

Committee Report

Application No:	DC/20/01095/FUL
Applicant	Mr David Marshall
Date Application Valid	23 December 2020
Site:	Land At Station Road/Reay Street Bill Quay Gateshead NE10 0UA
Ward:	Pelaw And Heworth
Proposal:	Construction of 3no. dwellinghouses (description amended 07.01.21, 19.11.21 and 21.10.2022, amended plans received 04.11.21, 23.04.22 and 11.10.2022 and additional information received 18.01.22)
Recommendation:	MINDED TO GRANT SUBJECT TO A SECTION 106 AGREEMENT
Application Type	Full Application

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

The application site is located at the corner of Station Road and Reay Street in Bill Quay, and is a fairly square piece of land between these two roads to the west and south east respectively, existing residential properties to the north at Hoyson Villas and existing residential development to the north east at the Former Albion Inn.

1.2 The site has been cleared although over time has become vegetated again. In terms of land levels, the site generally slopes down from south to north, following Station Road, and within the site land is built up so it is higher than ground level at the neighbouring site at the Former Albion Inn to the north east.

1.3 Public right of way FE/16/1 runs to the south east of the site along Reay Street and continues east. Public right of way FE/51/4 runs to the south west on the opposite side of Station Road/Cromwell Road and continues further west. Public right of way FE/50/1 is located further south of Reay Street and runs east from Joel Terrace.

1.4 DESCRIPTION OF APPLICATION

The application proposes the construction of 3 detached dwellinghouses, which would each have 3 storeys and 4 bedrooms each. The ground floor of each dwelling extends out to the rear further than the other two floors, and at first floor there would be a rear balcony above this, rear, single storey projection.

- 1.5 The dwellings would face south east onto Reay Street and there would be rear gardens to the north/north west. Dedicated off-street car parking would be provided for each dwelling, with driveways for units 2 and 3 accessed from Reay Street and the driveway for unit 1 accessed from Station Road.
- 1.6 Plans also show the reduction of land levels on site so they would be more reflective of the existing road level.
- 1.7 The application does not confirm final details of proposed materials, and the submitted Design and Access Statement states that these would be conventional materials with tiled roofs and brick walling.
- 1.8 The application has been amended, following concerns raised by officers to reduce the proposed number of dwellings from 5 to 4 and then from 4 to 3.

1.9 RELEVANT PLANNING HISTORY

552/91 - Erection of detached garage/workshop for domestic use - Refused 04.07 1991.

681/91 - Erection of two detached bungalows (use class C3) - Refused 29.08.1991.

1.10 At neighbouring site Former Albion Inn:

DC/16/01157/FUL - Conversion of former public house to 5 dwellinghouses (Additional Info 13/12/16 and amended 11/01/17, 19/01/17 and 20/01/17) - Granted 30.01.2017

DC/18/00125/COU - Change of use of land to south of former Albion Inn to residential garden land and re-use of former public house car park to 7 spaces (amended 12.10.18 and description amended 23.10.2018) - Granted 26.11.2018

DC/19/00686/FUL - Erection of two dormer bungalows and extension to No. 5 Reay Street - Refused 07.08.2019 and Appeal Allowed 16.03.2020

2.0 Consultation Responses:

Tyne And Wear Archaeology Officer	No work required
Northumbrian Water	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 An objection has been received from Councillor Patterson, raising the following concerns:

- Over development of restricted corner site.
- Impact on residential amenity at the dwellings at the former Albion Inn (1 to 5 Reay Street) and at Hoyson Villas due to the site being at a higher level than neighbouring sites.
- Impact on highway safety in terms of proposed access points to the site being across both accesses to the Keelman's Way and South Bank further east; Reay Street is not very wide and there is concern regarding access for emergency services to existing properties.
- The site is adjacent both the existing Fairfield Industrial Estate and the smaller units on the river frontage, and heavy traffic uses Station Road for transits in and out, and the proposal would compound an already saturated road network in Bill Quay.

