

Committee Report

Application No:	DC/21/01247/FUL
Case Officer	Joanne Munton
Date Application Valid	25 November 2021
Applicant Site:	Big Local Gateshead c/o Sharon Lake Land North Of Charlton Walk Gateshead
Ward:	Dunston And Teams
Proposal:	Construction of 16no. new residential dwellings, plus associated highways access and landscaping (revised application) (amended plans received 10.06.2022 and 08.09.2022 and amended and additional information received 05.08.2022 and 08.09.2022)
Recommendation:	GRANT
Application Type	Full Application

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

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

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

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

1.4 The site is not generally accessible to vehicles except for maintenance, from a stub end of a former access road at the northernmost part of Charlton Walk on the south-western boundary. This also forms the main pedestrian access to the site, with a network of paths running across the site area and out towards the footpath at the edge of the A184. A wide footpath strip runs the

length of the eastern boundary to give maintenance access to the railway cutting, which kicks out west at the southern end to connect to Charlton Walk adjacent to an existing substation.

- 1.5 The site is predominantly laid to amenity grassland with some areas of tarmac hard standing and there are a number of mounded landscape forms on the site.
- 1.6 **DESCRIPTION OF APPLICATION**
The application proposes the redevelopment of the site to provide 16 dwellings, a mix comprising:
- 2no. bungalows with 2 bedrooms (3 person)
 - 8no. 2 storey houses with 2 bedrooms (4 person)
 - 6no. 2 storey houses with 3 bedrooms (5 person)
- 1.7 The submission confirms that all dwellings are proposed to be affordable.
- 1.8 This application is a revision of the scheme approved under permission DC/20/00373/FUL for 16 units. The main changes include the mix of house types and layout. The previously approved dwellings were:
- 2no. bungalows with 2 bedrooms
 - 7no. houses with 2 bedrooms
 - 7no. houses with 3 bedrooms
- 1.9 Additionally, the layout shows a change in arrangement of the units 6-13/14, whereby previously these were shown to be 4 sets of semi detached dwellings (with unit 14 joining with units 15 and 16 to form part of a block of 3 dwellings further north), and are now shown on revised plans in this application to be 3 sets of 3 dwellings, and units 15 and 16 to be semi detached further north.
- 1.10 North of these, plans indicatively show 2 further semi detached dwellings with 3 bedrooms (units 17 and 18). Whilst indicatively shown on plans, units 17 and 18 are not part of this planning application, and are subject to a wholly separate planning application DC/21/01268/FUL, which includes a red line boundary including land for the proposed access road to the public highway at Charlton Walk.
- 1.11 The existing site entrance to the south west would be retained and upgraded as required, and most of the proposed dwellings would be on the eastern side of the access road, facing west, with three houses at the south facing onto Charlton Walk. Both the substation and the railway access strip would be retained, and pedestrian routes re-provided.
- 1.12 There would be a shared secure residents' garden and play space to the east with direct connection to the private rear gardens, with some existing mounding incorporated where possible.

1.13 The proposed materials are as follows:

Red facing brick (Ibstock Glenallen), with soldier course heads and brick on edge sill details to windows
Marley Modern Smooth Grey roof tiles
White UPVC windows
Feature panels of timber effect fibre cement cladding

1.14 RELEVANT PLANNING HISTORY

DC/20/00373/FUL - Construction of 16 new residential dwellings with associated highways access and landscaping (amended plans and additional information received 29.05.2020, 21.09.2020, 22.09.2020, 20.10.20 and 22.10.20) - Granted 18.11.2020

DC/21/01268/FUL - Construction of 2no. new residential dwellings, plus associated parking and landscaping, in connection with a separate application for 16no. units on the adjoining land (amended plans received 10.06.2022 and 08.09.2022, and amended and additional information received 05.08.2022 and 08.09.2022) - Pending

2.0 Consultation Responses:

Tyne And Wear Archaeology Officer	No work required
Northumbrian Water	Condition recommended
Coal Authority	No objection
Northern Powergrid	No objection
Northern Gas Networks	No objection
Tyne And Wear Fire And Rescue Service	No objection
Sport England	No objection

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 No representations were received.

