

Committee Report

Application No:	DC/22/00299/FUL
Case Officer	Amy Williamson
Date Application Valid	4 May 2022
Applicant	Christine Mottershead
Site:	Site Of Play Area And Former Sunderland Road Library And Land To The North West Of King James Hospital, Sunderland Road, Gateshead
Ward:	Bridges
Proposal:	Demolition of existing library, removal of existing play area and hard standings. Erection of apartment block comprising 43 no. affordable rented flats and communal facilities and 12 no. affordable rented bungalows with associated access, parking, hard and soft landscaping. Installation of new play equipment and associated works between King James Hospital and Salvation Army, Sunderland Road (amended description 29.11.2022, 13.07.2023) (amended plans and additional information received 29.11.22, 22.02.2023, 06.04.2023, 13.07.2023)
Recommendation:	MINDED TO GRANT
Application Type	Full Application

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

The application relates to two parcels of land situated to the north and south of Sunderland Road, Gateshead.

1.2 The larger parcel of land is 0.8ha in area and is located to the southern side of Sunderland Road. The eastern side of the site is occupied by the former Sunderland Road Library and car park which is accessed from Herbert Street. The building is currently vacant following closure of the library in 2017.

1.3 The site is split over two levels to accommodate land levels and is divided across the centre by a sloped embankment with trees. The lower level is adjacent to Sunderland Road and includes a public footpath, grass and trees and a large area of hardstanding containing a play area. The upper level is also hard surfaced and contains a multi-use games area (MUGA) and library car park.

1.4 The site is bounded to the south and west by Gateshead East Cemetery and is bordered by substantial high stone walls. Gateshead East Cemetery and the Cemetery Lodge to the west of the site are both locally listed.

- 1.5 The site is bordered to the north and east by Sunderland Road and Herbert Street respectively, with residential properties beyond. The northern boundary of the site is formed from a stone plinth wall topped with modern railings that includes public entrances at either end. To the centre of this wall is a Victorian drinking fountain which is also locally listed.
- 1.6 The smaller parcel of land is 0.3ha and sits to the northern side of Sunderland Road. This site is part of a grassed area of open space with trees that sits between the King James Hospital Almshouses and the Salvation Army building. The site is set back from Sunderland Road behind a row of garages and is bordered to the north by trees and fencing which separate it from the Metro line beyond.
- 1.7 The sites are not allocated for any specific purpose in the Council's Local Plan.
- 1.8 **DESCRIPTION OF APPLICATION**
The application proposes the redevelopment of the larger site to provide 55no. dwellinghouses. The scheme would necessitate the demolition of the existing library building and removal of the existing play area, MUGA and hardstandings.
- 1.9 A replacement play area is proposed to be created on the smaller parcel of land to the north of Sunderland Road, between the King James Hospital Almshouses and the Salvation Army. A proposed scheme for the new play area is included in this application.
- 1.10 The proposed dwellings would comprise 43no. flats and 12no. bungalows, with associated access, parking and landscaping. The application includes a SuDS basin and communal garden to the western boundary. The scheme also includes the installation of air source heat pumps and solar panels.
- 1.11 The 43no. flats would be contained within a 3-4 storey L-shaped block to the western side of the site. The bungalows would be arranged in three blocks to the eastern side of the site, to accommodate topography. The overall housing mix would be as follows:
- 10no. 1 bedroom, 2 person bungalows
 - 2no. 2 bedroom, 3 person bungalows
 - 35no. 1 bedroom, 2 person apartments
 - 8no. 2 bedroom, 3 person apartments
- 1.12 The applicant proposes that the development would deliver 100% affordable rented homes, for occupation by over 55 year olds.
- 1.13 Vehicular access to the site would be from Herbert Street to the east and the application proposes the creation of 24no. parking spaces to serve the development. Pedestrian access would also be from Herbert Street and from Sunderland Road via the existing entrances; a new entrance would also be created within the northern boundary.

