

Committee Report

Application No:	DC/20/00667/FUL
Case Officer	Joanne Munton
Date Application Valid	12 August 2020
Applicant	Adderstone Developments Limited
Site:	Anderson Green Low Fell Gateshead NE9 5BQ
Ward:	Low Fell
Proposal:	Erection of 16 x two bed apartments with ancillary parking and landscaping (amended 11.12.2020, 16.07.2021, 24.01.2022, 11.02.2022, 14.02.2022, 16.02.2022 and 24.02.2022 and additional information received 08.12.2020, 11.12.2020, 07.01.2021, 14.01.2021, 24.01.2022 and 11.02.2022)
Recommendation:	GRANT
Application Type	Full Application

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

The application site is within the grounds and setting of the Grade II Listed former Joicey Road School and forms part of the Saltwell Conservation Area. The site was formerly part of the grounds of the nearby Whinney House and makes up the locally listed Whinney House Gardens.

1.2 The application site is approximately half of the wider former School site and it is, primarily, in the south eastern part of the wider site. The wider site is accessed off Joicey Road via two vehicular entrances. One accesses a small car park to the front whilst the other provides access to the car park to the rear, the children's' nursery and the internal access road, which were implemented under permission DC/09/01018/FUL. Separate pedestrian accesses are also provided off Joicey Road as well as Durham Road. There are a large number of trees along the site's boundaries with Joicey Road and Durham Road as well as a wooded area on the southern part of the site. By virtue of their location in a Conservation Area and a Tree Preservation Order the trees on site are protected.

1.3 The eastern boundary of the site along Durham Road is made up of a belt of trees, railings and a stone wall/railings. From the rear of the railings the land slopes downwards so that the site is on a lower level to Durham Road. On the opposite side of Durham Road are residential properties. The screening effect from the belt of trees and its topography, means that the site is barely visible from Durham Road. The southern boundary of the site is made up of a

wooded area with no discernible boundary between the site and Whinney House and its associated buildings. The western side of the site slopes downwards to the western boundary of the site which borders allotments. The northern boundary of the site is defined by railings and faces Joicey Road. There are residential properties located on the north side of Joicey Road at Chesters Close and Chesters Park, as well as the more recent apartments, built on Ashfield Court; on the site of the former Springs Health Club.

- 1.4 The area specific to this application relates to the area to the rear of the school which was subject to the new build element of the 2009 application. However due to the introduction of the nursery onto the site and other amendments it is no longer possible to implement this element of the permission, although as highlighted the internal road which allows access to this part of the site is in situ.
- 1.5 The old school buildings comprising the main T-shaped building, an L-shaped external building along with three external pavilions and a former caretaker's house. There was a modern gymnasium but that has been demolished. There is also a new build children's nursery within the grounds granted planning permission in 2011 (DC/11/00692/FUL). Part of the site is also identified as forming part of the area's provision of urban green space.
- 1.6 **BACKGROUND**
In terms of history, construction began on the school in 1935 and it opened in 1937. Its purpose was as an open air school for "delicate" children. Classes were conducted in the open air (unless there was inclement weather) through the use of folding windows. The open air movement was founded in Switzerland in the late 19th century.
- 1.7 The site ran as Joicey Road School until 1997 when the buildings served as a temporary home for the Joseph Swan School and the Gladstone Terrace Youth and Community College. In 2003 the buildings were used as an annex to Gateshead College and vacated in 2005. Since 2005 the buildings were empty and had fallen into disrepair.
- 1.8 Following the granting of planning permission and Listed Building Consent the school has been converted into offices and business units (DC/09/01018/FUL and DC/09/01019/LBC) and the main school is now fully occupied as an established business park, known as Saltwell Business Park. Under the same planning application, permission was granted for new build business units in the grounds to the rear of the school but this element of the development has not commenced, and as referred to above, could not now be implemented
- 1.9 A further application has been granted to allow part of the old school to be used as a dance school and the retention of the caretaker's house as a private residence (DC/11/00342/FUL). Again these are both in operation.
- 1.10 **DESCRIPTION OF THE APPLICATION**

The application is for the erection of new residential units within the grounds of the school/business park, consisting of a three storey L-shaped block providing 16 flats with two bedrooms each.

1.11 There would be 6 apartments at ground floor level, 6 apartments at first floor level and 4 apartments at second floor level. Originally the application proposed 18 units, but the scheme has been amended to remove a unit at each gable end at second floor level, replacing these with external spaces split into private terraces and green roofs. These elements are proposed to be light weight structures extended from the main building to create a domestic 'pergola' effect, and the facade to this area is shown on plans to be screened with climbers on supporting trellis.

1.12 Juliet balconies are proposed at first floor level and external balconies at second floor level, in addition to the private terraces at each gable end. In response to level changes, there is part sunken ground floor proposed, which has been deepened to make it double aspect, with the introduction of a number of light wells ('Zen Gardens'), introduced to provide more natural light.

1.13 The proposed materials are as follows:

External walls: red multi bricks and dark grey metal cladding

Roof: dark grey standing seam roofing

Windows and doors: dark grey

1.14 The access would be from Joicey Road via the existing internal road within the site, which follows around the western, southern and eastern boundaries.

1.15 30 parking spaces are proposed for the site, including three disabled spaces. 10 of these spaces are proposed to be allocated to existing tenants of the wider site.