3.3 An objection has also been received from an interested party, relating to the schemes for 5 and then 4 houses, raising the below concerns:

- No objection to principle of proposal but concerns relate to poor design in terms of layout, design and impact on highway safety.
- Impact on highway safety, including concerns relating to access and parking arrangements in a previously proposed layout showing 5 dwellings facing onto Station Road, which was amended to 4 dwellings facing onto Reay Street. Updated comments relating to impact on highway safety in relation to inappropriate reversing distances from driveways onto Reay Street, refuse collection, visitor parking and street lighting.
- The complex nature of the surrounding highway network, combined with the substandard proposals for access and parking would result in a significant risk to highway safety
- Insufficient information regarding the detail and materials of the proposal, specifically the way the proposal relates to the surrounding area
- Inappropriate location for bin stores
- Loss of privacy at neighbouring dwelling on Reay Street particularly in terms of proposed balconies, although note that amended plans provide an improvement
- Loss of outlook at properties at Hoyson Villas, although note that amended plans provide an improvement
- Overbearing impact, although note that amended plans provide an improvement

3.4 A letter of support has also been received from the applicant stating that there is a shortage of housing and the development is much needed.

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

CS18 Green Infrastructure/Natural Environment

MSGP8 Digital Infrastructure

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP37 Biodiversity and Geodiversity

GPGSPD Gateshead Placemaking Guide SPG

POSPD Planning Obligations SPD

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 amenity/design, residential amenity, highway safety and parking, ecology, ground conditions and digital infrastructure.

5.2 HOUSING POLICY

The latest results of the Housing Delivery Test (HDT) show that only 87% of Gateshead's Local Housing Need (LHN) is being delivered in the Borough. The proposed scheme will therefore have the potential to increase delivery which is a positive factor.

- 5.3 Policy CS11 requires that 60% of new private housing across the plan area and within the plan period will be required to be of 3 or more bedrooms. This proposal is for 3 homes, each with 4 bedrooms, and would therefore contribute positively to the achievement of the target.
- 5.4 Policy CS11 also 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 proposal would comply with the requirements of the NDSS and it is considered that the development would provide appropriate internal and external space for residents.
- 5.5 VISUAL AMENITY/DESIGN
It is considered that the application proposes an appropriate density for the site and would not represent overdevelopment. The proposed design approach is of a more contemporary style, whilst keeping this understated by retaining a more traditional form and shape of building and employing traditional materials that would match with the local palette for the built form. The application does not specify particular materials in detail and it is recommended that conditions be imposed requiring final details of materials to be submitted to the LPA for consideration, and implementation of the approved scheme.
- 5.6 The south western elevation of plot 1, fronting onto Station Road, is shown on plans to include four small windows and composite panel detailing. This design approach to address the street is welcome, and whilst the windows would only serve circulation space within the dwelling (rather than habitable rooms), it is considered that the proposal would provide sufficient visual interest and levels of (albeit potentially more perception of) natural surveillance.
- 5.7 Further, the submitted amended plans proposing a reduction to 3 dwellings to be provided on site show the north eastern boundary of plot 3 to not extend to the south western boundary of the neighbouring land to the north east (ie. there would be a parcel of land between the two boundaries). The plans do not confirm a proposed new use of this land, and it is currently informally vegetated. Plans indicate the existing close boarded timber fencing on the north eastern boundary, and the same is proposed on the north western (rear) boundary. In terms of appearance of the street scene on Reay Street to the south east, it is recommended that conditions are imposed requiring final details of front boundary treatment for this part of the land (in line with the front elevation of the dwelling at plot 3) and final details of landscaping and management to be submitted to the LPA for consideration, and implementation of the approved scheme.
- 5.8 It is also considered that the bin stores are proposed in an appropriate location in terms of visual amenity of the street scene.