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

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

MSGP29 Flood Risk Management

MSGP30 Water Quality/River Environments

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 key considerations to be taken into account when assessing this planning application are: housing policy, visual and residential amenity, highway safety and parking, ground conditions, flood risk, open space and play provision, trees and ecology.
- 5.2 **HOUSING POLICY**
The latest results of the Housing Delivery Test (HDT) show that 87% of homes required are being delivered in the Borough. The proposed development would provide additional dwellings in the borough, which would be a positive factor.
- 5.3 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 at least 4 out of a total of 16 homes would need to meet this standard, and it is recommended that a condition be imposed requiring this.
- 5.4 Policy CS11 requires adequate space inside and outside the home to meet the needs of residents and policy MSGP12 sets out that new homes should be built in accordance with the Nationally Described Space Standards (NDSS). The applicant has confirmed in the application that all dwellings proposed would comply with the NDSS.
- 5.5 Policy CS11 also requires that a minimum of 60% of new private housing across the plan area is suitable and attractive for families (i.e. homes with three or more bedrooms). As the development is for affordable rented housing and not private housing this policy would not apply.
- 5.6 In any event, the proposal would provide six dwellings with three bedrooms (37.5%), and paragraph 10.17 of the CSUCP (linked to policy CS11) sets out that as recommended by the Strategic Housing Market Assessment (SHMA), the delivery of new social sector housing should also be closely linked to the needs of older tenants and smaller households. Two of the units proposed would be bungalows, and it is considered that the proposal would provide an appropriate range of housing choice.
- 5.7 Policy CS11 requires 15% affordable homes on all developments of 15 or more dwellings subject to development viability. An affordable housing statement has been submitted with the application, which sets out that all dwellings are to be affordable rent. Therefore, the proposal would meet and exceed the requirements of CS11.
- 5.8 Based on the proposed number of dwellings, three dwellings would be required to be affordable homes. The application site is currently within Council ownership and therefore a s106 legal agreement at this stage is not possible. To secure the policy requirement for affordable homes it is recommended that a condition be imposed requiring final details be submitted to the LPA confirming this would be provided.

5.9 Further, in relation to the mix of affordable homes on site, National Planning Guidance states that First Homes should account for at least 25% of all affordable housing units delivered by developers through planning obligations. First Homes are defined as homes for first-time buyers at a discount of a minimum of 30% (subject to criteria). This application proposes 100% affordable homes, and, whilst the local policy requirement can only secure 15% affordable homes in any event, the proposed units in this case would all be affordable rent, and therefore would not comply with the national requirement to include 25% of affordable homes to be First Homes. However, it is recognised that the development is proposed by a single registered provider and proposes 100% affordable homes on site, and it is considered that, on balance, the lack of compliance with national requirements for First Homes is outweighed in this case.

5.10 OPEN SPACE AND PLAY PROVISION

There is an extant planning permission for the site (DC/20/00373/FUL) and the principle of the loss of the area of open space has already been established as being acceptable on open space grounds.

5.11 Within the Dunston and Teams ward there is a sufficient supply of open space based on the recommended minimum standard for provision as required by MSGP40.1a. In terms of accessibility there are other public open space sites within the maximum distance standards. Therefore, there is no minimum policy requirement for this development to provide public open space.

5.12 In terms of play space, within the ward there is a sufficient supply of play space, with provision of an alternative play space within the maximum distance standards. As such there is no policy requirement to provide an area of play in accordance with MSGP40.1b.

5.13 That said, submitted plans show an area of shared semi-private garden space for residents at the eastern part of the site, and this is welcomed.

5.14 HIGHWAY SAFETY AND PARKING

The proposal would provide adequate parking provision for residents and visitors, and safe access for pedestrians within and crossing through the site. It is also considered that the proposal would not result in such a significant amount of additional traffic that would result in an unacceptable impact on highway safety. Submitted plans show highway provision with the intention that this would be adopted (including a raised plateau for traffic calming and pedestrian crossing points).

5.15 It is recommended that conditions are imposed requiring the following to be submitted to the LPA, and implementation of the approved details:

- A detailed highways design, including for the extension of the 20mph zone into the new cul-de-sac; any necessary upgrade work deemed necessary on the existing carriageway of Charlton Walk (between Derwentwater Road and the development access), inclusive of all signs, lines and any new traffic calming devices; dropped kerbs across the new access; any signs, lines or

features deemed necessary to protect the existing cycle route along Charlton Walk; any amendment deemed necessary to the existing 20mph Traffic Regulation Order (TRO) and/or a new TRO

- Details of all areas of public highway to be stopped-up or improved
- A street lighting scheme to adoptable standards (showing relocation of the existing lighting column on Charlton Walk and a new street lighting scheme for the development, including the specifications and locations of the street lights.)
- A scheme for the provision of electric vehicle charging infrastructure
- Final details of secure and weatherproof cycle parking provision for each dwelling

