sense of place and act as waymarkers. The relevant prominent houses would enhance surveillance levels, design quality, and visual interest.

5.34 It is considered that the indicative materials proposed would be appropriate, and it is recommended that conditions be imposed requiring final details/specification of external materials to be submitted to the LPA for consideration, and implementation of the approved details. Additionally, it is recommended that conditions be imposed requiring final details of hard landscaping areas and soft landscaping, and implementation of the approved design.

5.35 There are build outs shown at visitor parking bays outside plots 40 and 48, which indicatively show bollards. It is recommended that a condition be imposed requiring installation of these before plots 40 and 48 are respectively occupied.

- 5.36 Additionally, enclosure details have been submitted and these are considered to be appropriate and recommended to be included in the list of approved plans, with the exception of railings, which require final details be submitted to the LPA for consideration.
- 5.37 Northumbria Police have queried the orientation of the proposed dwellings and why they would not face onto Blackfell Way in relevant locations. However, it is noted that the wider principles for the area under outline permission DC/03/01528/FUL makes provision for landscaping at Blackfell Way on each side, and whilst this application is a separate full planning application, consistency with this arrangement is taken into consideration.
- 5.38 Subject to conditions, the proposal would not result in an unacceptable impact on visual amenity and would comply with the aims and requirements of the NPPF and policies CS15 and MSGP24 of the Local Plan.
- 5.39 RESIDENTIAL AMENITY  
In terms of existing residents, the proposal would provide appropriate distances between proposed and existing 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. The same is considered in terms of the indicative layout shown on submitted plans of the development site to the north, under pending application DC/19/01250/FUL.
- 5.40 Given the location of the proposed development site near to a number of existing residential properties, it is recommended that a condition be imposed specifying/restricting hours of construction on site to minimise disturbance to neighbours. It is also recommended that the conditions be imposed requiring a construction management plan, and implementation of the approved scheme.
- 5.41 In terms of potential future occupiers, it is considered that the proposal would provide adequate internal and external space, and, as above, it is recommended that a condition be imposed requiring windows serving WCs, bathrooms and en-suites to be obscurely glazed.
- 5.42 Details submitted with the application indicate that there would be a change in levels across the site, whereby properties at the eastern parts of the site would be at a significantly higher level. Site sections have been submitted, along with a levels plan, which show the changes in levels across the site.
- 5.43 Land to the south and west would be at a lower level to relevant proposed dwellings (plots 1-7 and 61-73).
- 5.44 Land to the east would be higher than gardens at the relevant dwellings (plots 22-28), and retaining walls are proposed. In particular is plot 28 with a 3.1m retaining wall and 1.8m fence on top of this, although there would be 10.3m between the eastern (rear) boundary and the rear wall of the house. Additionally, plot 22 would have a retaining wall up to 2.5m high and 1.8m

fence on top, at east (rear) and northern (side) boundaries, which would mean that land (and therefore potential dwellings/residential curtilage) at the separate site to the north would be at a higher level; however, it is considered that there is sufficient space at the land to the north for a building to be provided without resulting in an unacceptable overbearing impact at plot 22 in this application.

- 5.45 The dwellings at plots 8-21 would be higher than land to the north, with provision for retaining walls on the boundary. However, these retaining walls would be less than 2m high, and less than 1m high in places, and it is considered that this would not compromise land to the north in an unacceptable way. Further, the proposed site layout indicatively shows the layout for land to the north under pending application DC/19/01250/FUL. It is understood that finished floor levels in this current proposal would be higher than those proposed at the separate site to the north. These do not appear on plans to be in excess of 3m higher, and at properties at the western end (shown on plan to be closer to each other), the finished floor levels would be similar (difference of less than 0.2m).
- 5.46 Also of note is the 1.95m retaining wall with 1.8m fence on top between the rear of plots 60-61 and the side of plot 62. Whilst not ideal, the garden at plot 62 would be higher than land to both the south and west, and it is considered that this would not result in an unacceptable overbearing impact. Similarly, it is considered that lesser changes in levels at other parts of the site would not have an unacceptable impact on residential amenity for occupiers.
- 5.47 In terms of the potential for noise at the new dwellings from traffic on the A1, and any other potential sources of noise in the area, the applicant has confirmed that the glazing design will be equivalent or better than at adjacent developments, and it is recommended that a condition be imposed limiting the internal noise levels in habitable rooms at new dwellings.
- 5.48 Subject to conditions, the proposal would not result in an unacceptable impact on residential amenity, and would comply with the aims and requirements of the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan.
- 5.49 **ECOLOGY**  
The proposed development site is not located within or immediately adjacent a designated nature conservation site or wildlife corridor, and no significant direct or indirect adverse impact is anticipated on any such features.
- 5.50 The proposed development comprises a mosaic of principally common and widespread habitats of generally low nature conservation value. However, habitats and features both within and immediately adjacent the site have the potential to support a limited suite of statutorily protected and priority species.
- 5.51 Survey work has confirmed the site supports a limited assemblage of common nesting bird species, small numbers of foraging and commuting bats, and several commonly occurring butterfly species. The site is also considered to