- 1.14 The application has been amended at various points during its course including minor revisions to layout and the number of units proposed.
- 1.15 **RELEVANT PLANNING HISTORY**
 DC/05/00237/GBC - Improvement of existing play area consisting of erection of boundary railings, resurfacing footpaths, land regrading, construction of retaining walls and ramps, removal of redundant walls. Planning permission granted 17.05.2005.
- 1014/95 - Installation of roller shutter to staff door at side of library. Planning permission granted 30.11.1995.

2.0 Consultation Responses:

Tyne And Wear Fire And Rescue Service	No objection
Coal Authority	No objection, informative requested
Tyne And Wear Archaeology Officer	No objections, no archaeological work is required
Northumbria Water	No objection subject to conditions requiring implementation in accordance with the submitted drainage strategy
Northumbria Police	No objection
CE Electric UK	No objection
Northern Gas Networks	No objection
Nexus	Updated comments made, original recommendation for two pre-loaded Pop Pay as You Go cards to be provided per dwelling withdrawn

3.0 Representations:

- 3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015, including the display of site notices. There have been three rounds of publicity; initially in May 2022, then December 2022 and most recently in July 2023. The most recent round of publicity included details of the play area on the smaller site. The final date for representations to be received is 9 August 2023.
- 3.2 4no. letters neither in support/objection have been received raising the following

matters:

- No objection to affordable housing scheme
- The development will mainly benefit residents over 55 who require assisted living
- There are no plans to reinstate the lost play area
- Investment should be made into new play facilities in the area
- Suggestions made about where a replacement play area could be situated
- A tree next to the library would be cut down to facilitate the build
- The green space/path alongside Sunderland Road would be gated off
- The development could be fully supported if there was a clear proposal for a replacement play area and plans were visible for the land currently in use for the Hospital of King James

3.3 4 no. letters of objection has been receiving raising the following matters:

- It is not a good idea to demolish good buildings that can easily be used to make way for others; the library is a good, usable building
- The development would overshadow and block light for the flats opposite on Sunderland Road
- Support is given to the charity, but the development would be better suited elsewhere
- The site identified for the play area has evidence of drug use
- It will take a long time to clean and level the site, so the play park will be lost which is not good for local children and the community
- Loss of play area
- The site has been neglected after the library was closed
- Sunderland Road is already too busy with traffic and the majority of motorists use it as a thoroughfare
- There is already an increase in population in the area, it doesn't need increasing and overcrowding
- Gateshead is a low income area and the rental properties will most likely be out of reach of those that need housing
- We do not require any more high rise buildings
- Disruption to roads during construction works
- Noise and disturbance during construction
- There is brownfield land elsewhere that could be developed
- Insufficient car parking is provided
- The development will result in a loss of trees

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS1 Spatial Strategy for Sustainable Growth

CS3 Spatial Strategy for Neighbourhood Area

CS7 Retail and Centres

CS9 Existing Communities

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

MSGP11 Housing for Specific Groups

MSGP12 Housing Space Standards

MSGP14 Mitigating Impact on Transport Network

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP18 Noise

MSGP20 Land Contamination/Stability

MSGP24 Design Quality

MSGP25 Conservation/Enhancement Heritage Assets

MSGP27 Archaeology

MSGP28 Renewable and Low Carbon Energy

MSGP29 Flood Risk Management

MSGP30 Water Quality/River Environments

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP39 Protecting Open Space/Sport/Recreation