5.16 Additionally, it is noted that the proposed retaining walls opposite plot 13, each with a height/drop of 0.5m, would be very close to one another, thus an overall drop or potential fall away from the relevant VP bay of 1.0m effectively would remain. A safety audit has been carried by the applicant at this stage, as potential results may have implications for the proposed layout. The audit recommends the installation of a pedestrian barrier on the retaining wall nearest the VP bay (proposed adopted highway). Whilst acceptability of this arrangement is assessed outside of planning in terms of adoptions, the proposed layout plan shows 1.1m high metal railing around the VP bay, and it is considered that sufficient information has been submitted with the application to allow officers to fully consider the proposal from a planning perspective.

5.17 Subject to conditions it is considered that the proposal would not have an unacceptable impact on highway safety and parking, and would comply with the aims and requirements of the NPPF and policies CS13 and MSGP15 of the Local Plan.

5.18 DESIGN

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

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

5.20 The proposal would comply with the aims and requirements of the NPPF and policies CS15 and MSGP24 of the Local Plan.

5.21 TREES

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

- 5.22 Tree group G3 is proposed to be removed as part of the proposal, and some of this group is also within the red line boundary of separate application DC/21/01268/FUL for two dwellings at the northern part of the site. It does not appear that significant gaps would be formed in the screening provided by the remaining trees in the G3 location.
- 5.23 In terms of the proposed loss of individual trees, in particular, the loss of T9 and T15 are not ideal, especially as T9 is a good specimen and visible within the street scene. However, their removal would enable the development in terms of the requirements for drainage infrastructure at T15, and officers have worked with the applicant to achieve appropriate parking/driveways on site, which would unfortunately impact on T9. These trees were approved to be removed under extant permission DC/20/00373/FUL.
- 5.24 A revision on submitted plans for this current application is the retention of more of the group G1 and the proposed removal of T16 instead, as a result of amendments to the location/extent of the underground attenuation tank for drainage. Whilst this is positive in terms of retention of planting at G1 providing relief from the A84, the removal of T16 is also not ideal.
- 5.25 However, to address these matters, it is recommended that conditions be imposed requiring a replacement landscaping scheme to be submitted to the Local Planning Authority for consideration (particularly in relation to the loss of trees at T9, T15 and T16) and implementation and maintenance of the approved scheme.
- 5.26 Additionally, it is recommended that conditions be imposed requiring the submission of a Tree Protection Scheme and Arboricultural Method Statement to the LPA and implementation of the approved details. The recommended conditions would ensure the loss of trees are mitigated and the retained trees can be successfully protected during the construction phase.
- 5.27 Therefore, it is considered that the proposal would be acceptable in terms of the impact on trees and would comply with the aims and requirements of the NPPF and policies CS18 and MSGP36 of the Local Plan.
- 5.28 **RESIDENTIAL AMENITY**
The proposal would provide appropriate distances from existing neighbouring dwellings, and it is considered that it would not result in an unacceptable loss of privacy, loss of light, loss of outlook or overbearing impact at neighbouring residential properties. It is recommended that conditions be imposed limiting construction hours to minimise disturbance to neighbours and requiring submission of a Construction Management Plan to the LPA for consideration, and implementation of the approved scheme.