1.16 RELEVANT PLANNING HISTORY

DC/09/01016/CON - Demolition of former caretaker's house, gym and air raid shelter - Granted 17.11.2009

DC/09/01018/FUL - Conversion of vacant school buildings and erection of new buildings to create business space for creative industries (use class B1) (amended 22.10.09) - Granted 18.11.2009

DC/09/01019/LBC - Conversion of vacant school buildings and the erection of new buildings to create business space for creative industries (use class B1) (amended 22.10.09) - Consent Granted 18.11.2009

DC/10/00754/TPO - Tree works that consist of the removal of 1 holly T281, 1 sycamore T282, 1 ash T283, 1 cherry T303, 1 copper beech T300, in addition a small group identified as group 5 on the plan is proposed for removal this group on the plan consists of sycamore x 3 and 1 x holly. All of the works

were proposed in order to construct a new access to the site - Granted
20.09.2010

DC/11/00088/FUL - Erection of a single storey building to provide children's day nursery (use class D1) to rear of existing school building and creation of new access onto Joicey Road (amended 01/03/11 and 11/04/2011) - Granted
28.04.2011

DC/11/00342/FUL - Refurbishment of existing listed school buildings, change of use of main school buildings and 2 pavilions to office (use class B1), change of use of 1 pavilion to use class A1 or A3, extension of 3 pavilions, change of use of rest barn to dance studio (use class D2) with residential annex (use class C3), refurbishment and extension of existing caretaker's house and construction of new access road and associated car parking as amended by plans received between 04.07.2011 and 07.07.2011 (part retrospective application). (Amended description 08.07.2011) - Granted
08.07.2011

DC/11/00365/LBC - Refurbishment of existing listed school buildings (main school, rest barn and pavilions) and extensions to the 3 pavilions as amended by plans received between 04.07.2011 and 07.07.2011 (Amended description 08.07.2011) - Consent Granted 08.07.2011

DC/11/00692/FUL - Variation of condition 1 of planning permission
DC/11/00088/FUL to allow external alterations including the roof design (amended 04/08/11) - Granted 15.08.2011

DC/11/01437/COU - Change of use from Business Park to Children's Nursery - Granted 14.02.2012 [small amount of land]

DC/11/01456/FUL - Construction of 3 car parking spaces within the children's nursery site (amended 16.03.2012) - Granted 03.05.2012

DC/13/00596/FUL - Erection of new office accommodation in the grounds of Business Park (additional information received 29/11/13 and 07/04/2014) (amended 07.04.2014 and 07/04/2014) - Granted 14.05.2014

DC/17/00459/NMA - NON MATERIAL AMENDMENTS TO CONDITIONS: 7 (remediation), 8 (verification report), 12 (surface water drainage), 14 (materials) and 15 (glazing) of DC/13/00596/FUL to enable amendments to the timescale for compliance - Granted 12.05.2017

2.0 Consultation Responses:

Tyne And Wear Archaeology Officer	No work required
Tyne And Wear Fire And Rescue Service	No objection
Northumbria Water	Condition recommended

Coal Authority

No objection subject to conditions

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 An objection was received from Councillor Duggan raising concerns relating to the following:

- Impact on highway safety
- Loss of and impact on trees
- Impact on ecology
- Overshadowing and loss of outlook to the detriment of residential amenity
- Impact on character of the area and Conservation Area and Listed Buildings
- Impact of contaminated land/asbestos

3.3 57 objections were received from members of the public regarding the originally submitted scheme, raising concerns relating to the following:

- Increase in traffic and subsequent impact on highway safety, particularly in relation to the existing narrow and inadequately lit access road within the site, safety at the neighbouring children's nursery and for pedestrians and cyclists in general, the access onto Joicey Road, proximity to Saltwell Park and Crematorium and Joicey Road already being busy (including with larger vehicles)
- Loss of parking provision for the neighbouring units in the business park and impact on parking demand on nearby streets/roads
- The development should be sustainable and carbon neutral, and potential future occupiers need to be encouraged to travel more sustainably
- Electric vehicle charging and cycle parking should be provided, and double length parking spaces would impact on potential for EV charging provision
- Increased pollution from traffic, impact on air quality and carbon dioxide from removed/rotting/burned trees

- Safety concerns regarding footpath access through the site to the nursery, the footpath accessed via the gate from Durham Road on the eastern boundary should be maintained at all times during construction and after completion, and a safe access route should be provided during construction.
- Loss of trees and greenery and inadequate landscaping proposed, resulting in an impact on the character and appearance of the area and wildlife, particularly bats
- Loss of available green space
- Overdevelopment of the site, dominance of car parking and play space not provided
- Impact on character of the area and Conservation Area and Listed Building
- Impact on local and neighbouring businesses
- Increase in noise
- Loss of light and overshadowing at neighbouring premises
- Impact on residential amenity of potential future occupiers of the proposed development in terms of noise from the existing dance school and inappropriate living conditions for future occupiers
- The development would result in overlooking at the neighbouring children's nursery and dance school, which would raise safeguarding concerns
- Impact of noise, dust and heavy machinery associated with the construction would disturb and distress children at the neighbouring nursery, impact on health and safety and impact on neighbours' quality of life
- Existing issues with anti-social behaviour at the business park, and proposed development would worsen this
- Additional residential traffic passing neighbouring property would increase disturbance and affect privacy of occupiers
- More frequent damage to neighbouring property/boundary treatment
- Construction phase would affect access to the neighbouring nursery
- Impact on views from neighbouring properties

- Loss of property value
- Increase in rubbish and subsequent increase in rodents
- Exposure to disturbed asbestos from the site
- Application site not appropriate for residential development
- Units at a nearby residential development have not all been sold and there is not a need for the type of dwelling proposed in this application (ie. not family homes)
- No social housing compensation or affordable housing
- The development is not commonhold
- Nurseries in the area are already oversubscribed

3.4 2 letters of support were received commenting on the following:

- Opportunity to bring more people to the area to add much needed inward investment.
- Positive addition to recent developments in locality

3.5 2 representations neither in support nor in objection were received, making the following comments:

- Increase in traffic on Joicey Road
- Safety for pedestrians and cyclists
- Impact on trees and wildlife

3.6 Amended plans were submitted on 11 December 2020 and 19 objections were received, raising concerns regarding the following:

- Concerns not addressed
- Units at a nearby residential development have not all been sold and there is not a need for further apartments in the area
- No affordable homes
- Increase in traffic (and congestion) and subsequent impact on highway safety, particularly at the existing access road within the site, at Joicey Road and the vehicle access to Anderson Green, and increased pollution