- 5.9 Subject to conditions, the proposal would not result in an unacceptable impact on visual amenity, and would comply with the aims and requirements of the NPPF and policies CS15 and MSGP24 of the Local Plan.
- 5.10 RESIDENTIAL AMENITY
There are existing residential properties to the north at Hoyson Villas and existing residential development to the north east at the Former Albion Inn.
- 5.11 The proposed dwelling at plot 3 would be 12m from the existing dwellings further north east on Reay Street, as approved under DC/16/01157/FUL. It is noted that the south western elevation of the dormers at the adjacent development include windows, and whilst these were not shown on the originally approved plans, the permission did not remove permitted development rights from the properties.
- 5.12 It is understood from approved floorplans that these windows serve bedrooms and would be secondary to larger full height openings on the north western elevation. The existing and proposed dwellings are orientated so that the proposed plot 3 would be west of those existing on Reay Street and would be set further back from Reay Street, thereby resulting in an offset further north west. In addition, the proposed second floor window on the north eastern (side) elevation of plot 3 would serve an en-suite and would be required by condition be appropriately obscurely glazed. Given this arrangement, it is considered that the proposal would not result in an unacceptable loss of light, loss of privacy, loss of outlook, overshadowing or overbearing impact at these neighbouring habitable rooms.
- 5.13 The approved plans for the neighbouring conversion DC/16/01157/FUL also show rear gardens to the north west of the existing dwellings on Reay Street. A further permission DC/19/00686/FUL, was allowed on appeal and can still be implemented (until 15 March 2023). This appeal approved plans for a further two dwellings behind the existing conversion to the north west and a link, via an extension, to the existing south-easternmost property. The approved plans for this appeal application, show the proposed dwellings and single storey link extension (with terrace above) running along the shared boundary with this application site.
- 5.14 The applicant in this current application has indicated that there is a boundary dispute with the neighbouring site to the north east. This is a civil law matter and in terms of planning process, there is an extant permission as a result of an allowed appeal on the neighbouring site, and that permission is a material planning consideration for the proposal in this current application.
- 5.15 The plans approved at appeal for the neighbouring site show blank walls on the south western elevations of the link extension and two dwellings. The terrace above the neighbouring extension is shown on approved plans to have a balustrade but this is not confirmed to be obscurely glazed, and at the time of writing, the condition requiring final details of materials for the development has not been formally discharged. Therefore, it would not be reasonable to assume that the balustrade would be obscurely glazed, up to a

height of 1.1m. Additionally, the dwellings approved to the rear would be dormer bungalows and would each have a rooflight serving two bedrooms, totalling 4 rooflights on the north western roof slope facing the application site.

- 5.16 Taking into account the indicative outline of the development approved under DC/19/00686/FUL (the neighbouring appeal application) and the amended plans submitted for this application under consideration, it is considered that the proposal would provide adequate external space for occupiers. In terms of the relationship with neighbouring development to the north east, the facing elevation at proposed plot 3 would be 11.7m away (with a parcel of land between the respective boundaries) and would only include a utility door and bathroom window at ground floor level and an en-suite window at second floor level on the elevation facing the neighbour.
- 5.17 It is recommended that all windows serving bathrooms, en-suites and WCs are required to be appropriately obscurely glazed by condition. Therefore, it is considered that these proposed openings in the north eastern elevation would not result in an unacceptable loss of privacy at neighbouring properties.
- 5.18 Further, in terms of the balconies at first floor level at the rear of the dwellings proposed in this application, the applicant has confirmed that there would be 1.8m screen walls to the sides of these.. Given this arrangement, the orientation and both the off setting and set back of the proposed dwellings, it is considered that the proposed balconies would not result in an unacceptable impact on privacy at each of the proposed dwellings themselves or neighbouring properties to the north east.
- 5.19 It is also considered that the proposal would not result in an unacceptable loss of light, loss of outlook, overshadowing or overbearing impact at neighbouring properties to the north east.
- 5.20 In the event that DC/19/00686/FUL (the neighbouring appeal application) is not lawfully implemented, it is understood that the land to the rear/north west of the existing dwellings on Reay Street would remain a communal garden/amenity area. Similar to the above, given orientations, off setting and set back of properties, it is considered that the proposal would not result in an unacceptable loss of privacy, loss of light, loss of outlook, overshadowing or overbearing impact at neighbouring land/property to the north east.
- 5.21 Land to the south east across Reay Street also benefited from planning permission DC/18/00125/COU for the change of use of land to residential garden land and re-use of former public house car park to 7 spaces. Whilst there are outstanding conditions requiring details to be submitted relating to the garden land, it is understood that the car parking spaces have been marked out and are in use. That said, it is considered that the proposal in this current application would not result in an unacceptable impact on amenity at the land to the south if this was lawfully brought into use as residential garden land.