provide suitable habitat for small mammals, including hedgehog (s41 NERC Act Species of principal importance).

- 5.52 The application is also supported by a biodiversity net gain assessment, which although stating a baseline value of the site, is unclear at this stage in terms of final confirmation of on-site post enhancement figures.
- 5.53 In accordance with the mitigation hierarchy, recommendations are made to avoid adverse impacts on biodiversity, where possible. Where unavoidable, recommendations are made to mitigate/reduce such impacts. Where residual impacts occur, proposals are made to provide on-site compensation and, where necessary, offsite ecological compensation.
- 5.54 The development allows for the retention of existing areas of broadleaved plantation woodland immediately outwith/adjacent the red line boundary. However, all of the existing habitats on site including semi-improved grassland, scattered scrub and trees would be permanently lost. The proposed layout allows for the creation of small areas of amenity tree and shrub planting, a dry detention basin (SuDS) that would attenuate surface water during extreme rainfall events and small private gardens. These measures would deliver on-site post enhancement habitat units.
- 5.55 Based on the detail submitted at the time of writing, it is considered that the proposed development results in a residual net loss habitat units (which would equate to an equivalent net loss of biodiversity). As such, it is considered that it would be necessary to provide habitat units to be delivered offsite/remote to the development site to achieve measurable biodiversity net gain in accordance with national and local planning policy.
- 5.56 In accordance with good practice guidance, offsite ecological compensation and/or biodiversity net gain measures should be delivered on suitable land within as close proximity to the proposed development site as possible, and should achieve the same level of ecological value and function as those affected. In this instance an offset which targets the creation and/or enhancement of an area of ecological grassland is considered to be the most appropriate.
- 5.57 Therefore, it is recommended that conditions be imposed requiring final details of a scheme to provide an offset, which delivers an appropriate number of habitats units (an offsite biodiversity net gain compensatory scheme which delivers a measurable net gain for biodiversity) to be submitted to the LPA for consideration, and implementation and maintenance of the approved scheme.
- 5.58 Further conditions are recommended to be imposed requiring the following details to be submitted to the LPA for consideration, and implementation of the approved details:
- Biodiversity Method Statement
  - Soft landscaping and on-site habitat creation

- Management, maintenance and monitoring plan for landscaping and on-site habitat creation

- 5.59 Subject to conditions, it is considered that the proposal would not cause unacceptable harm to ecology and would comply with the aims and requirements of the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.
- 5.60 DRAINAGE  
A Flood Risk Assessment and Drainage Strategy have been submitted with the application and a SuDS attenuation basin is proposed in the south western corner of the site and all private driveways are proposed to be permeable block paved.
- 5.61 Northumbrian Water have confirmed no objection to the proposal, provided it is carried out in accordance with the Drainage Strategy, which confirms agreed points of connection.
- 5.62 Revised/additional information has been submitted and officers are considering this detail. An update report will provide recommended conditions based on the updated drainage information submitted.
- 5.63 Subject to conditions, based on the updated drainage information, it is considered that the proposal would be acceptable in terms of drainage and would comply with the aims and requirements of the NPPF and policy CS17 of the Local Plan.
- 5.64 GROUND CONDITIONS  
The application site falls within the Coal Authority defined Development High Risk Area. Details have been submitted relating to coal mining legacy risk, including results of intrusive ground investigations. The Coal Authority agree with the recommendations of the submitted information and it is recommended that conditions be imposed requiring implementation of the land instability mitigation strategy, and submission to the LPA of a verification report demonstrating the effectiveness of the remediation.
- 5.65 The application site is also situated on potentially contaminated land based on previous historic uses. Details have been submitted relating to land contamination risk, and conditions are recommended to be imposed requiring final details of a report of intrusive site investigations with a Phase II Detailed Risk Assessment, and where required, remediation measures where required, the implementation of approved remediation measures and the submission of verification report(s) demonstrating their effectiveness.
- 5.66 Subject to conditions, the proposal would not result in an unacceptable impact on ground conditions, and would comply with the aims and requirements of the NPPF and policies CS14 and MSGP20 of the Local Plan.
- 5.67 TREES

The application is supported by an Arboricultural Impact Assessment report. It is understood that all the individual trees are proposed to be removed within the developable area with only one individual retained on the northern edge of the site (T16). In addition, groups G4 and G7 would be removed in their entirety and, although mainly shown to be retained, G1 would also be lost for the SuDS scheme. The application also proposes the partial removal of groups G3 and G6.