- New access should be provided onto Durham Road, otherwise traffic should avoid peak drop off/pick up times for the nursery
- Construction works affecting access to site, parking on site and safety on site
- Increased parking demand
- New parking should be provided underground
- Loss of parking provision for wider site
- Inaccurate presentation of parking provision at nursery
- Inappropriate cycle parking proposed
- Grey standing seam roof and cladding inappropriate and modern design not in keeping with the Conservation Area and listed buildings on the wider site
- 'Zen Gardens' welcomed but could have been avoided through an alternative design showing a split level development
- Landscaping and design approach and quality could be much improved upon
- Loss of privacy (and safeguarding impacts) at neighbouring nursery and children will be affected by noise, dust, smell, overshadowing, traffic and loss of green space
- Loss of privacy
- Loss of light
- Noise and dust
- Loss of and impact on trees and habitats, and impact on Climate Change
- Loss of views
- Increased litter and subsequent rodent issues
- The development is not commonhold
- The building energy rating should be A.
- There is no mention of accessibility provisions and this should be M4
- Exposure to disturbed asbestos from the site

3.7 Further amended plans were submitted on 16 July 2021 and 12 objections were received, raising concerns regarding the following:

- Concerns still stand
- Units at a nearby residential development have not all been sold and there is not a need for further apartments in the area; site is a business park and residential use would not be appropriate
- Design not in keeping with the Conservation Area and listed buildings on the wider site, in particular the standing seam roof element
- Increase in traffic (and congestion) and subsequent impact on highway safety, particularly at the existing access road within the site, at Joicey Road and the vehicle access to Anderson Green, and pollution
- Displacement of parking spaces for existing users on site, and insufficient parking provision proposed
- There is no provision for car sharing
- Electric vehicle charging should be available for every unit
- There is no provision for underground car parking
- Cycle parking should be secure
- Need for Travel Plan
- Impact on safeguarding and loss of privacy at nursery and dance school; private terraces shown on amended plans could worsen this rather than improve, and planting at the green roofs should be maintained
- Impact on amenity at neighbouring business uses in terms of traffic, noise, dust, and vibration
- Loss of and damage to trees
- Insufficient information submitted in relation to impact on ecology
- There is no sustainability statement and energy source or rating
- All new developments in Gateshead should be freehold or commonhold
- Inaccurate Viability Assessment, as the developer already holds the land

- Exposure to disturbed asbestos from the site
- Increased rodent infestation due to storage of rubbish

3.8 1 Representation neither in support nor in objection was received, making the following comments:

- Query which parking spaces existing businesses would be allocated
- Impact of construction phase on deliveries and visitors associated with existing businesses on wider site
- Increase in traffic on access road
- Lack of maintenance of existing wider site and access road

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

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

MSGP1 Employment Land Supply

MSGP4 Loss of Employment Land

MSGP8 Digital Infrastructure

MSGP10 Accessible and Adaptable Dwellings

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP25 Conservation/Enhancement Heritage Assets

MSGP29 Flood Risk Management

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP40 Provide/Enhance Open Space/Sport/Rec

GPGSPD Gateshead Placemaking Guide SPG

5.0 Assessment of the Proposal:

- 5.1 The main planning issues in this case are considered to be the principle of development, design and heritage assets, highway safety and parking, residential amenity, ground conditions, drainage and flood risk, ecology, trees, and any other matters raised.
- 5.2 **PRINCIPLE**
The site is allocated for employment use (defined as B1 (now Class E(g)), B2 and B8) by local plan policy MSGP1. The evidence that informed employment site allocations (the Council's 2018 Employment Land Review) notes that planning permission was granted in 2014 for new office development on the site, and that it represents "an attractive edge-of centre location close to Low Fell District Centre, with good public transport links". On this basis, the site was considered suitable and available for class B use development. No objections to the site's allocation in MSGP were received during the plan's preparation or its examination.
- 5.3 However, the site is relatively modest in scale, with an estimated 0.66ha net developable area identified in MSGP1. In quantitative terms, the site does not make a significant contribution to the amount of employment land available in the Borough, and its loss would not result in a quantitative under-supply of employment land. The site is not situated within a defined employment area, and in this respect, development for non-employment use would not affect the character or function of other employment sites. The provisions of MSGP4, which relate to the loss of employment land in defined employment areas, would not be applicable to this site.
- 5.4 Therefore, it is considered that the principle of the use of the site for residential development rather than employment use would be acceptable.

5.5 HOUSING POLICY

Whilst the amended plan shows a reduction in the number of homes proposed, it will still have the potential to increase housing delivery, which is a positive factor.

5.6 Local Plan policy CS11 of the CSUCP requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms). Whilst this is a Borough-wide target, no part of the scheme would have three or more bedrooms. This area is considered to be a suitable location for family homes with three or more bedrooms, where they should be encouraged if the plan-wide target is to be achieved. The submitted Design and Access Statement states that the proposal would deliver family housing in the form of two-bedroomed apartments, and although the proposal would not fully comply with the policy requirement for delivery of homes with three bedrooms, which is not ideal, this would not be a refusal reason in itself.

5.7 Policy MSGP10 of MSGP requires that on housing developments of 15 or more dwellings, 25% will be constructed to meet M4(2) of the Building Regulations. This policy has been formulated taking into account viability. It is recommended that a condition be imposed requiring compliance with this policy requirement.

5.8 Policy CS11 requires 15% affordable homes on all developments of 15 or more dwellings subject to development viability. The application is accompanied by an Affordable Housing Statement which sets out that the provision of affordable housing is unviable and refers to a viability assessment that has been submitted. This has been assessed and officers are satisfied that the information submitted demonstrates that inclusion of affordable homes on site would make the development unviable.

5.9 Although the proposal would not provide family homes with three or more bedrooms or affordable homes, it would contribute to housing stock in the borough and the principle of residential use on site would be acceptable.

5.10 NATIONALLY DESCRIBED SPACE STANDARDS

Policy CS11 requires adequate space inside and outside the home to meet the needs of residents. Policy MSGP12 also sets out that new homes should be built in accordance with the Nationally Described Space Standards (NDSS). This policy has been formulated taking into account viability.

5.11 The applicant has submitted floor plans and details demonstrating compliance with the NDSS, and has confirmed that, due to the size of the bedrooms indicated as 'Bed 2' in flat types A, B and E, (which are illustratively shown on floor plans as accommodating double beds, but only actually meet the criteria for single bedrooms) that the development's type A, B and E units are 2B(bed) 3P(person) and the type C and D units are 2B4P. Given that split of accommodation across the units, the development complies with all the minimum requirements of the NDSS and therefore also with MSGP12 of the Local Plan.