- 5.29 In terms of potential future occupiers, it is considered that the proposal would provide adequate internal and external space and living conditions. Regarding level changes on the site, there would be a 1.43m retaining wall between land at plots for units 5 and 6, and 0.9m retaining walls between units 7 and 8 and between 9 and 10. These changes are considered acceptable, and particularly in relation to units 5 and 6, these would not be attached and would be at an angle to each other. There would also be a 1.43-1.88m retaining wall to the south east and east of unit 1 (with the dwelling plot being at a lower level). Plans show a 1.1m high metal railing along this boundary, and it is considered that this level change would not result in an unacceptable impact on living conditions at unit 1.
- 5.30 Additionally, given the location of the site between a busy road and a railway line, a noise and vibration assessment has been provided with the application, which recommends that mitigation to reduce noise impact from the road and rail network should take the form of acoustic glazing/ventilation, roof/ceiling mitigation and a 2.5m high acoustic fencing. Submitted plans show 2.5m fencing would be along the eastern boundary of the site with the railway land, 1.8m fencing between gardens, 2.5m high acoustic fencing on side boundaries at 'bookends' of a run of houses, and close boarded fence with trellis top (to a height of 1.8m) at the ends of gardens, with the exception of units 15 and 16, which would have the 2.5m high eastern boundary acoustic fence at the ends of gardens.
- 5.31 Officers agree with the recommendations of the report in terms of noise mitigation and it is considered that the proposed boundary treatment arrangement would be appropriate, striking a balance between noise mitigation and outlook for occupiers. It is recommended that a condition be imposed requiring compliance with the mitigation measures.
- 5.32 Officers also agree that vibration would not result in such an impact on future residents to warrant mitigation measures being required by condition.
- 5.33 Therefore, subject to conditions, the proposal would comply with the aims and requirements of the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan.
- 5.34 **GROUND CONDITIONS**
The site is partially within a Coal Authority defined High Risk Area. The Coal Authority records indicate that a coal outcrop crosses through the application site which may have been subjected to unrecorded coal mining at shallow depth.
- 5.35 A Ground Investigations Report has been submitted and the investigations identified workings beneath the application site and did not encounter sufficient rock cover above these workings. Therefore, the report recommends that a scheme of remedial measures (drilling and grouting) should be undertaken to consolidate these mine workings. However, the part of the site where the housing is proposed lies outside of the defined High Risk Area and

as such, the Coal Authority do not consider themselves in a position to insist on the imposition of relevant conditions requiring remedial works to take place.

- 5.36 That said, policy CS14 requires development to prevent negative impacts on residential amenity and wider public safety from ground instability and policy MSGP20 requires developers to show that the land is suitable for the proposed use or can be made so through remediation. Given this policy requirement and that site investigations have identified that remedial works are required to ensure the safety and stability of the development as a whole, it is recommended that a condition be imposed requiring the measures in the submitted report relating to land stability be implemented on site.
- 5.37 In terms of potential land contamination, the site has been assessed and inspected as part of the Council's Contaminated Land Strategy and is situated on potentially contaminated land based on previous historic use. Officers agree with the recommendations of the submitted detail, and it is recommended that conditions be imposed requiring final details of remediation measures, the implementation of approved remediation measures and the submission of a verification report(s) demonstrating their effectiveness.
- 5.38 Subject to conditions, the proposal would comply with the aims and requirements of the NPPF and policies CS14 and MSGP20 of the Local Plan.
- 5.39 **DRAINAGE AND FLOOD RISK**
The application is supported by a Flood Risk Assessment (FRA) and a Drainage Strategy. This proposes SuDS in the form of permeable paving and geocellular attenuation at the western part of the site. This overall approach is considered to be acceptable.
- 5.40 Amended details submitted show updated routing of foul water drainage and all private areas to have permeable pavement construction. No further information has been provided to demonstrate how runoff from all areas would receive an appropriate level of treatment in line with the relevant approach, and it is recommended that conditions be imposed requiring final details of the drainage scheme to be submitted to the LPA for consideration, and implementation of the approved scheme.
- 5.41 Northumbrian Water have confirmed no objection to the proposal subject to the requirement that the drainage scheme ensures foul flows discharge to the foul sewer at manhole 4309 and that surface water discharges to the surface water sewer at manhole 4310, and that the surface water discharge rate would not exceed the available capacity of 2.6 l/sec. It is recommended that these requirements be included in the recommended condition above.
- 5.42 Similarly, no further information has been provided to adequately confirm how runoff would be managed during construction, and it is recommended that conditions be imposed requiring submission of construction stage drainage management details to the LPA for consideration, and implementation of the

approved scheme (recommended to be included in the condition requiring a wider Construction Management Plan).