- 5.68 No mitigation is proposed in terms of planting of new trees in public/adopted areas but are shown on landscaping plans in private gardens. As above, it is recommended that conditions be imposed requiring final details of a landscaping scheme to be submitted to the LPA for consideration, and implementation of the approved scheme.
- 5.69 In terms of the trees to be retained outside of the application site, it is recommended that a condition be imposed requiring the implementation of the submitted Tree Protection Plan.
- 5.70 Subject to conditions, it is considered that the proposal would not cause unacceptable harm to trees and would comply with the aims and requirements of the NPPF and policies CS18 and MSGP36 of the Local Plan.
- 5.71 OPEN SPACE AND PLAY  
Whilst the site is not specifically allocated as open space in the Local Plan, it is acknowledged that the land has been used by the public, and loss of this space has been specifically raised in objections.
- 5.72 The site is allocated for housing under policy MSGP9, it is within a ward which is not deficient in open space, and the relevant accessibility standards are also met given the location of nearby areas of public open space. Therefore, there is no policy requirement for this proposal to provide public open space.
- 5.73 There is a deficiency of play space within the Lamesley ward. Policy MSGP40 requires the provision of play facilities to the equivalent of 0.07 ha per 1,000 residents and there is therefore a requirement for 171sqm when calculated using the play space standard. The application indicates that an area 173sqm of play space is to be provided on site at the south western corner, and plans note that details would be provided within a landscape design. It is recommended that conditions be imposed requiring final details of the play space and implementation of the approved scheme.
- 5.74 Subject to conditions, the proposal would comply with the aims and requirements of the NPPF and policy MSGP40 of the Local Plan.
- 5.75 CLIMATE CHANGE  
Local Plan policy CS16 states:

*Development will be sustainable, able to function effectively in a changing climate and address impacts on climate change emissions. Development will be required to:*

1. Use a good standard of building fabric, passive design, and landscaping measures to minimise energy demand,
2. Be flexible from the outset to allow adaptation to alternative uses,
3. Deliver a good level of sustainability required by relevant government schemes/guidance,
4. Minimise its contributions and provide resilience to the ongoing and predicted impacts of climate change,
5. Reduce its whole-life CO2 equivalent emissions impact, and
6. Optimise the use of local renewable or low carbon energy in accordance with the following hierarchy:
  - i. Connection to an existing, or make provision for future connection, to a committed wider decentralised energy scheme within a specified timeframe,
  - ii. Development of a decentralised energy scheme for the whole or significant portion of a development from the outset, including joint schemes with significant adjacent external energy loads,
  - iii. Incorporation of other renewable energy solutions,
  - iv. Incorporation of other low carbon energy solutions in accordance with current government guidelines.

5.76 The National Design Guide also states that well design places:

*They make use of potential for renewable energy infrastructures at neighbourhood and building level. These include photovoltaic arrays, heat pumps and district heating systems, to reduce demand for non-sustainable energy sources. (paragraph 140).*

5.77 A sustainability statement has been submitted with the application and the Scheme does take into consideration the whole life CO2 emissions of the development, and has adopted a fabric first approach, which seeks to ensure that energy use is minimised. Reduction of energy consumption through building fabric is welcomed.

5.78 The submitted statement sets out that the developer operates in the following ways:

- A robust Sustainable Procurement Policy which emphasises the legal and sustainable sourcing of building materials.
- Efficient and rigorous waste management plans across all development.
- Best practice policies with respect to site pollution will be implemented as standard.
- Development proposals include a drainage scheme to reduce the volume and rate of surface water discharge to green field rates.
- Measure will be incorporated into the design to achieve a water consumption lower than 105 litres per person per day.

5.79 The Statement states that decentralised energy is not feasible due to the distance from source(s). Exploration of other low carbon sources of heat and energy are not included in the statement, and no confirmation/justification is provided as to why these have been discounted/are not proposed.