5.12 However, a double and a single room in these flat types is acceptable

5.13 OPEN SPACE AND PLAY

The proposed site is within the Low Fell ward which is deficient in the provision of public open space, and of play facilities for children and young people when considered against the standards set out in policy MSGP40.

5.14 Accordingly, MSGP40 requires that at least the equivalent of 1.99ha of recreational public open space per 1,000 anticipated residents on sites of at least 0.05ha in size should be provided, along with the provision of play facilities to the equivalent of 0.07ha per 1,000 residents.

5.15 The proposed scheme incorporates a central communal garden, which would contribute towards open space for residents of this development. Additionally, whilst the areas of open space proposed within this development do not appear to accommodate children's play space, given the quantity of open space provision provided within this scheme, it should be feasible to accommodate an area of dedicated (albeit perhaps unequipped) play space within this development that would meet the requirements of MSGP40. As such, it is recommended that conditions be imposed requiring final details of dedicated play space to be submitted to the Local Planning Authority for consideration, and implementation of the approved scheme.

5.16 DESIGN/SETTING OF LISTED BUILDING/CONSERVATION AREA

The application site is within the grounds and setting of the Grade II Listed former Joicey Road School and forms part of the Saltwell Conservation Area. It also forms part of a larger green area that includes Saltwell Park and is within the locally listed Whinney House Gardens.

5.17 In addition to the above, there is Grade II Listed Whinney House Lodge and Grade II Listed Whinney House, both of which are visually separated from the proposed site by Whinney House Dene, and the stone boundary to Durham Road, which is within the conservation area and pre-dates the open-air school, instead relating to the former grounds of Whinney House, and is considered to be a non-designated heritage asset.

5.18 Paragraph 197 of the NPPF states:

In determining applications, local planning authorities should take account of:

(a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

(b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

(c) the desirability of new development making a positive contribution to local character and distinctiveness.

5.19 Paragraphs 199 and 200 of the NPPF continue:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

- 5.20 The National Design Guide builds on national policy and advises that well designed places should be based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design, integrated into their surroundings so they relate well to them, influenced by and influence their context positively, and responsive to local history, culture and heritage. (paragraph 39).
- 5.21 Local Plan policy CS15 of the CSUCP requires development to contribute to good place-making through the delivery of high quality and sustainable design by responding positively to local distinctiveness and character and creating safe and inclusive environments.
- 5.22 The reflection of the existing L shape barn of the proposed building helps to link it to the wider site and the location of the proposal within the existing perimeter road is also considered appropriate from a heritage perspective. Additionally, it is considered that the proposed residential use in principle would not cause harm to the significance of the identified heritage assets.
- 5.23 Amended plans received show a reduction in height of the proposed building and a reduction in units to allow for lightweight structures at each gable end at second floor level. The amended design also proposes a mansard roof with standing seam, and this would visually reduce the perception of the height of the building further and give the appearance a more horizontal emphasis.
- 5.24 The amended design is considered to be appropriate, and it is recommended that conditions be imposed requiring final details of the external materials and further details of the second floor metal frameworks for each end of the building (ie. materials, sections) to fully understand its final appearance and to ensure a visually lightweight nature with slim sections and greater voids to the structure in its design and construction.
- 5.25 Additionally, amended plans enable a reduction in the number of parking bays and amended arrangement of the external area that allows for an appropriate

balance of hardstanding and green space, which would not cause harm to relevant heritage assets.

- 5.26 Further, given the sensitive setting, it is recommended that a condition be imposed removing permitted development rights for boundary treatment, so the LPA would be able to fully consider proposals for new/different treatment in the future.
- 5.27 Through amendments, it is considered that the proposed scheme has improved its response to the historic environment sufficiently to mitigate any harm arising through the loss of setting. Subject to conditions, the proposal would comply with the aims and requirements of the NPPF and policies CS15, MSGP24 and MSGP25 of the Local Plan.
- 5.28 **PARKING/HIGHWAY SAFETY**
The applicant has submitted details of the predicted vehicle trip generation for the proposal, and whilst this is considered to be marginally on the low side, officers are confident that the uplift in trips arising from the development would have a low impact. The figures are also well below the threshold for considering highway improvement works to existing junctions on the road network. The impact on existing junctions and the local road network is therefore considered to be acceptable.
- 5.29 Additionally, in terms of parking provision, 30 spaces are proposed for the site, including three disabled spaces. 16 of these spaces are proposed to be allocated to residents of the new development with the remaining spaces for visitors and re-allocated to the existing tenants, as their existing spaces would be lost in order to facilitate this development.
- 5.30 Primary pedestrian access is achieved via Durham Road. Whilst ideally the short section of path (east of the existing 'dance school' turning head heading up onto Durham Road) should be altered so as to provide a reduced gradient, it is accepted that this is not feasible due to the limited embankment width and the inability to install a ramp without impacting on existing trees and planting. However, it is considered necessary to require handrails to be provided to both sides of this part of the path; these are shown on amended plans, and it is recommended that a condition be imposed requiring their installation before occupation of the flats.
- 5.31 Amended plans also show the footpath being continued west, beyond the turning head, along the edge of the open green space, and linking to the existing wider site beyond parking bay number 20. This arrangement is considered acceptable, and it is recommended that conditions include final details of measures for the maintenance of a footpath link through the site at all times (including during construction), and for the new footpath arrangement to be completed before the flats are occupied.
- 5.32 In respect of the main building, it is considered that the submitted amended arrangement for the pedestrian entrance to the north-eastern corner of the building, now including a build-out further east is acceptable, and it is

recommended that a condition be imposed requiring its installation/completion before occupation of the flats.