- 5.43 Further, it is recommended that conditions be imposed requiring a Drainage Maintenance Plan, demonstrating how the drainage systems on site would be managed and maintained for the lifetime of the development, be submitted to the LPA for consideration, and implementation of the approved scheme.
- 5.44 Subject to conditions the proposal would comply with the aims and requirements of the NPPF and policies CS17, MSGP29 and MSGP30 of the Local Plan.
- 5.45 **ECOLOGY**
The site is not located in or within close proximity of a designated nature conservation site or wildlife corridor, and no adverse impacts are predicted on any such features. Habitats within the site are generally of low ecological value comprising areas of amenity grassland, hardstanding, immature broadleaved plantation woodland and amenity tree and shrub planting. The site provides some limited opportunities for nesting/foraging birds, foraging and commuting bats and small mammals, including hedgehog.
- 5.46 The submitted Defra metric v3.0 calculates the baseline value of the site to be 3.58 habitat units. The proposed layout seeks to retain the majority of the existing woodland on site, and the development is considered to follow the mitigation hierarchy. The proposals include the creation of new habitats on site and the enhancement of retained habitats. Collectively these measures are anticipated to deliver a Biodiversity Net Gain (BNG) of 0.43 habitat units (12.01% gain) and a net gain of 0.44 hedgerow units (+ 100%).
- 5.47 However, the submitted metric v3.0 is not based on the most recent post development plan where changes have been made to the areas proposed to be Public Amenity Grass and Species-Rich Wildflower grassland, notably at the south of the site. The submitted plans also shows an area of grassland at the south-east of the site as 'Shared semi-private residents garden' which, in terms of proposed general usage, is likely to affect the potential to provide the biodiversity net gain set out in the assessment.
- 5.48 Therefore, this would need to be addressed either through an updated BNG Assessment including the shared garden to be categorised as 'vegetated garden' in the metric and BNG uplift provided elsewhere on site, or through a clear demonstration that the issue would adequately addressed within both an Ecological and Landscape Design Strategy Ecological and Landscape Management, Maintenance and Monitoring Plan, confirming that it would be realistic and feasible to maintain the areas as amenity/wildflower grassland for the life of the development (min. 30 years) and how this will be achieved.
- 5.49 It is recommended that conditions be imposed requiring submission the above details, and also requiring submission of a Biodiversity Method Statement, to the LPA for consideration, and implementation of the approved schemes/details.

5.50 Subject to condition, the proposal would comply with the aims and requirements of the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

5.51 SUSTAINABILITY

The site is not near a decentralised energy scheme or any planned scheme, and the next option would be to install renewable energy solutions. In addition, in accordance with policy CS16 of the CSUCP, all development is required to use a good standard of building fabric, passive design and landscaping measures to minimise demand and achieve a good level of sustainability, as required by national standards and also reduce its whole life CO2 emissions.

5.52 The applicant has confirmed that the development would be constructed to current building regulations using a "fabric first" approach where they will aim to better wherever possible, giving low running costs. It is considered that this approach is acceptable given the scale of the development.

5.53 PROXIMITY TO RAILWAY

The site is immediately west of a railway line and it is recommended that conditions be imposed requiring the following:

- Method statement relating to any temporary works compounds that would be located adjacent to the operational railway (where relevant)
- Full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence
- Method statements relating to the method of construction, risk assessment in relation to the railway and construction traffic management plan, where excavations/piling/buildings would be located within 10m of the railway boundary
- Method statement and details of use of machinery, where vibro-compaction machinery is to be used in development

5.54 It is also recommended that informatives be attached to the permission advising the applicant of other general Network Rail requirements.

5.55 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.

5.56 COMMUNITY INFRASTRUCTURE LEVY

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

6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account, it is considered that the proposed development is acceptable in principle and, subject to relevant conditions, in terms of visual and residential amenity, highway safety and parking, ground conditions, flood risk, trees and ecology and the provision of affordable housing would comply with the aims and objectives of the NPPF, and the relevant policies of the UDP and the CSUCP.
- 6.2 Therefore, it is recommended that planning permission be granted, subject to the below conditions.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the 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 -

4003-10-100 rev P5 Site Location Plan
4003-10-102 revP14 Proposed Site Block Plan16 Units
4003-10-101 revP17 Proposed Site Plan16 Units
4003-20-01 revP4 House Type A
House Type B 4003-20-02-P4
House Type C 4003-20-03-P4
003-01 -J- External Works
4003-10-103 revP2 Noise and Ecology 16 Units

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

The dwellings hereby approved shall not be occupied until final details of the appearance and siting of boundary treatments have been submitted to and approved in writing by the Local Planning Authority.

Reason

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

4

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

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

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

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

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the 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 MSGP25 of the Local Plan

5

All external works and ancillary operations in connection with the construction of the development, including deliveries to the site, shall

be carried out only between 0800 hours and 1800 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

To safeguard the amenities of nearby residents and in accordance with 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 construction;
- (c) Storage of plant and materials to be 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 control surface water run-off, to ensure there is no off-site flooding during construction

Reason

In order to avoid nuisance to the occupiers of adjacent properties during construction of the development, in accordance with the NPPF and policies CS13, CS14, CS17, MSGP15, MSGP17, MSGP18, MSGP29 and MSGP30 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.

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, CS17, MSGP15, MSGP17, MSGP18, MSGP29 and MSGP30 of the Local Plan.