- 5.22 Turning to properties to the north at Hoyson Villas, the applicant has demonstrated on submitted plans that there would be at least 21m between the rear elevations of existing and proposed properties, and although the proposed dwellings would be three storey and at a higher level further south up Station Road, given the level reductions proposed on site, that these neighbouring properties already experience changes in levels in garden areas, the separation distances and the differences in orientation (ie. the rear elevations would not directly face each other) it is considered that the proposal would not result in an unacceptable loss of privacy, loss of light, loss of outlook, overshadowing or overbearing impact at neighbouring land/property to the north/north west.
- 5.23 In terms of future occupiers, as above, it is considered that the proposal would provide adequate internal and external space and for privacy it is recommended that all windows serving bathrooms, en-suites and WCs are required to be appropriately obscurely glazed by condition.
- 5.24 The latest amendment to the design still shows a crank in the alignment of rear garden spaces when compared to associated dwellings. Whilst amendments indicate an improvement to this arrangement, there remain concerns relating to unnecessary risk of overlooking/perceived overlooking and loss of privacy in gardens. As an acceptable solution, it is considered that the proposed fence lines could be further realigned in order to improve this scenario and reduce the crank in the gardens. Conditions are recommended to secure this.
- 5.25 In terms of noise arising from the construction phase, it is recommended that a condition be imposed appropriately restricting hours of works.
- 5.26 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.
- 5.27 **HIGHWAY SAFETY AND PARKING**
The proposal would provide adequate car parking, and whilst no formal visitor parking is proposed to be provided, this is considered acceptable in this location and case. It is also considered that the bin stores would be in an appropriate location in terms of highway safety, that the application is acceptable in terms of existing movements/road use in the immediate area, and that the proposal would not result in an impact on public rights of way.
- 5.28 The amended plans indicate that a 2m wide footway with street lighting would be provided around the site boundary, the road carriageway on Reay Street would be widened to 5.5m to accommodate the increased traffic flows along Reay Street and provide manoeuvring space for the proposed driveways (where the road narrows back down, the footway would be chamfered and a reflective bollard installed), and driveways would be spaced appropriately and have adequate visibility splays.

- 5.29 In relation to the latter point, the boundary treatment to the north west of the driveway for plot 1 is shown on amended plans to be 0.6m post and rail fencing, and this is recommended to be secured by condition.
- 5.30 Further, an appropriate visibility splay is shown at the junction of Reay Street with Station Road, and it is recommended that a condition is imposed requiring this to be maintained.
- 5.31 The off-site highway works required for this development are:
- (a) The widened section of road carriageway to have either a crossfall or camber that ties into the existing crossfall or camber along Reay Street, with appropriate drainage channels and gulleys as required.
 - (b) A footway with a 1:40 crossfall, falling from the rear of the footway towards the carriageway (to ensure that all surface water runs off the public footway and onto the public carriageway).
- 5.32 Conditions are recommended requiring final details of a full and detailed engineering design for the off-site highway works (the proposed footway, widened carriageway and street lighting).
- 5.33 Finally, it is recommended that conditions be imposed requiring final details of secure and weatherproof cycle parking for each dwelling be submitted to the LPA for consideration, and implementation of the approved scheme.
- 5.34 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.
- 5.35 ECOLOGY
- The site is not within or immediately adjacent to any statutory or non-statutory designated nature conservation sites. Bill Quay Local Wildlife Site (LWS) lies approximately 240 m north east of the site and is designated for supporting lowland mixed deciduous woodland and river, Species of Principal Importance in England under the NERC Act and Birds of Conservation Concern (BoCC) Red and Amber listed species.
- 5.36 The River Tyne Extension LWS is located 200 m north of the site and is designated for supporting otter (European Protected Species) and assemblages of wading birds. Redshank numbers reach 200 and winter curlew flocks reach 70. Lapwings are present throughout the year while greenshank, common sandpiper and green sandpiper visit as passage migrants and small numbers of dunlin and golden plover over-winter.
- 5.37 Intertidal mud present within the LWS are important components of the River Tyne Wildlife Corridor, which follows, in Gateshead, the River Tyne from Wylam to Bill Quay. The site itself falls within this designated Wildlife Corridor.