- 5.80 However, in the current absence of further guidance on a clear approach in instances such as in this case, it is considered that a condition requiring additional evaluation of potential low carbon sources of heat and energy would not be reasonable.
- 5.81 Although the proposal would not fully comply with the aims and requirements of the NPPF and policy CS16 of the Local Plan, as more detailed guidance is not yet available, conditions relating to this matter are not recommended, and, on balance, it is considered that this would not warrant refusal of the application in this instance.
- 5.82 **DIGITAL INFRASTRUCTURE**  
MSGP8 states that 'The necessary physical infrastructure to enable access to information and digital communication networks will be integrated into all appropriate new developments.' The supporting text clarifies that all proposals for new dwellings and new business premises will be required to demonstrate that engagement has taken place with more than one digital infrastructure provider to explore how digital communication networks can be integrated into the development. The requirements of this policy will be satisfied by the submission of a statement (required either at application stage or through a planning condition) explaining the outcome of this engagement. As such, it is recommended that a relevant condition be imposed to satisfy this requirement.
- 5.83 **COMMUNITY INFRASTRUCTURE LEVY (CIL)**  
On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This proposal has been assessed against the Council's CIL charging schedule and the site is in residential CIL Zone B, which has a charge of £30 per sqm.
- 5.84 **OTHER MATTERS**  
The LPA would not require additional amenities or expansion of health care services as part of this particular planning application. It is noted that planning policy MSGP43 does acknowledge the need for a new health care facility for GPs in Birtley, and allocates land east of Durham Road in Birtley (north of Birtley Swimming Centre) as suitable for a new primary health care facility. It is also noted that planning permission has recently been granted for a single storey extension to the side of the medical centre to provide a further 5no. rooms at Birtley Medical Centre, (ref DC/21/00748/FUL) to allow an expansion of GP facilities at that Centre.
- 5.85 Additionally, reported poor build quality/workmanship is not a material planning matter that can be taken into account.

## **6.0 CONCLUSION**

- 6.1 Whilst there are site constraints such as challenging topography and level changes at plots that are not ideal, the proposal would add to the housing

stock in the borough, and overall is considered to be acceptable, subject to conditions.

- 6.2 Taking all the relevant issues into account, it is considered that the proposed development is acceptable in principle and in terms of housing policy, open space and play, highway safety and parking, design, residential amenity, drainage, ecology, trees, ground conditions, and digital infrastructure, and would comply with the aims and objectives of the NPPF, and the relevant policies of the Local Plan.
- 6.3 Due to the current publicity period expiring on 22 December 2021, it is therefore, recommended that Members be minded to grant planning permission, subject to the below conditions, at the expiry of the publicity period.

## 7.0 Recommendation:

Minded to GRANT planning permission, subject to planning conditions and subject to further representations and consultations that may be received before the current publicity/notification period ends (23 December 2021), and that the Service Director of Climate Change, Compliance, Planning and Transport be authorised to add, vary and amend the planning conditions as necessary:

1

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

QD1432-300-01 Location Plan (A3)  
PC0G013-1432-QUE-XX-XX-DR-A-31101-Planning layout REV F  
B3-CK-XX-XX-DR-C-9000 External Works Sheet 1 - Rev T2  
B3-CK-XX-XX-DR-C-9001 External Works Sheet 2 - Rev T2  
QD1432\_321\_01\_Render Site Sections (A0)  
QD1432\_330\_01\_Materials layout (A1)(1)  
QD1432-316-01 Roof Plan (A1)  
PC0G013-1432-QUE-XX-XX-DR-A-33201-Enclosure Layout  
PC0G013-1432-QUE-XX-XX-DR-A-33202-Enclosure Details

QD1432\_A\_01\_House Type A(S) REV\_A  
QD1432\_AF2\_01\_House Type AF2(S) REV\_A  
QD1432\_AF3\_01\_House Type AF3(S) REV\_A  
QD1432\_B1\_01\_House Type B1(S) REV\_A  
QD1432\_B2\_01\_House Type B2(S) REV\_A  
QD1432\_B3\_01\_House Type B3(S) REV\_A  
QD1432\_C2\_01\_House Type C2(S) REV\_A  
QD1432\_D1\_01\_House Type D1(S) REV\_A  
QD1432\_E3\_01\_House Type E3(S) REV\_A  
QD1432\_F1\_01\_House Type F1(S) REV\_A  
QD1432-339-01 Proposed Garages (A1) REV A