8

The development hereby approved shall be implemented in accordance with the noise mitigation measures as detailed in section 4 of the 'Residential Noise and Vibration Assessment' by Nova Acoustics dated 30.08.2022 (project no. 7359SR - Rev A), and with boundary treatment types as shown on plan 4003-10-101 revP17. No dwelling shall be occupied until the respective measures relating to that unit have been fully implemented and post-construction noise testing has demonstrated that the relevant internal noise levels have been achieved. Thereafter, the measures shall be maintained in accordance with the approved details for the lifetime of the development.

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

Reason

To safeguard the amenities of future occupiers in accordance with the NPPF and policies CS14, MSGP15, MSGP17 and MSGP18 of the Local Plan.

9

The details of the mechanism for securing and delivering the affordable housing provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, this provision will be implemented prior to the occupation of any of the dwellings approved.

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.

10

No dwelling hereby approved shall be occupied until a plan clearly identifying at least 4 dwellings that are to be constructed to meet the Building Regulation M4(2) Category 2: Accessible and Adaptable Dwellings standard or equivalent successor standards has been submitted to and approved in writing by the Local Planning Authority.

The identified dwellings shall be constructed as such and retained and maintained as such for the lifetime of the development.

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.

11

No dwelling hereby approved shall 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.

12

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

Reason

To ensure the retained trees can be successfully protected during the construction phase in accordance with the NPPF and policies CS18 and MSGP36 of the Local Plan.

Reason for pre-commencement condition

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

13

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

Reason

To ensure the retained trees can be successfully protected during the construction phase in accordance with the NPPF and policies CS18 and MSGP36 of the Local Plan.

14

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

Reason

To ensure appropriate provision for electric vehicles in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

15

The scheme approved under condition 14 shall be implemented in accordance with the approved details before the respective dwelling is occupied and the electric vehicle infrastructure shall be retained and maintained as such for the lifetime of the development.

Reason

To ensure appropriate provision for electric vehicles in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

16

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

Reason

To ensure adequate cycle storage provision in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

17

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

Reason

To ensure adequate cycle storage provision in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

18

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

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

deemed necessary to the existing 20mph Traffic Regulation Order (TRO) and/or a new TRO

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

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

Reason

To ensure appropriate highway safety in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

19

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

Reason

To ensure appropriate highway safety in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

20

The remediation and monitoring measures hereby approved (including measures to address land stability), as detailed in the Phase 2: Ground Investigation Report (15 April 2020) and the Supplementary Investigation Works (14 May 2020) (both reference 20-024) shall be implemented in full accordance with the approved details before the development progresses above damp proof course.

Reason

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

21

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

The works shall not continue until an amended Risk Assessment and, if required, amended remediation and monitoring measures have been

and submitted to and approved in writing by the Local Planning Authority.

Reason

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

22

The amended remediation and monitoring measures approved under condition 21 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 the NPPF and policies CS14 and MSGP20 of the Local Plan.

23

Where remediation is required (under conditions 20-22), following completion of the approved remediation and monitoring measures, no dwelling hereby approved shall not be occupied until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason

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

24

The development hereby approved shall not commence until a final detailed drainage scheme for the development has been submitted to and approved in writing by the Local Planning Authority.

The drainage scheme shall include:

(a) a final drainage plan and supporting drainage calculations together with site specific cross sections through all key drainage components (sewers, attenuation tank, flow control chamber, permeable paving).

(b) information demonstrating how runoff from all areas will receive an appropriate level of treatment in line with the Simple Index Approach of The SuDS Manual

(c) confirmation of foul flows discharging to the foul sewer at manhole 4309 and that surface water discharges to the surface water sewer at manhole 4310, and that the surface water discharge rate would not exceed the available capacity of 2.6 l/sec

Reason

To demonstrate that the final detailed drainage design follows the philosophy of the approved drainage strategy and best practice guidance in accordance with the NPPF and policies CS17, MSGP29 and MSGP30 of the Local Plan.

Reason for pre-commencement condition

To ensure an appropriate and adequate drainage scheme can be achieved on site before the development commences.

25

The development hereby approved shall be implemented in accordance with the details approved under condition 24 at all times and retained and maintained as such for the lifetime of the development.

Reason

To demonstrate that the final detailed drainage design follows the philosophy of the approved drainage strategy and best practice guidance in accordance with the NPPF and policies CS17, MSGP29 and MSGP30 of the Local Plan.