- 5.38 The submitted Preliminary Ecological Appraisal identified 'locally and nationally common and widespread' habitats including bramble scrub, other hedgerow, and other neutral grassland. The proposed development was considered to have the potential to impact upon moderate suitability foraging and commuting habitat for bats (European Protected Species (EPS)), nesting and foraging habitat for an assemblage of locally common bird species and loss of foraging habitat for, and impact on a NERC Act listed species (Hedgehog).
- 5.39 In accordance with the requirements of the NPPF and MSGP37, the proposed development should follow the mitigation hierarchy and deliver measurable net gain for biodiversity. Where the baseline value of a site has been affected negatively prior to assessment the LPA can require an assessment of the site based on its condition before such an occurrence. This may need to be based on previous aerial photos and/or historic information held by the Council and if there is any doubt regarding the Distinctiveness or Condition of habitats/features it will be assumed that the highest likely value will apply.
- 5.40 The submitted Biodiversity Net Gain (BNG) assessment takes into account recent clearance activities within the site and uses the highest likely value of each habitat type currently present or present prior to clearance.
- 5.41 The Council is currently offering a tariff-based system for formal adoption whereby developers are able to purchase biodiversity credits from the Council where a development is unable to fully mitigate biodiversity loss on site and the applicant is unable to secure or make available suitable alternative land 'locally' on which to deliver the required BNG obligations.
- 5.42 Working with its partners and having regard to the existing arrangements in place within a number of other local planning authorities, the Council has set a tariff of £15,000 per habitat unit to be charged via a developer contribution to cover the costs of designing, implementing, monitoring and maintaining for a 30 year period, an appropriate biodiversity offset which delivers the required number of biodiversity units and of the required habitat(s) necessary to achieve measurable net gain. This would be secured via a Section 106 legal agreement.
- 5.43 This is offered on an interim basis only to assist in the expedition of applications and where the applicant is seeking assistance from the Council in utilising its landholding and expertise for the delivery of offsite biodiversity net gain measures.
- 5.44 The application is supported by a BNG assessment using the small sites metric, which has assessed the pre-development site as having a biodiversity value of 0.9158 biodiversity units. The assessment of the post-development biodiversity units on site predicted the post-development site to support as having a biodiversity value of 0.0236 biodiversity units, a net loss in biodiversity of -97.43%. This assessment does not take into account the amendments to the scheme to reduce the number of units from 4 to 3, and the

applicant has confirmed they do not intend to update the BNG information submitted.

- 5.45 The applicant has confirmed they wish to purchase biodiversity credits from the Council to secure the offsite delivery of the relevant habitat units required to enable the proposed development to achieve biodiversity net gain.
- 5.46 The submitted Biodiversity Net Gains calculation proposes a target of a 10% net gain in biodiversity, to create a total site value of 0.9838 units (rounded to 0.98). This is based on the previous scheme for 4 units; the applicant has confirmed they do not wish to submit updated BNG information based on the amended scheme for 3 units (ie. with potential to increase the value on site). Therefore, this would result in a developer contribution of £14,700 (£15,000 per habitat unit).
- 5.47 Updated BNG detail is required in relation to amended plans and final units delivered on site. A condition is recommended to require final details to be submitted to the LPA for consideration, and implementation, maintenance and management of the approved scheme. Any legal agreement would need to also include flexibility to allow for the final number of habitat units, and the corresponding value of the developer contribution, to be adjusted up or down depending on the results of the updated BNG metric.
- 5.48 It is recommended that Planning Committee resolve to grant the application subject to a legal agreement securing the relevant final contribution.
- 5.49 In addition to the above, it is recommended that conditions be imposed requiring final details of a construction environmental management plan, bat roost and bird nesting features, new external lighting and boundary treatment including hedgehog highways to be submitted to the LPA for consideration, and implementation of the approved schemes.
- 5.50 Subject to conditions and a legal agreement securing biodiversity net gain, the proposal would comply with the aims and requirements of policies CS18 and MSGP37 of the Local Plan.
- 5.51 **GROUND CONDITIONS**
The site is not in a Coal Authority defined high risk area.
- 5.52 The application site is situated on potentially contaminated land based on previous historic uses. Details have been submitted relating to land contamination risk, and conditions are recommended to be imposed requiring final details of a report of intrusive site investigations with a Phase II Detailed Risk Assessment, and where required, remediation measures, the implementation of approved remediation measures and the submission of verification report(s) demonstrating their effectiveness.
- 5.53 Subject to conditions, the proposal would comply with the aims and requirements of policies CS14 and MSGP20 of the Local Plan.

5.54 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.