- 5.33 In terms of the width of the circulatory access road, the applicant has now submitted swept-path analysis drawings showing the movements of a large twin rear axle refuse waggon set against the opposing flow/movements of a typical private car. Although the cars will have to stop at certain 'passing places' around the site, officers are satisfied that in such circumstances the car driver will have a good view of any oncoming refuse waggon.
- 5.34 The exception to this may be at the bend to the rear of the nursery where, should a car meet a refuse waggon, it may be necessary for the car or refuse waggon to reverse to the nearest passing place. Whilst not ideal, speeds will be very low, vehicle movements will be very low and the road is not a through-route: the likelihood of this occurring will therefore be low and very infrequent.
- 5.35 Whilst having a car or refuse waggon reverse a short distance would not be ideal, it is not uncommon for refuse waggons to have to do this (or request a private car to reverse) on a day-to-day basis on many historically tight streets in the borough. It would not be reasonable to require significant widening of the bend due to the existing nursery building, adverse gradients, and adjacent protected trees. It is considered that, on balance, there is not such significant harm as to warrant a planning refusal on this occasion.
- 5.36 To ensure that indiscriminate parking does not occur on the circulatory access road and possibly restrict vehicular flows and/or compromise pedestrian movements, waiting restrictions and parking control measures would need to be implemented along the access road. It is recommended that conditions are imposed requiring a Car Park Management Plan (CPMP) to be submitted, and implementation of the approved scheme.
- 5.37 Officers are aware that the wider Anderson Green site has a CPMP to deter indiscriminate parking already. This should either be extended to cover the proposed development or, alternatively, a new standalone CPMP created. The former would be preferable to ensure continuity of measures across all parts of the site. The CPMP would need to include:
- The allocation of parking bays (private, visitor and for existing tenants)
 - Provision of flexible visitor parking
 - Measures for parking for existing tenants during the construction phase
 - Waiting restrictions and/or parking control measures to the access roads
- 5.38 Provision of birdsmouth fencing to deter off-road verge parking alongside the access road (or half-on/half-off, which may obstruct movements along the road) is also recommended to be required by condition.
- 5.39 Cycle storage is shown indicatively on proposed plans, and it is recommended that conditions be imposed requiring final details of individual, fully enclosed cycle stores for each property, and implementation of the approved scheme.

- 5.40 Conditions are also recommended to be imposed requiring details and implementation of street lighting within the development, which is key to pedestrian safety and promoting sustainable travel on foot, and also final details and implementation of provision of electric vehicle charging points.
- 5.41 Finally, a condition is also recommended to require the submission and implementation of an appropriate travel plan relating to the development.
- 5.42 Subject to conditions, it is considered that the proposal would not result in an unacceptable impact on highway safety, and would comply with the aims and requirements of the NPPF and policies CS13 and MSGP15 of the Local Plan.
- 5.43 **RESIDENTIAL AMENITY**
Policy CS14 of the CSUCP requires that the wellbeing and health of communities will be maintained and improved by [amongst others]:
- 1. Requiring development to contribute to creating an age friendly, healthy and equitable living environment through:*
 - i. Creating an inclusive built and natural environment,*
 - ii. Promoting and facilitating active and healthy lifestyles,*
 - iii. Preventing negative impacts on residential amenity and wider public safety from noise, ground instability, ground and water contamination, vibration and air quality,*
 - iv. Providing good access for all to health and social care facilities, and*
 - v. Promoting access for all to green spaces, sports facilities, play and recreation opportunities.*
- 5.44 It is understood that the wider site contains a mix of residential and commercial uses, although it is predominantly the latter. Given the distance from dwellings at 10 Telford Close and Joicey House and that there are commercial uses between these and the specific proposal site, it is considered that the proposed development would not result in noise, loss of light, loss of privacy, loss of outlook or have an overbearing impact that would result in an unacceptable impact on residential amenity at these neighbours.
- 5.45 It is also considered that the proposal would not have an unacceptable impact on the amenity of occupiers of commercial units on site, including the nursery, in relation to the material considerations within planning. In terms of the proposed private terraces shown on amended plans, these would be set back from the ends of the buildings and would be screened by the proposed planting at the green roofs. It is recommended that conditions be imposed requiring details of maintenance and management of the planting to ensure continuation of the screening as far as practicable.
- 5.46 Similarly, given the change in levels, screening from trees and distance from the site, it is considered that the proposed development would not result in an unacceptable impact on residential amenity for occupiers of dwellings to the south and east.

- 5.47 It is recommended that a condition be imposed restricting hours of construction, to ensure noise and disturbance from the construction phase would not result in an unacceptable impact on neighbouring occupiers. It is also recommended that a condition be imposed requiring a specific construction management plan to control noise and dust.
- 5.48 In terms of living conditions for future residents, it is considered that the proposal would provide adequate space for the day to day living needs of residents, sufficient light and privacy at dwellings.
- 5.49 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.
- 5.50 **DRAINAGE AND FLOOD RISK**
Whilst the site is in flood zone 1, it is also within a critical drainage area and the Team Valley catchment area. Paragraph 169 of the NPPF states that:

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

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

- 5.51 Updated drainage information has been submitted by the applicant, and whilst the proposed drainage scheme is considered appropriate in principle, it is recommended that conditions be imposed requiring the following:

- A CCTV camera survey of the existing drainage between the proposed development drainage and NWL chamber 6601, together with a scaled plan that identifies chamber invert and cover levels together with pipe sizes. This information is required to demonstrate that the existing private pipeline is in good working order and therefore suitable to service the proposed development.

- A report detailing the condition and confirming the construction of the existing no dig porous paving (shown in green hatching on drawing JCC20-134-C-GA-100-D, within Drainage Strategy), together with the results of infiltration testing to be undertaken at several locations along the route. Calculations to demonstrate whether there will be no run-off from this area under 1in100year+40% rainfall events should be provided. If there is reliance on the use of existing gullies to drain the access within the development site red line boundary, calculations demonstrating that the receiving system can

manage runoff from the access under 1in100year+40% rainfall in addition to any other existing flows contributing to the existing drainage system must be provided. For the avoidance of doubt, all runoff generated within the site red line boundary must be accounted for and managed in line with DEFRA's non-statutory technical standards for SuDS to the satisfaction of the LLFA.

- A detailed topographical survey for the route of drainage between proposed attenuation tank and existing chamber CW2 (shown on drawing JCC20-134-C-GA-100-D) and should include all ground level features so that the overland exceedance flow route can be clearly defined and to demonstrate that there is viable access both for construction of the proposed combined water pipeline and also for long term maintenance of this infrastructure.