QD1432-338-01 Cycle Shed (A2)  
PC0G013-1432-QUE-XX-XX-DR-A-35501- Parking Strategy Plan (A1)  
REV A  
QD1432-01-1020-B - CYCL\_RUTE – 211110  
B3-CK-XX-XX-DR-C-S38 Section 38 Plan Rev T1  
0002180920-E-R0-140621-A1-Rev T1 ('Birtley Street Lighting')  
B3-CK-XX-XX-DR-C-2000 Surface Finishes & Kerb Arrangement Rev  
T1  
B3-CK-XX-XX-DR-C-3001 Public Carriageway Sections Rev T1  
B3-CK-XX-XX-DR-C-3005 Section 38 Public Construction Details  
Sheet 1 Rev T1  
B3-CK-XX-XX-DR-C-3006 Section 38 Public Construction Details  
Sheet 2 Rev T1

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

Notwithstanding the approved plans, no new external materials shall be used on site and no railings shall be installed on site until final details of these have been submitted to an approved in writing by the Local Planning Authority.

#### Reason

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

4

The details approved under condition 3 shall be implemented in full accordance with the approved details and retained as such for the lifetime of the development.

The final boundary treatment/enclosure details approved under condition 3 shall be implemented in accordance with the approved details before the respective dwelling(s) hereby approved are occupied and retained as such for the lifetime of the development.

All windows serving bathrooms, en-suites and WCs shall be glazed with obscure glass at a level three or greater (in accordance with the levels set by Pilkington). The obscure glazing shall be installed prior to occupation of the respective dwellings hereby approved and retained thereafter.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the street scene, and to ensure the proposal would provide an appropriate level of privacy for future occupiers, in accordance with the NPPF and policies CS14, CS15, MSGP17, and MSGP24 of the Local Plan.

5

All works associated with the development hereby permitted, including the use of any equipment on the site, shall be carried out only between 08:00 hours and 18:00 hours on Mondays to Saturdays and at no time on Sundays or Bank Holidays.

Reason

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

6

No development hereby approved shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The Plan shall provide for:

- (a) The parking of vehicles of site operatives and visitors
- (b) A Construction Traffic Management Plan which includes further details of the management of vehicles arriving at and leaving the site during demolition and construction;
- (c) Storage of plant and materials used in constructing the development
- (d) The erection and maintenance of security hoarding

(e) Wheel washing facilities

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

(g) Measures to control noise and vibration during demolition and construction

(h) A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the demolition and construction phases of the development, in accordance with the NPPF and policies CS13, CS14, MSGP15, MSGP17 and MSGP18 of the Local Plan.

Pre-commencement reason

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

7

The development hereby approved shall be implemented wholly in accordance with Construction Management Plan measures approved under condition 6 at all times during construction.

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the construction phase of the development, in accordance with the NPPF and policies CS13, CS14, MSGP15, MSGP17 and MSGP18 of the Local Plan.

8

No new hard landscaping shall be used on site until final details of the appearance of the hard landscaping on site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timescale for its implementation.

Reason

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

9

The hard landscaping details approved under condition 8 shall be implemented in accordance with the approved details, including the

approved timescale, 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 street scene or residential amenity in accordance with the NPPF and policies CS14, CS15, MSGP17 and MSGP24 of the Local Plan.

10

The approved bollard details shown on plans B3-CK-XX-XX-DR-C-3006 Section 38 Public Construction Details Sheet 2 Rev T1 and PC0G013-1432-QUE-XX-XX-DR-A-31101-Planning layout REV F shall be implemented in accordance with the approved details before the dwellings at plots 40 and 48 hereby approved are respectively occupied, and retained as such for the lifetime of the development.

Reason

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

11

No dwelling hereby approved shall be occupied until final details of the play area, including play facilities, timescales 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 the NPPF and policy MSGP40 of the Local Plan.

12

The play area approved under condition 11 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 the NPPF and policy MSGP40 of the Local Plan.

13

No dwelling hereby approved shall be occupied until details of a scheme demonstrating a minimum of 8 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 the NPPF and policy CS11 of the Local Plan.

14

At least 19 of dwellings hereby approved shall be constructed to meet the Building Regulation M4(2) Category 2: Accessible and Adaptable Dwellings standard or equivalent successor standards.

Reason

To ensure the proposal would provide appropriate range and choice of housing in accordance with the NPPF and policy MSGP10 of the Local Plan.

15

No dwelling hereby approved shall not be occupied until a statement explaining the outcome of engagement with more than one digital infrastructure provider to explore how digital communication networks can be integrated into the development has been submitted to and approved in writing by the Local Planning Authority.