MSGP40 Provide/Enhance Open Space/Sport/Rec

MSGP48 Waste Management Facilities - New Dev

5.0 Assessment of the Proposal:

- 5.1 The key considerations to be taken into account in the assessment of this application are the principle of the development, open space and play, visual amenity, heritage/archaeology, residential amenity, transport and waste management, drainage, ecology, trees, ground conditions, digital infrastructure, CIL and any other matters.
- 5.2 **THE PRINCIPLE OF THE DEVELOPMENT
LOSS OF COMMUNITY FACILITY**
NPPF Paragraph 93 states that in order to provide the social, recreational and cultural facilities and services the community needs, planning decisions should "c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs".
- 5.3 Local Plan policy CS7 seeks to maintain and enhance the vitality and viability of retail centres. Outside the retail hierarchy, policy CS7 states that "local community facilities ... will be retained where they provide an important service to the local community and remain viable". This is supported by policy CS9, which seeks to ensure that existing communities are sustainable places of quality and choice by maintaining and improving facilities and services.
- 5.4 The application proposes the demolition of the existing library building. The building has been vacant since 2017, in which time no alternative uses have come forward and this is now in a deteriorated condition. Alternative library services are available at Gateshead Central Library and Felling Library, around 0.9km and 1.4km from the site. Officers therefore consider that the loss of the building to facilitate the proposed development would not be contrary to the aims and objectives of the NPPF or Local Plan policies CS7 or CS9.
- 5.5 **HOUSING POLICY**
Housing Sites Allocation / Growth
The site is not allocated for housing within the Council's Local Plan.
- 5.6 Local Plan policy CS1 sets out the spatial strategy for sustainable growth. As a result of population and economic growth, there is a need to plan for 30,000 new homes within Gateshead and Newcastle up to 2030, and Local Plan policy

CS10 sets out a net provision of 8,500 homes in Gateshead to contribute to the 30,000 total up to 2030.

- 5.7 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 55no. additional dwellings in the Borough, which would be a positive factor.
- 5.8 Range and Choice of Housing
Local Plan policy CS11(1) requires 60% of new private housing across the plan area to be suitable and attractive to families, with a minimum target of 16,000 new homes to have 3 or more bedrooms. As the development is for 100% affordable rented housing and not private housing this policy would not apply.
- 5.9 Accessible and Adaptable Dwellings
Local Plan policy CS11(2) encourages the provision of Lifetime Homes and Wheelchair-Accessible Homes. Whilst there is no explicit requirement, any contribution is welcomed.
- 5.10 Local Plan policy MSGP10 relates to accessible and adaptable dwellings and requires 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. The application confirms that all of the proposed dwellings are M4(2) compliant.
- 5.11 Specialist and Supported Accommodation
Local Plan policy CS11(3) seeks to increase the choice of suitable accommodation for the elderly population and those with special needs including bungalows, sheltered accommodation and extra care accommodation.
- 5.12 Local Plan policy MSGP11 states that specialist and supported accommodation and care schemes will be expected to provide on- site, or have good accessibility to, shops, services, community facilities and open space appropriate to the needs of the intended occupiers, their carers and visitors; and/or have good accessibility to public transport routes.
- 5.13 The application proposes the provision of 55no. affordable rented homes that would provide independent supported living (as defined by the Council's Specialist and Supported Housing Supplementary Planning Document). The development would have open space within the site for the use of residents and is adjacent to Sunderland Road which has regular buses and is within reasonable distance of shops, services and facilities. Therefore, the development would be in accordance with policies CS11(3) and MSGP11.
- 5.14 Affordable Housing
Local Plan policy CS11(5) requires 15% of all homes on developments of 15 or more dwellings to be affordable, subject to development viability. Of these, the

SHMA recommends that 65% should be for subsidised rent and 35% for subsidised home ownership.