- Cross sections in two orthogonal directions through the SuDS storage facilities (both the geo-cellular units and the permeable paving that are identified as providing storage within the hydraulic calculations provided in support of the application).

5.52 Northumbrian Water have also recommended that the Drainage Strategy be listed as an approved document.

5.53 Subject to conditions, 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.

5.54 ECOLOGY

The proposal site is located within 2km of several Local Wildlife Sites (LWS) including Saltwell Park Lake LWS located approx. 670m to north west. The site is also located partially within a designated Wildlife Corridor. Aerial photography indicates the site comprises area(s) of grassland, hardstandings, ornamental hedging/shrub planting, individual and groups of trees. Built development incorporating existing buildings and hardstanding is located immediately to the north and west of the site. Habitats within and immediately adjacent the site have the potential to support statutorily protected and priority/notable species, and the site is suitable habitat for Dingy Skipper butterfly.

5.55 Paragraph 174 of the NPPF states:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

(a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

(d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

5.56 Paragraph 180 of the NPPF also states:

When determining planning applications, local planning authorities should apply the following principles:

(a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

5.57 A Preliminary Ecology Appraisal and Bat Survey report and a Biodiversity Net Gain report have been submitted with the application. The Biodiversity Net Gain report does not account for the most recent amendments to the scheme. Whilst it is considered the proposed development is unlikely to have a significant adverse impact on designated nature conservation sites, the proposed development would result in a net-loss of biodiversity.

5.58 As above, a Viability Assessment has been submitted, this has been assessed and officers are satisfied that the information submitted demonstrates that a financial contribution towards Biodiversity Net Gains would make the development unviable.

5.59 However, it is recommended that conditions be imposed requiring the following:

- Final details of on-site habitat creation and enhancement of existing retained habitats/features
- Implementation ,management/maintenance and monitoring of on-site habitat creation and enhancement measures,
- Final details of a biodiversity method statement and implementation of approved scheme
- Final details of external lighting and implementation of approved scheme
- Final details of boundary treatment (birdsmouth fencing) between development and woodland area to south and east (as above also relating to Highway Safety).

5.60 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.

5.61 TREES

Trees on site are protected by TPO157 and are also benefit from protection by being within the Conservation Area. The application proposes the removal of one tree in the south east corner of the site on the inside bend of the road (T209) to facilitate the installation of parking spaces. The submitted tree survey refers to the beech tree as a moderate quality tree in fair condition, and new tree planting proposed further into the site.

- 5.62 Although the proposed removal of the moderate quality tree on the inside of the bend (T209) is not ideal, on balance, this is considered acceptable. It is also considered that the proposed parking spaces on the outside of the bend would likely result in increased pressure to remove trees in this location over time, which would not be ideal. However, it is acknowledged that this arrangement (the parking on the outside of the bend) was accepted in permission DC/13/00596/FUL, and tree protection measures are recommended to be secured by conditions.
- 5.63 Therefore, it is considered that on balance, the proposal would not have an unacceptable impact on trees that would warrant refusal of this application. The proposal would not conflict with the aims and requirements of the NPPF and policies CS18 and MSGP36 of the Local Plan.
- 5.64 **GROUND CONDITIONS**
The site has been assessed and inspected as part of the Council's Contaminated Land Strategy and is situated on potentially contaminated land based on previous historic use. It is possible that the development area will be affected by ground contamination, possibly through in any historic made ground deposits present, from imported fill materials and material used to construct a development platform for the site and buildings, and from materials e.g. asbestos used in former buildings.
- 5.65 A preliminary risk assessment has been submitted with the application and officers agree with the recommendations of the report as to the requirement for a Phase II site investigation to investigate potential contamination issues at the site. It is recommended that conditions be imposed requiring details of further site investigations, Phase II Risk Assessment and remediation measures where required, the implementation of approved remediation measures and the submission of a verification report(s) demonstrating their effectiveness.
- 5.66 A Coal Mining Risk Assessment has also submitted with the application. The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment that coal mining legacy potentially poses a risk to the proposed development and conditions are recommended requiring further site investigations and remediation measures where required, to be submitted for consideration, and implementation of approved remediation.
- 5.67 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.
- 5.68 **SUSTAINABILITY**
The site is not near a decentralised energy scheme or any planned scheme, the next option would be to install renewable energy solutions. In addition, in accordance with policy CS16 of the CSUCP, all development is required to use a good standard of building fabric, passive design and landscaping

measures to minimise demand and achieve a good level of sustainability, as required by national standards and also reduce its whole life CO2 emissions.

5.69 The applicant has submitted a sustainability statement, which refers to some building/materiality measures and this is considered appropriate.

5.70 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.

5.71 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is CIL chargeable development as it is for qualifying housing related. The site is within Residential CIL Zone B, which has a charge of £30 per sqm.

5.72 OTHER MATTERS

The ownership status (i.e. commonhold, leasehold etc) of proposed units, loss of property value, impact on views from neighbouring occupiers, and the subscription/capacity of local nurseries are not material planning considerations.

5.73 Planning cannot control adeptness of drivers using the road and whether damage would occur (outside of overall highway safety impact of the proposal), or the responsibilities of the landowner in terms of maintenance of the wider site.

5.74 Existing issues with anti-social behaviour at the business park are also not a planning matter, and in terms of a potential increase, overall, the proposal does not raise significant concerns relating to the perception of safety on site that could not be controlled by condition.

5.75 The proposal includes provision for waste management and it is considered that it would not result in an unacceptable increase in rubbish or rodents. Bin stores are shown on plans and it is recommended that final details are required by condition.