26

No dwelling hereby approved shall be occupied until a Drainage Maintenance Plan (DMP) has been submitted to and approved in writing by the Local Planning Authority.

The DMP shall include a site plan identifying ownership and responsibility for plot level, shared and site wide drainage components together with a maintenance schedule and inspection checklist. The DMP shall identify any drainage components that may require replacement within the lifetime of development and a strategy for their renewal.

Reason

To ensure that the drainage scheme operates at its full potential throughout the development's lifetime in accordance with the NPPF and policies CS17, MSGP29 and MSGP30 of the Local Plan.

27

The details approved under condition 26 shall be implemented at all times for the lifetime of the development.

Reason

To ensure that the drainage scheme operates at its full potential throughout the development's lifetime in accordance with the NPPF and policies CS17, MSGP29 and MSGP30 of the Local Plan.

28

No development hereby approved shall not commence (including site clearance works) until an updated Biodiversity Net Gain (BNG) Assessment has been submitted to and approved in writing by the Local Planning Authority.

The assessment shall be based on the updated Biodiversity Area Plan (Drawing No. 4003 10 200 P2) and Noise and Ecological Mitigation Plan (Drawing No. 4003 10 103 P2) and shall include:

(a) Updated BNG Metric (completed metric Excel document to be submitted) with information directly related to the Habitat Baseline Plan and the Proposed Habitats Plan

(b) Proposed Habitats Plan showing different habitat parcels individually referenced and identifiable in order that these can be cross-referenced within the metric

(c) Confirmation that the proposed development will deliver Biodiversity Net Gain

Reason

To ensure the development achieves Biodiversity Net Gain in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan.

Reason for pre-commencement condition

To ensure Biodiversity Net Gain can be achieved on site before the development commences.

29

The development hereby approved shall not progress beyond damp proof course level until a Landscape and Ecological Design Strategy (LEDS) has been submitted to and approved in writing by the Local Planning Authority (LPA). The LEDS shall include full details of the

habitat creation/enhancement and landscaping measures to be delivered on site, and which will deliver a Biodiversity Net Gain in accordance with the updated BNG Assessment and updated Biodiversity Area Plan approved under condition 28, and details as follows:

- (a) Purpose and conservation objectives
- (b) Review of site potential and constraints
- (c) Detailed design(s) and working methods, including site preparation, to achieve stated objectives
- (d) Extent and location/area of proposed works on appropriate scale maps and plans
- (e) Type and source of materials to be used e.g. native species of local provenance
- (f) Timetable for implementation demonstrating that works align with the proposed phasing of the development
- (g) Persons responsible for implementing the works
- (h) Details of initial aftercare, maintenance, monitoring and remedial measures

Reason

To ensure the development achieves Biodiversity Net Gain in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan.

30

The development hereby approved shall not progress beyond damp proof course level until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority.

The LEMP shall include full details of the management of the landscaping and habitats to be created/enhanced on site, as part of the Landscape and Ecological Design Strategy (LEDS) approved under condition 29, for a period of no less than 30 years, and shall include the following details:

- (a) Description and evaluation of features to be managed
- (b) Ecological trends and constraints on site that might influence management
- (c) Aims and objectives of management
- (d) Appropriate options for achieving aims and objectives
- (e) Prescriptions for management actions
- (f) Preparation of work schedule (including annual work plan capable of being rolled forward over a five-year period)
- (g) Details of the body or organisation responsible for implementation of the plan
- (h) Ongoing monitoring and remedial measures

- (i) Details of legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery
- (j) Measures for how contingencies and/or remedial measures will be identified, agreed and implemented, where the results for monitoring show that the conservation aims of the LEMP are not being met.

Reason

To ensure the landscaping and habitat creation and enhancement measures are adequately maintained and the development achieves Biodiversity Net Gain in accordance the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

31

The Landscape and Ecological Management Plan (LEMP) approved under condition 30 shall be implemented at all times in accordance with the approved details for a period of no less than 30 years.