- 5.15 The scheme proposed by the application is for 100% affordable rented homes. Therefore, the proposal would meet and exceed the requirements of policy CS11(5).
- 5.16 Based on the number of dwellings proposed, 9no. dwellings would be required to be affordable homes under Local Plan policy CS11(5). This policy requirement would normally be delivered through a S106 Agreement to secure affordable provision in perpetuity.
- 5.17 A viability assessment has been submitted with the application. This demonstrates that the viability of the proposed development for 100% affordable rented homes is reliant on funding from Homes England, based on funding of £62,309 per unit. The appraisal explains that imposing a S106 Agreement to deliver 9no. affordable homes would result in Homes England not offering funding for those 9no. dwellings, as their funding cannot be secured on homes subject to an affordable housing S106. The submitted viability assessment demonstrates that the implications of this loss of grant funding are that the development would be unviable.
- 5.18 Officers have examined the submitted viability assessment and have determined that the development would be unviable if a requirement for 15% affordable homes were to be imposed due to the loss of funding. Officers have also undertaken analysis of additional scenarios involving a restriction being imposed for 10% and 5% affordable homes and have concluded that these lesser amounts of affordable homes would also result in the development being unviable.
- 5.19 As such, Officers consider that the application has demonstrated that, whilst ultimately proposing 100% affordable rented homes, the imposition of a restriction upon the application to provide a percentage of affordable homes would result in the development being unviable. As such, the application demonstrates that there is no requirement for affordable homes in this instance, in accordance with the requirements of Local Plan policy CS11(5).
- 5.20 Space Standards
Local Plan policy CS11(4) requires adequate space inside and outside of the home to meet the needs of residents. Local Plan policy MSGP12 sets out that new homes should be built in accordance with the Nationally Described Space Standards (NDSS).
- 5.21 Information submitted as part of the application confirms that the proposed dwellings would meet with NDSS, and Officers are satisfied that the development would provide adequate internal and external space for future residents.
- 5.22 LOSS OF PLAY AREA

Local Plan policy MSGP39 seeks to protect and prevent the loss of open space, sports and recreation facilities unless there is a surplus of provision both in terms of quantity and quality, or alternative provision is made.

- 5.23 The application site is in Bridges ward which is identified as being deficient in both open space and play space provision against the recommended minimum standards set out in policies MSGP39, MSGP40 and Appendix 18 to MSGP.
- 5.24 The existing site is shown on the Council's Open Space Assessment has having an area of 0.48ha and includes a play area and multi-use games area (MUGA) which would be removed to facilitate the redevelopment of the site. Whilst the play and games areas are in poor condition, there is a deficiency in provision within the Ward and the site still offers some recreational value for the local community. As such, the site cannot be considered surplus to requirements and in accordance with the requirements of policy MSGP39, the loss of the site is required to be replaced by equivalent or better provision in terms of quantity and quality, in a suitable location.
- 5.25 In order to offset the loss of the existing site and address the requirements of policy MSGP39 the application includes an area of Council-owned land to the north of Sunderland Road (approximately 200m east of the existing site) that is proposed to be used to create a replacement play area. A scheme for a play area forms part of the application which includes a range of equipment for teen, junior and toddler age groups.
- 5.26 Officers consider that the location of this replacement site is acceptable in principle as it is close to the current site and is easily accessible from Sunderland Road. The proposed replacement equipment scheme is also considered by Officers to be acceptable in principle. Conditions would be imposed to secure the provision of the new play area in conjunction with the removal of the existing play area.
- 5.27 At the time of writing this report the proposed play area scheme is out for public consultation and, if representations are received, Members will be advised through a written update.
- 5.28 Officers recognise that the proposed replacement play area does not include a new multi-use games area (MUGA), however taking into account that the new play area would significantly improve upon the quality of the current play area, and the scheme would deliver 55no. independent supported living homes, this is considered to be acceptable on balance. To this end, conditions would be imposed in respect of the nature of the accommodation to be provided.
- 5.29 **OPEN SPACE AND PLAY**
Local Plan policy MSGP40 states that new developments of 10 dwellings or more will be expected to provide new public open space, play facilities and sports facilities in order to meet identified needs.
- 5.30 The application site is in Bridges ward which is identified as being deficient in play space and open space. There is therefore a policy requirement for the

proposed development to provide new open space and play facilities, as addressed below; this is in addition to the requirement to replace the existing play facilities, as addressed above.

5.31 Play Space

Local Plan policy MSGP40 requires the provision of play facilities to the equivalent of 0.07ha per 1,000 residents unless the relevant quantitative and accessibility standards are exceeded. In this case, there is a requirement for approximately 145sqm of new play space when calculated using the play space standard. This is in addition to the replacement of the existing play area that would be removed as part of the development.