6.0 CONCLUSION

- 6.1 Whilst the proposal would not provide affordable homes or financial contributions for Biodiversity Net Gains, it 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.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Service Director of Climate Change, Compliance, Planning and Transport be authorised to add, vary and amend the planning conditions as necessary

1

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

ANDG-RYD-00-XX-DR-A-0002-S2-P6-Location Plan (received 11.12.2020)

ANDG-RYD-00-XX-DR-L-2100-S2-P15-Landscape Masterplan (received 11.02.2022)

ANDG-RYD-00-01-DR-A-9204-S2-P21-Proposed parking plan (received 11.02.2022)

ANDG-RYD-00-XX-DR-L-4801-S2-P1-Northern Entrance Call Out (received 14.02.2022)

ANDG-RYD-00-ZZ-DR-A-3601-S2-P12-GA Elevations - North and South (received 16.07.2021)

ANDG-RYD-00-ZZ-DR-A-3602-S2-P12-GA Elevations - East and West(received 16.07.2021)

ANDG-RYD-00-00-DR-A-3001-S2-P16-Proposed Level 00 Plan (received 24.02.2022)

ANDG-RYD-00-01-DR-A-3002-S2-P16-Proposed Level 01 Plan (received 24.02.2022)

ANDG-RYD-00-02-DR-A-3003-S2-P16-Proposed Level 02 Plan (received 24.02.2022)

ANDG-RYD-00-XX-SC-A-3012-S2-P2-Apartment Gross Internal Floor Areas (received 24.02.2022)

ANDG-RYD-00-XX-DR-A-3804-S2-P1-Long sections (received 14.01.2021)

ANDG-RYD-00-ZZ-DR-A-3801-S2-P11-GA Sections Sheet 1 of 2
(received 16.07.2021)

ANDG-RYD-00-ZZ-DR-A-3803-S2-P3-GA Sections Sheet 2 of 2
(received 16.07.2021)

ANDG-RYD-00-XX-DR-A-3805-S2-P3-Long sections (received
24.01.2022)

20-106-N Anderson Green, Low Fell, Gateshead Drawing TK18 Rev C
(1 OF 3) (received 16.02.2022)

20-106-N Anderson Green, Low Fell, Gateshead Drawing TK19 Rev C
(2 OF 3) (received 16.02.2022)

20-106-N Anderson Green, Low Fell, Gateshead Drawing TK20 Rev C
(3 OF 3) (received 16.02.2022)

865-06 Rootplate protection low impact surfacing detail (received
30.07.2020)

865-03 Tree Constraints Plan (received 30.07.2020)

865-02 Tree Survey Plan (received 30.07.2020)

865-04 Tree Impact and Protection Plan Rev A (received 30.07.2020)

865 Anderson Green Tree Survey (received 30.07.2020)

20182 BNG v2 (received 11.12.2020)

20182 PEA v2 (received 16.07.2021)

JCC20_134_C_02_02_Drainage Strategy (received 16.07.2021)

JCC20-134-C-GA-101-B-Proposed Timber Stake and Board Retaining
Wall to Avoid Tree Roots (received 16.07.2021)

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 or
metal frameworks at second floor level associated with the private

terraces and green roofs shall be used on site until final details and samples of these have been submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities of the area, and to ensure that the proposed development does not have an adverse effect upon heritage assets or the appearance of the street scene or residential amenity in accordance with the NPPF and policies CS14, CS15, MSGP17, MSGP24 and MSGP25 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.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon heritage assets or 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, MSGP24 and MSGP25 of the Local Plan.

5

All external works associated with the development hereby permitted, including the use of 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 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.

7

At least 4 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.

8

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 ensure the proposal would provide an appropriate level of privacy for future occupiers, in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan.

9

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 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 construction
- (h) A scheme for recycling/disposing of waste resulting from construction works.
- (i) Measures to maintain continuous pedestrian access east to west through the site during construction

(j) Measures to manage vehicle access, parking and deliveries for existing users of the site 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.

Pre-commencement reason

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

10

The development hereby approved shall be implemented wholly in accordance with Construction Management Plan measures approved under condition 9 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.

11

No dwelling hereby approved shall be occupied until a Car Park Management Plan, including the following measures, has been submitted to and approved in writing by the Local Planning Authority:

- The allocation of parking bays (private, visitor and for existing tenants)
- Provision of flexible visitor parking
- Waiting restrictions and/or parking control measures to the access roads
- Provision of birdsmouth fencing to deter off-road verge parking alongside the access road (or half-on/half-off, which may obstruct movements along the road),

Reason

To ensure appropriate car park management for occupiers, in accordance with policies CS13 and MSGP15 of the Local Plan, and the NPPF.

12

The management plan approved under condition 11 shall be implemented in full accordance with the approved details and timescales, and maintained as such thereafter

Reason

To ensure appropriate car park management for occupiers, in accordance with policies CS13 and MSGP15 of the Local Plan, and the NPPF.

13

No dwelling hereby approved shall be occupied until final details of the footpath running east to west (including the section joining to Durham Road to be widened), the build out to the east of the building and the handrails as shown on plan ANDG-RYD-00-XX-DR-L-2100-S2-P15-Landscape Masterplan, have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate pedestrian access on site, in accordance with policies CS13 and MSGP15 of the Local Plan, and the NPPF.

14

The details approved under condition 13 shall be implemented in full accordance with the approved details before the first dwelling is occupied, and retained and maintained as such for the lifetime of the development.

Reason

To ensure appropriate pedestrian access on site, in accordance with policies CS13 and MSGP15 of the Local Plan, and the NPPF.

15

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

Reason

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

16

The storage details approved under condition 15 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 and bin storage provision on site, in accordance with policies CS13 and MSGP15 of the Local Plan, and the NPPF.

17

No dwelling hereby approved shall be occupied until a scheme for lighting of the access road and parking areas has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate lighting for safe vehicle movements on site, in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

18

The scheme approved under condition 17 shall be implemented in accordance with the approved details before the first dwelling is occupied and the lighting shall be retained and maintained as such thereafter.

Reason

To ensure appropriate lighting for movements on site, in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

19

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.

20

The scheme approved under condition 19 shall be implemented in accordance with the approved details before the first 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.

21

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

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.

22

Within 24 months of the date of approval of condition 21, evidence of the implementation of the Travel Plan approved under condition 21 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.

23

The Travel Plan and any revisions approved under conditions 21 and 22 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.

24

No dwelling hereby approved shall be occupied until final details of the green roofs and trellis/vertical planting, including measures and timescales for maintenance and management have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate screening and maintenance at each gable end of the building, in accordance with the NPPF and policies CS14, CS15, MSGP17, MSGP24 and MSGP25 of the Local Plan.