5.55 COMMUNITY INFRASTRUCTURE LEVY (CIL)

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This proposal has been assessed against the Council's CIL charging schedule and the development 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 in terms of housing policy, visual amenity/design, residential amenity, highway safety and parking, ecology, ground conditions and digital infrastructure, and would comply with the aims and objectives of the NPPF, and the relevant policies of the Local Plan.

6.2 Therefore, it is recommended that planning permission be granted, subject to the below conditions and subject to a legal agreement securing a developer contribution for biodiversity net gain.

7.0 Recommendation:

MINDED TO GRANT SUBJECT TO A SECTION 106 AGREEMENT

1) The agreement shall include the following obligations:

Biodiversity net gain compensation

2) That the Service Director of Legal and Corporate Services be authorised to conclude the agreement.

3) That the Service Director of Climate Change, Compliance, Planning and Transport be authorised to add, delete, vary and amend the planning conditions as necessary.

4) And that the conditions shall include:

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

Site Location Plan 'Station Rd BQ 1-1250'

Proposed housing at Station Road/Reay Street, Bill Quay Drg No 1 (received 23.04.2022)

Proposed housing at Station Road/Reay Street, Bill Quay Drg No 2_Rev A 21/4/22 (received 23.04.2022)

Proposed housing at Station Road/Reay Street, Bill Quay Drg No 3_Rev B 10/10/22 (received 11.10.2022)

Proposed housing at Station Road/Reay Street, Bill Quay Drg No 4_Rev A 10/10/22(received 11.10.2022)

Proposed housing at Station Road/Reay Street, Bill Quay Drg No 5_Rev A 21/4/22 (received 11.10.2022)

'Plans/Side Elevation Plot 1 Only' (received 11.10.2022)

'Retaining Wall Detail' (received 11.10.2022)

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 external materials shall be used on site until final details of these have been submitted to an approved in writing by the Local Planning Authority.

Reason

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

4

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

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

Reason

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

5

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

Reason

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

6

No 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.

7

Notwithstanding the approved plans, no new boundary treatments shall be used on site until full details of the boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

(a) measures for close boarded timber fences to facilitate the movement of hedgehog within the site, including between individual private gardens.

(b) final details of boundary treatment at the south eastern part of the site between plot 3 and neighbouring land to the north east (ie. facing onto Reay Street), which shall be in line with the front elevation of the dwelling at plot 3.

Reason

To avoid harm and provided enhanced opportunities for biodiversity including protected and priority species, and 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, CS18, MSGP17, MSGP24 and MSGP37 of the Local Plan.

8

The final boundary treatment/enclosure details approved under condition 7 shall be implemented in accordance with the approved details before the respective dwelling(s) hereby approved are occupied and retained as such for the lifetime of the development.

Reason

To avoid harm and provided enhanced opportunities for biodiversity including protected and priority species, and 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, CS18, MSGP17, MSGP24 and MSGP37 of the Local Plan.

9

The dwellings hereby approved shall not be occupied until final details of the realignment of rear garden fence lines, to further reduce the severity of the crank/angle in the garden boundaries, have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the proposed development does not have an adverse effect residential amenity of future occupiers in accordance with the NPPF and policies CS14, CS15, MSGP17 and MSGP24 of the Local Plan.

10

The details approved under condition 9 shall be implemented in accordance with the approved details before each respective dwelling is occupied, and shall be retained and maintained as such for the lifetime of the development.

Reason

To ensure that the proposed development does not have an adverse effect on residential amenity of future occupiers in accordance with the NPPF and policies CS14, CS15, MSGP17 and MSGP24 of the Local Plan.

11

The visibility splay at the junction of Reay Street and the driveway for plot 1 on Station Road, as shown on plan 'Proposed housing at Station Road/Reay Street, Bill Quay Drg No 5_Rev A 21/4/22' (received 11.10.2022), shall both be maintained for the lifetime of the development.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting, substituting, amending, extending, consolidating replacing or modifying that Order), no buildings within Part 1, Class E of Schedule 2 and no gates, fences or walls that would be above 0.6m high above ground level, within Part 2, Class A of the same Schedule, shall be erected/installed within the visibility splays at the junction of Reay Street and the driveway for plot 1 on Station Road.

Reason

To ensure that an appropriate visibility splay can be retained in perpetuity and to ensure the scheme would not have an unacceptable impact on the highway safety, in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.