5.32 The submitted plans do not propose the inclusion of new play facilities to be accommodated on site. However in this instance, as the intended occupiers of the proposed development would be over 55s who in themselves may not generate a need for play space as typical family households, and acknowledging the replacement play area that would be created as part of the application, Officers are satisfied that discretion can be exercised and on balance, subject to a condition to secure occupation by over 55s only, it is considered that new play space is not required to be provided.

5.33 Open Space

Local Plan policy MSGP40 requires the provision of public open space to the equivalent of 1.99ha per 1,000 residents. In this case there is therefore a requirement for approximately 0.14ha of public open space when calculated using the open space standard.

5.34 The submitted plans include a communal garden which is approximately 200sqm together with other landscaped areas around the site, which are welcomed. It is recommended that conditions be imposed requiring submission of a scheme detailing how requirements for the provision of new open space as part of the proposed development would be addressed either on or off site.

5.35 Subject to imposition of the recommended conditions the proposed development would comply with the aims and objectives of the NPPF and Local Plan policy MSGP40.

5.36 VISUAL AMENITY / DESIGN

The application site presents a challenging topography over two distinct levels. Overall, it is considered that the proposed development would be laid out in an appropriate and logical way to accommodate land levels.

5.37 The L-shaped apartment block would be positioned to the western side of the site and would be arranged over four storeys, reducing to three storeys at the rear on the higher part of the site. The bungalows would be positioned to the eastern side of the site and would be arranged in three blocks, again, accommodating the change in levels

5.39 The submitted Design and Access Statement explains that the proposed buildings would be mainly finished in buff-cream brick with elements of neutral

brown brick and contemporary cladding. The apartment block would also incorporate balconies and detailing between and around windows to add visual interest and provide a contemporary edge. The roofs of the buildings would be pitched construction with grey tiles and would incorporate solar PV panels.

- 5.40 The scale, layout and design of the proposed buildings are all considered to be appropriate for a new housing development in this locality. Indicative materials are considered to be appropriate, and it is recommended that conditions be imposed requiring final details/specification of external materials to be submitted to the LPA for consideration and subsequent implementation.
- 5.41 The development includes private and communal open space and landscaping which would provide attractive living spaces for future residents and also incorporates a SuDS area to the western boundary.
- 5.42 Car parking would be provided to the east and south of the site, with footpaths providing pedestrian access across the site, including both ramps and steps to accommodate land levels. A communal bin store would also be created to the south of the site for apartment block residents. The existing footpath and majority of trees along the northern boundary would be retained which would provide an attractive visual buffer between the buildings and Sunderland Road. It is recommended that conditions be imposed requiring final details of hard landscaping areas, soft landscaping and boundary treatments and implementation of the approved details.
- 5.43 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.
- 5.44 HERITAGE / ARCHAEOLOGY
Archaeology
The application site is shown on the first edition OS map as occupied in the mid c19 by Claxton Farm. This had been demolished by the late c19 and replaced by a recreation ground with a bandstand, later becoming a playground. The site was later terraced and surfaced with asphalt and the library was constructed in the later c20.
- 5.45 The site of the replacement play area is located within the medieval deer park Bishop's Park (HER 290). Historic OS maps show that in the mid c19th it was in agricultural use, but by the later c19 it had been developed for terraced housing. This was demolished in the later c20 and the site landscaped with a low mound extending into it from the northeast, probably composed of demolition rubble.
- 5.46 The previous demolition and landscaping on both parts of the site is likely to have truncated any earlier deposits and structures. The sites are therefore considered to have low archaeological potential and no archaeological work is required. The proposal is therefore in accordance with the NPPF and policy MSGP27 of the Local Plan for Gateshead.

5.47 Heritage

The application site is bounded to the south and west by Gateshead East Cemetery and Cemetery Lodge, which were developed in c19 and are separated from the site by a substantial stone wall. Gateshead East Cemetery is a locally listed park and garden and the perimeter wall is one of the features of interest. The Cemetery Lodge is also locally listed and is one of several associated with the cemetery.