25

The scheme approved under condition 24 shall be implemented in accordance with the approved details before the first dwelling is occupied shall be retained and maintained as such for the lifetime of the development.

Reason

To ensure appropriate screening and maintenance at each gable end of the building, in accordance with the NPPF and policies CS14, CS15, MSGP17, MSGP24 and MSGP25 of the Local Plan.

26

No dwelling hereby approved shall be occupied until final details of an appropriate play area space, 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.

27

The play area approved under condition 26 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.

28

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 865-04 Tree Impact and Protection Plan Rev A and 865 Anderson Green Tree Survey (received 30.07.2020)) 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.

29

No dwelling hereby approved shall be occupied and no breaking of ground in relation to road widening shall commence until final details of the road widening (including precise details of no-dig construction) and the retaining wall at western end have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate protection for trees and ecology during construction and in the future, in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

30

The details approved under condition 29 shall be implemented in full accordance with the approved details before the first dwelling is occupied, and retained and maintained as such thereafter.

Reason

To ensure appropriate protection for trees and ecology during construction and in the future, in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

31

No dwelling hereby approved shall be occupied until final details of the precise location and specification of boundary treatment (birdsmouth fencing) between development and wooded area to south and east have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate and clear boundaries between developed and undeveloped areas, and to provide appropriate protection for trees and

ecology, in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

32

The details approved under condition 31 shall be implemented in full accordance with the approved details before the first dwelling is occupied, and retained and maintained as such thereafter.

Reason

To ensure appropriate and clear boundaries between developed and undeveloped areas, and to provide appropriate protection for trees and ecology, in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

33

No new external lighting associated with the development hereby approved (including lighting for the access road) shall be installed until full details (including the number, specification, precise location, operation and lighting contour plan(s)) to be provided on site have been submitted to and approved in writing by the local planning authority.

Reason

To ensure light spill would not cause unacceptable harm to biodiversity and ecological connectivity in accordance with policies CS18 and MSGP37 of the Local Plan and the NPPF.

34

The lighting approved under condition 33 shall be installed, operated and maintained in strict accordance with the approved details at all times.

Reason

To ensure light spill would not cause unacceptable harm to biodiversity and ecological connectivity in accordance with policies CS18 and MSGP37 of the Local Plan and the NPPF.

35

No works associated with the development (including site/vegetation clearance and soil stripping) shall commence on site until a Biodiversity Method Statement 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.

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, in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan.

36

The development hereby approved shall be implemented in full accordance with the biodiversity method statement approved under condition 35 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.

37

Notwithstanding the submitted information, the development hereby approved shall not progress beyond the damp course layer until full details of the soft landscaping, areas of on site habitat creation and enhancement of existing retained habitats/features, including timescales for implementation, measures for management, maintenance and monitoring, 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.

38

The scheme approved under condition 37 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.

39

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.

40

The hard landscaping details approved under condition 39 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.

41

The development hereby approved shall not commence until the following details have been submitted to and approved in writing by the Local Planning Authority:

- A CCTV camera survey of the existing drainage between the proposed development drainage and NWL chamber 6601, together with a scaled plan that identifies chamber invert and cover levels together with pipe sizes.
- A report detailing the condition and confirming the construction of the existing no dig porous paving (shown in green hatching on drawing JCC20-134-C-GA-100-D, within Drainage Strategy), together with the results of infiltration testing to be undertaken at several locations along the route. Calculations to demonstrate whether there will be no run-off from this area under 1in100year+40% rainfall events should be provided. If there is reliance on the use of existing gullies to drain the access within the development site red line boundary, calculations demonstrating that the receiving system can manage runoff from the access under 1in100year+40% rainfall in addition to any other existing flows contributing to the existing drainage system must be provided. For the avoidance of doubt, all runoff generated within the site red line boundary must be accounted for and managed in line with DEFRA's non-statutory technical standards for SuDS to the satisfaction of the LLFA.
- A detailed topographical survey for the route of drainage between proposed attenuation tank and existing chamber CW2 (shown on drawing JCC20-134-C-GA-100-D) and should include all ground level

features so that the overland exceedance flow route can be clearly defined and to demonstrate that there is viable access both for construction of the proposed combined water pipeline and also for long term maintenance of this infrastructure.

- Cross sections in two orthogonal directions through the SuDS storage facilities (both the geo-cellular units and the permeable paving that are identified as providing storage within the hydraulic calculations provided in support of the application).

Reason

To prevent the increased risk of flooding from any sources and to ensure an appropriate drainage strategy in accordance with the NPPF and policies CS17, MSGP29 and MSGP30 of the Local Plan

Reason for pre-commencement condition

To ensure that an adequate and appropriate strategy can be provided on site before building works commence.

42

The development hereby approved shall be implemented in accordance with the details approved under condition 41 and the Drainage Strategy (JCC20_134_C_02_02_Drainage Strategy (received 16.07.2021)) at all times and retained and maintained as such for the lifetime of the development.

Reason

To prevent the increased risk of flooding from any sources and to ensure an appropriate drainage strategy in accordance with the NPPF and policies CS17, MSGP29 and MSGP30 of the Local Plan

43

The development hereby approved shall not commence until a report of intrusive site investigations in relation to coal mining legacy, and where required, measures and timescales for remediation, monitoring, and verification reports has been submitted to and approved in writing by the Local Planning Authority.

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.

44

The remediation and monitoring measures approved under condition 43 shall be implemented in full accordance with the approved timescales and the approved details.

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.

45

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.

46

Where required, the remediation and monitoring measures approved under Condition 45 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.

47

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.

48

The remediation and monitoring measures approved under condition 47 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.

49

Where remediation is required (under conditions 43-48) 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.

50

With the exception of the birdsmouth boundary treatment, the details of which are to be submitted under Condition 31 and subsequently implemented under Condition 32, and notwithstanding Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting, substituting, amending, extending, consolidating replacing or modifying that Order) no further walls, fences or gates shall be erected within the application site, except in the event that a further planning permission is expressly granted for that development.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon heritage assets or the appearance of the development in accordance with the NPPF and policies CS14, CS15, MSGP17, MSGP24 and MSGP25 of the Local Plan.



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