Reason

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

16

Internal noise levels in habitable rooms at each dwelling shall meet the sound level values shown in Table 4 of the standard BS8233:2014 – Guidance for sound reduction and noise insulation in buildings.

Reason

To ensure appropriate living conditions for future occupiers in terms of noise, in accordance with the NPPF and policies MSGP17 and MSGP18 of the Local Plan.

17

The cycle storage details shown on plan QD1432-338-01 Cycle Shed (A2) shall be implemented in full accordance with the approved details before each respective dwelling is occupied, and retained and maintained as such for the lifetime of the development.

Reason

To ensure appropriate cycle parking provision on site, in accordance with policies CS13 and MSGP15 of the Local Plan, and the NPPF.

18

No dwelling 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 the NPPF and policies CS13 and MSGP15 of the Local Plan.

19

The scheme approved under condition 18 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 the NPPF and policies CS13 and MSGP15 of the Local Plan.

20

No dwelling hereby approved shall be occupied until final details of the cycle route signage and markings, including timescales for implementation, have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate indication and protection of the cycle route, in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

21

The details approved under condition 20 (inclusive of Traffic Regulation Order) shall be implemented in full accordance with the approved details and timescales and retained as such for the lifetime of the development.

Reason

To ensure appropriate indication and protection of the cycle route, in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

22

No dwelling hereby approved shall be occupied until a final detailed design for a traffic calming scheme and extended 20mph zone on Blackfell Way have been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety, in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.



23

The details approved under condition 22 shall be implemented in full accordance with the approved scheme prior to first occupation of the development.

Reason

In the interests of highway safety, in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

24

No dwelling hereby approved shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority:

- Upgrading of tactile paving crossing points at the junction to Blackfell Way
- 2.4m x 43m visibility splay at Blackfell Way junction including details of any necessary vegetation removal/cutting back to achieve and retain the visibility splay for the lifetime of the development.
- Removal of the unused bellmouth access on Blackfell Way and reinstatement as a continuous footway and verge

Reason

In the interests of highway safety, in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

25

The details approved under condition 24 shall be implemented in full accordance with the approved scheme prior to first occupation of the development.

Reason

In the interests of highway safety, in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

26

No dwelling hereby approved shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority:

- Final swept path testing (primarily relating to the driveways at plots 11, 48 and 49)
- A 2m x 2m visibility splay at all driveways (with nothing above 600mm within the visibility envelope)
- Final details of the new footpath at the south eastern part of the site
- Final details of the arrangement of the Visitor Parking laybys at the south eastern part of the site

Reason

In the interests of highway safety, in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

27

The details approved under condition 26 shall be implemented in full accordance with the approved scheme prior to first occupation of the development.

Reason

In the interests of highway safety, in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

28

All kerbing throughout the development shall have a face/upstand of 100mm, only reducing to near flush at driveways and pedestrian crossing points; The raised plateaus hereby approved shall be 100mm high, with 1:10 on/off ramps; and there shall be channel drains where any driveway falls towards a public footway or carriageway.

Reason

In the interests of highway safety, in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

29

No dwelling hereby approved shall be occupied until a Travel Plan for future occupiers has been submitted to the Local Planning Authority for consideration. The Travel Plan shall include:

- An assessment of the site, including the transport links to the site, on-site facilities, any transport issues and problems, barriers to non-car use and possible improvements to encourage walking, cycling and bus use.
- Appointment of a travel plan co-ordinator and identification of associated budget
- Clearly defined objectives, targets and indicators
- Details of proposed measures
- Detailed timetable for implementing measures
- Proposals for maintaining momentum and publicising success
- A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.
- Commitment to the use of the Council's preferred monitoring database (currently Jambusters)
- Two introductory travel tickets per dwelling equalling four weeks travel per ticket to be introduced to residents within their welcome packs

Reason

To ensure an appropriate long term management strategy to encourage sustainable travel at the site, in accordance with the NPPF and policies CS13, MSGP14 and MSGP15 of the Local Plan.

30

Within 24 months of the date of approval of condition 29, evidence of the implementation of the Travel Plan approved under condition 29 over a minimum period of 12 months, and any revisions, shall be submitted to the Local Planning Authority for consideration.

Reason

To ensure an appropriate long term management strategy to encourage sustainable travel at the site, in accordance with the NPPF and policies CS13, MSGP14 and MSGP15 of the Local Plan.