12

The approved detailing and windows on the south west elevation of plot 1, as shown on 'Plans/Side Elevation Plot 1 Only' (received 11.10.2022), shall be installed prior to occupation of the dwelling at plot 1 hereby approved and retained and maintained in accordance with the approved details for the lifetime of the development.

Reason

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

13

No dwelling hereby approved shall be occupied until a full and detailed engineering design for the off-site highway works, including the following features/matters, has been submitted to and approved in writing by the Local Planning Authority:

- (a) the proposed new footway, with a 1:40 crossfall, falling from the rear of the footway towards the carriageway
- (b) the proposed widened carriageway, to a minimum width of 5.5m wide and to have either a crossfall or camber that ties into the existing crossfall or camber along Reay Street, with drainage channels and gulleys, to ensure that surface water is addressed within the public carriageway
- (c) the proposed street lighting
- (d) new highway dedication areas, including appropriate gradients and full level information

Reason

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

14

The details approved under condition 13 shall be implemented in full accordance with the approved scheme prior to first occupation of the development.

Reason

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

15

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

Reason

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

16

The details approved under condition 15 shall be implemented in accordance with the approved details before each respective dwelling is occupied and the cycle parking provision shall be retained and maintained as such for the lifetime of the development.

Reason

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

17

No development hereby approved (including any groundworks or site clearance) shall commence until a detailed landscaping and ecology design strategy for the site has been submitted to and approved in writing by the Local Planning Authority.

The strategy shall include information and details relating to hard landscaping, any existing habitat features that are to be retained on site, measures for habitat creation and planting plans including species/planting mix, details of substrate and a timetable for their implementation.

The strategy shall include final details of landscaping immediately north west of Reay Street, in front of each dwelling and forward/south east of the boundary treatment required under condition 7(b) above (ie. between the boundary of plot 3 and the neighbouring land to the north east).

The strategy shall include an updated biodiversity net gain post enhancement calculation, using the same version of the metric used to calculate the original site baseline value, to determine the on site biodiversity units to be delivered by the development and the need or otherwise to increase or decrease the level of off site biodiversity units required to achieve biodiversity net gain.

Reason

To ensure the development achieves biodiversity net gain and to ensure impacts on biodiversity are mitigated/compensated for by verifying the on site post enhancement biodiversity net gain figure in accordance with the NPPF and policies CS15, CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead.

Reason for pre-commencement condition

To satisfy the Local Planning Authority that the development can be carried out in a manner that achieves biodiversity net gain. This information is fundamental to the development and requires approval prior to development starting on the site as the development provided on site including the number of on site biodiversity units will affect the number of off site biodiversity units.

18

The on-site landscaping and ecology design strategy approved under Condition 17 shall be implemented in full accordance with the approved measures and timescales, and maintained thereafter for the life of the development or a period of no less than 30 years from the date of the completion of the development.

Reason

To ensure the development achieves biodiversity net gain and to ensure impacts on biodiversity are mitigated/compensated for by verifying the on site post enhancement biodiversity net gain figure in

accordance with the NPPF and policies CS15, CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead.

19

No development hereby approved (including ground works and/or vegetation clearance) shall commence until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of any "biodiversity protection zones"
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements e.g. measures to protect wildlife from becoming trapped in any excavations/pipes during construction;
- d) The location and timing of sensitive works to avoid harm to biodiversity features. e.g. no vegetation clearance to be undertaken between March and September (inclusive) unless immediately preceded by a nesting bird check undertaken by a suitably qualified ecologist.
- e) The times during construction when specialist ecologists need to be present on site to oversee works e.g. nesting bird checks
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of any protective fences, exclusion barriers and warning signs.

Reason

To avoid/minimise adverse impacts on biodiversity 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.

20

The development hereby approved shall be implemented in full accordance with the Construction Environmental Management Plan approved under condition 19 at all times during works on site associated with the development and until final completion.

Reason

To avoid/minimise adverse impacts on biodiversity in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan.

21

Notwithstanding the submitted information, the development hereby approved shall not progress beyond damp proof course until full details, including the specification and precise location (as identified on a plan and elevation drawing of the property) of the integrated potential bat roost features (minimum 2no) and bird nesting features (minimum 3no) and timescales for implementation, have been submitted to and approved in writing by the Local Planning Authority.