Reason

To ensure the landscaping and habitat creation and enhancement measures are adequately maintained and the development achieves Biodiversity Net Gain in accordance the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

32

The development hereby approved shall not progress beyond damp proof course level until a Biodiversity Net Gain (BNG) Monitoring Strategy has been submitted to and approved in writing by the Local Planning Authority. The BNG Monitoring Strategy shall include details of the monitoring of BNG measures to be delivered on site, and include the following:

- (a) Aims and objectives of monitoring to match the stated purpose
- (b) Identification of adequate baseline conditions prior to the start of development
- (c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged
- (d) Methods of data gathering and analysis
- (e) Location of monitoring
- (f) Timing and duration of monitoring
- (g) Responsible persons and lines of communication
- (h) Review, and where required by the Local Planning Authority, publication of results and outcomes
- (i) Measures for reporting the results of monitoring to the Local Planning Authority

Reason

To ensure the aims and objectives of the LEDS and LEMP are delivered, in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

33

The Biodiversity Net Gain (BNG) Monitoring Strategy approved under condition 32 shall be implemented at all times in accordance with the approved details for a period of no less than 30 years.

Reason

To ensure the aims and objectives of the LEDS and LEMP are delivered, in accordance with the NPPF and policies CS18, MSGP36 and MSGP37 of the Local Plan.

34

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, and to prevent the spread of invasive non-native species in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan.

Reason for pre-commencement condition

To avoid/minimise harm to biodiversity at all times during works and construction.

35

The development hereby approved shall be implemented in full accordance with the Biodiversity Method Statement approved under condition 34 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.

36

The dwellings hereby approved shall not be occupied until the following features have been implemented on site, and they shall be retained as such for the lifetime of the development:

- (a) Integral potential bat roost features within at least four of the new dwellings
- (b) A total of eight bird nesting boxes (a mix of integral and tree mounted) for an appropriate suite of species
- (c) Hedgehog highways (13cm x 13cm gaps) to all 1.8m high fencing as shown on plan 4003-10-101 revP17

Reason

To protect and enhance the conservation status of protected/priority species within the development site in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan.

37

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

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

Reason

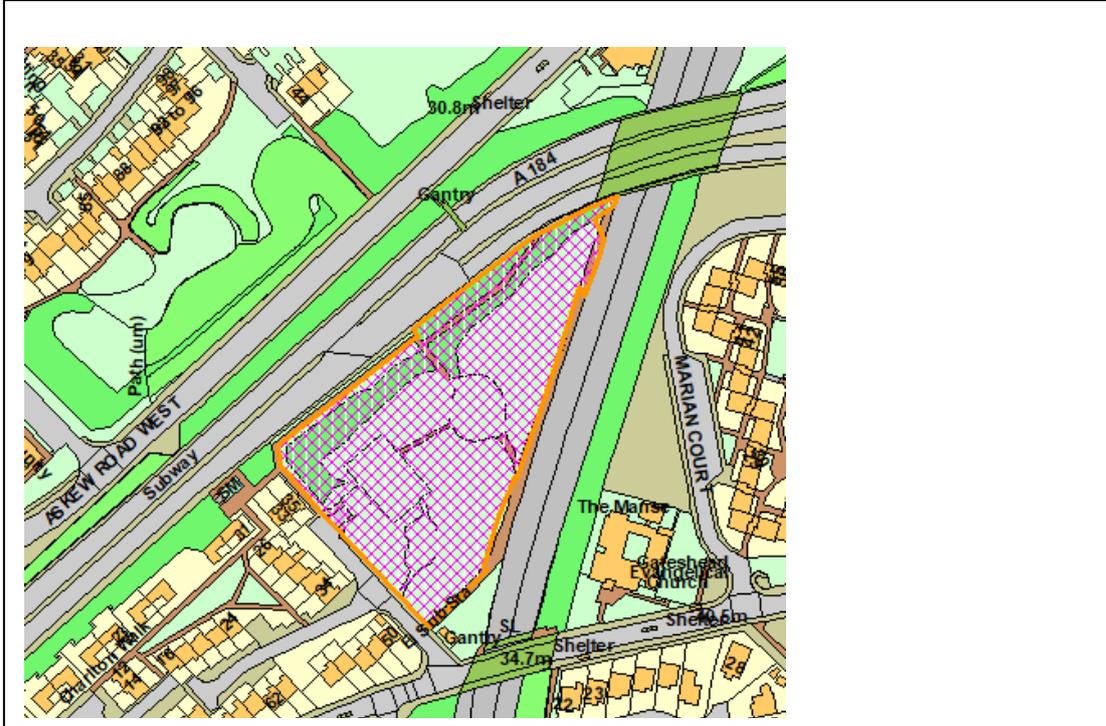
To ensure safety, operational needs and integrity of the railway in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan.

38

Where required, the details approved under condition 37 shall be implemented in full accordance with the approved details at all times until final completion of the development.

Reason

To ensure safety, operational needs and integrity of the railway in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan.



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