31

The Travel Plan and any revisions approved under conditions 29 and 30 shall be wholly implemented in accordance with the approved details for the lifetime of the development.

Reason

To ensure an appropriate long term management strategy to encourage sustainable travel at the site, in accordance with the NPPF and policies CS13, MSGP14 and MSGP15 of the Local Plan.

32

No works associated with the development (including site/vegetation clearance and soil stripping) shall commence on site until a Biodiversity Method Statement and Japanese Knotweed protocol has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Method Statement shall include full details of the measures to be implemented to avoid/minimise the risk of harm to biodiversity including statutorily protected and priority species and retained habitats during the site clearance and construction phase, and to provide suitable opportunities for biodiversity, including statutorily protected and priority species (i.e. roosting bats, breeding birds and hedgehog) on site post development. The Japanese Knotweed protocol shall include full details of the measures to be implemented to prevent the spread and eradicate Japanese Knotweed from the site.

Reason

To avoid, mitigate and compensate for the impacts of the development on biodiversity including statutorily protected and priority species and retained habitats/features within and/or immediately outwith the proposed development site, to provide enhanced opportunities for biodiversity, and to prevent the spread of invasive non-native species in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan.

33

The development hereby approved shall be implemented in full accordance with the biodiversity method statement approved under

condition 32 at all times during works on site associated with the development and until final completion.

Reason

To avoid, mitigate and compensate for the impacts of the development on biodiversity including statutorily protected and priority species and retained habitats/features within and/or immediately outwith the proposed development site, and to provide enhanced opportunities for biodiversity in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan.

34

Notwithstanding the submitted information, the development hereby approved shall not progress beyond the damp course layer until details of an offsite biodiversity net gain compensatory scheme, including the means of delivery, which delivers a measurable net gain for biodiversity, as demonstrated through application of the Defra Biodiversity Net Gain Metric 2.0, to be delivered on suitable land, and including timescales for delivery and measures for maintenance and monitoring protocols, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the development achieves measurable biodiversity net gain in accordance with the NPPF and policy MSGP37 of the Local Plan.

35

The biodiversity offset scheme approved under condition 34 shall be implemented in full accordance with the approved measures and timescales, and maintained thereafter for a minimum of 30 years.

Reason

To ensure the development achieves measurable biodiversity net gain in accordance with the NPPF and policy MSGP37 of the Local Plan.

36

Notwithstanding the submitted information, the development hereby approved shall not progress beyond the damp course layer until full details of the soft landscaping and areas of habitat creation listed in the onsite post enhancement section of the biodiversity net gain assessment/Defra metric 2.0, including timescales for implementation, have been submitted to and approved in writing by the local planning authority.

Reason

To ensure the development achieves measurable biodiversity net gain and improves the local and natural environment in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

37

The soft landscaping and habitat creation scheme approved under condition 36 shall be implemented in full accordance with the approved measures and timescales, and maintained thereafter for a minimum of 30 years.

Reason

To ensure the development achieves measurable biodiversity net gain and improves the local and natural environment in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

38

No dwelling hereby approved shall be occupied until a detailed management plan, annual maintenance programme, monitoring protocol and arrangements to address any defects/issues adversely impacting the value and function of the soft landscaping and/or habitats provided on site have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the development achieves measurable biodiversity net gain and improves the local and natural environment in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

39

The details approved under condition 38 shall be implemented in full accordance with the approved details at all times for the life of the development or a period of no less than 30 years.

Reason

To ensure the development achieves measurable biodiversity net gain and improves the local and natural environment in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

40

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 the submitted tree protection scheme (as detailed in GRP\_BirtleyIII\_AIA1.2) is implemented under the supervision of the applicant's Arboricultural Consultant. The approved protection scheme must be implemented in full and in the case of the protective fencing must be retained intact for the full duration of the development 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.

The approved tree protection plan shall be displayed at all times outside the site office or in a location visible to all contractors and site personnel. Once implemented the tree protection scheme shall be checked daily with a record of the daily checks being kept on file in the

site office. The record shall include the date, time and name of the person carrying out the checks together with any problems identified and action taken. If at any time tree protection is missing or deficient without the prior written approval of the Local Planning Authority being obtained, all construction operations shall cease until the protection is correctly in place. Details of this should also be recorded in the tree protection record file.

Reason

In order to maintain the health and visual amenity of the tree(s) concerned in the interests of the visual amenity of the area and in accordance with the NPPF and policies CS18 and MSGP36 of the Local Plan

Reason for pre-commencement condition

To ensure appropriate tree protection is in place before works that would pose a risk to retained trees commence.