Reason

To maintain and enhance the favourable conservation status of the local bat population(s) and priority bird species at or above current levels in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan.

22

The details approved under condition 21 shall be implemented in full accordance with the approved details and timescales and retained and maintained as such for the lifetime of the development.

Reason

To maintain and enhance the favourable conservation status of the local bat population(s) and priority bird species at or above current levels in accordance with the NPPF and policies CS18 and MSGP37 of the Local Plan.

23

No new external lighting shall be installed on site until a lighting design strategy to avoid/minimise adverse impacts on biodiversity including light spill onto areas of retained and/or newly created habitat and features (including tree/pole mounted and integrated bats boxes) has been submitted to and approved in writing by the local planning authority. The submitted details shall include:

- (a) Lighting contour plan(s)
- (b) Number, specification and precise location (including height) of proposed external lighting to be provided on site

Reason

To avoid / minimise adverse impacts on biodiversity including protected and priority species in accordance with the NPPF and policies CS18 and MSGP37 and the Local Plan.

24

The external lighting shall be installed and maintained wholly in accordance with the approved details under condition 23 and retained thereafter for the life of the development.

Reason

To maintain the value and function of the site for roosting, foraging and commuting bats in accordance with policies CS18, MSGP36 and MSGP37 of the Local Plan, and the NPPF.

25

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 pre-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.

26

Where required, the remediation and monitoring measures approved under Condition 25 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.

27

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.

28

The remediation and monitoring measures approved under condition 27 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

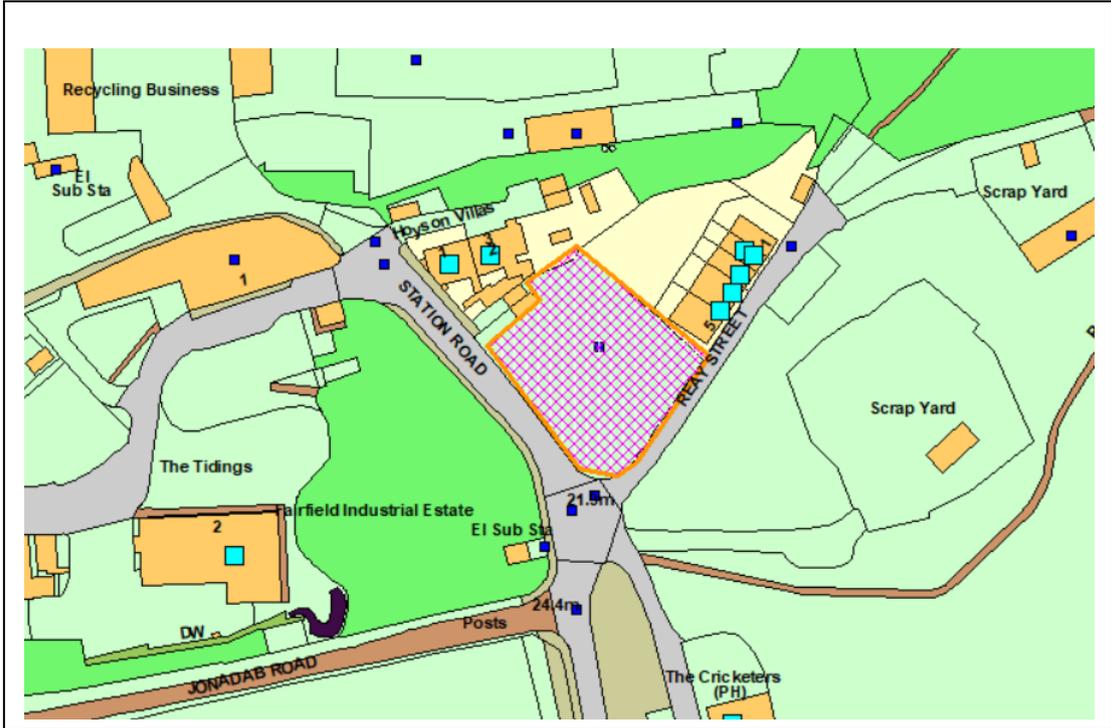
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and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

29

Where remediation is required (under conditions 25-28), following completion of the approved remediation and monitoring measures, no dwelling hereby approved shall 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, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CS14 and MSGP20 of the Local Plan.



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