41

No development hereby approved shall commence until the mitigation strategy (Section 6.5.2 of the Outline Remediation Strategy Report, April 2020: FWS Consultants Ltd) to address land instability arising from coal mining legacy have been implemented on site in full.

Reason

To ensure that the site is made safe and stable for the development proposed, in accordance with the NPPF and policies CS14 and MSGP20 of the Local Plan.

Reason for pre-commencement condition

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site.

42

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 CS14 and MSGP20 of the Local Plan.

Reason for prior to commencement condition

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that an appropriate remediation scheme suitable for the sensitive end use is identified and approved prior to commencement of the development, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, from the beginning of the works.

43

Where required, the remediation and monitoring measures approved under Condition 42 shall be implemented in accordance with the details and timescales approved and in full accordance with the approved details.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CS14 and MSGP20 of the Local Plan.

44

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 a Risk Assessment and, if required, remediation and monitoring measures have been and submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CS14 and MSGP20 of the Local Plan.

45

The remediation and monitoring measures approved under condition 44 shall be implemented in accordance with the approved details prior

to any further works (other than those required for remediation) and maintained for the life of the development.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CS14 and MSGP20 of the Local Plan.

46

Where remediation is required (under conditions 41-45), following completion of the approved remediation and monitoring measures, no dwelling hereby approved shall 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.

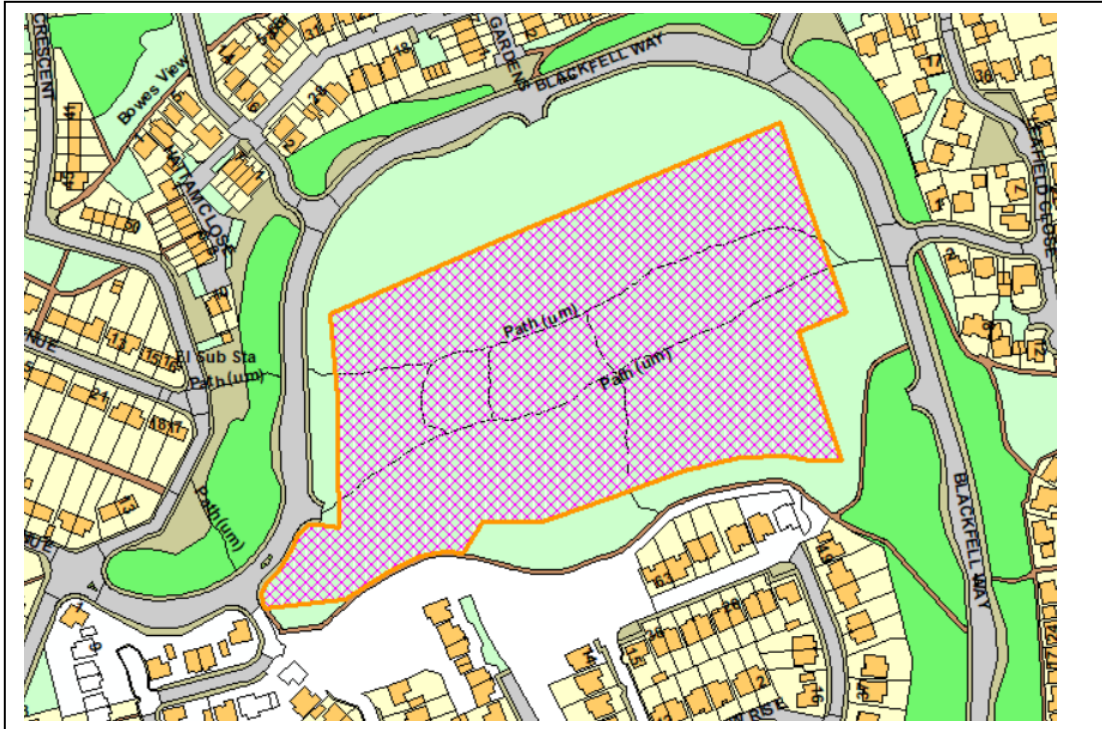
Where this is carried out in phases, no dwellings within the relevant phase shall be occupied until a verification report that demonstrates the effectiveness of the remediation carried out for that phase has been submitted to and approved in writing by the Local Planning Authority.

The Verification report(s) shall also include cross sectional diagrams of the foundations and details of the approved gas protection measures, details of integrity testing of gas membranes and any test certificates produced.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CS14 and MSGP20 of the Local Plan.





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