5.48 To the northern boundary of the site facing Sunderland Road is a Victorian drinking fountain which forms part of an original stone plinth wall with modern railings above. The Victorian drinking fountain is also a locally listed building associated with civic improvements in the locality thought to have been provided for the Recreation Ground which occupied the application site.

5.49 The proposed apartment block is set back sufficiently from the western boundary with Cemetery Lodge and the proposed varied elevations and complementary materials and gable detailing takes account of the character of the existing historic buildings.

5.50 The stone perimeter walls to the south and west boundaries and the Victorian drinking fountain within the northern boundary would be retained. A new pedestrian entrance would be created within the northern boundary, which Officers consider to be acceptable in principle in relation to the drinking fountain. Conditions relating to construction management would be imposed in order to protect the historic features during construction and to secure final details of the new opening within the wall.

5.51 Subject to the above conditions the proposed development is considered to be acceptable in heritage terms and accords with the NPPF and Local Plan policies CS15 and MSGP25.

5.52 **RESIDENTIAL AMENITY**

NPPF Paragraph 130 requires development to create places with a high standard of amenity for existing and future users. This is supported by Local Plan policies CS14 and MSGP17, which require development to provide a good standard of amenity for existing and future occupiers. Local Plan policy MSGP18 also seeks to prevent adverse impacts in terms of noise.

5.53 **EXISTING RESIDENTS**

Residential development

This element of the application site is bordered to the south by Gateshead East Cemetery and there are residential properties beyond the site to the north, east and west.

5.54 Officers consider that the proposed development would maintain appropriate separation distances from existing neighbouring dwellings and that the development would not result in an unacceptable loss of privacy/overlooking, loss of light/overshadowing, loss of outlook or overbearing impact at neighbouring properties.

5.55 Replacement play area

The proposed play area would be situated within an area of open space between the Salvation Army Gateshead Community Church and King James Almshouses residential accommodation. The proposed play equipment shown on the submitted plans would be around 25m away from the north west elevation of the residential units.

5.56 Officers consider that the proposed introduction of the play equipment into this area would not have an unacceptable impact upon the amenity of neighbouring uses and existing residents, having regard to overlooking/privacy, noise and disturbance, loss of light/overshadowing, outlook and overbearing impact.

5.57 At the time of writing this report the proposed play area scheme is out for public consultation and , if representations are received, Members will be advised through a written update.

5.58 It is recommended that conditions be imposed to control construction hours in order to minimise disturbance to neighbouring residents, and requiring submission of a Construction Management Plan to the LPA for consideration and subsequent implementation of the approved plan.

5.59 Proposed residents

In terms of potential future occupiers, Officers consider that the proposed development would provide adequate internal and external space and living conditions, and that the proposed layout would provide appropriate separation distances between the new houses.

5.60 The application is accompanied by a Noise Impact Assessment which includes recommendations for sound insulation and ventilation in order to protect the amenity of future residents. Conditions would be imposed to secure final details of insulation and ventilation measures to ensure that the development would provide acceptable internal noise levels for future residents.

5.61 The application incorporates the installation of air source heat pumps to the western corner of the site within a fenced compound. Conditions would be imposed to secure final details of this element of the scheme to ensure that noise from the heat pumps would not have an unacceptable impact upon nearby residential properties.

5.62 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.

5.63 **TRANSPORT AND WASTE MANAGEMENT**

Vehicle Access

Vehicle access into the site would be off Herbert Street to the eastern side.

5.64 The primary site access would be in a similar position to the existing library car park access in the south east corner. Amended plans have been submitted by the applicant that demonstrate acceptable site visibility, junction radii and width

can be achieved. It will be necessary to remove an existing street lighting column to the south of the access however this can be secured as part of a separate S278 agreement relating to wider highway works. An existing brick utility structure is currently located to the south of the access, which if retained would also impede visibility at this junction. A condition is therefore to be imposed to secure removal of this structure prior to first use of the development to ensure adequate visibility at the junction is provided.

- 5.65 The internal access road within the site from the primary access is adequately designed and would lead to residents parking areas. A turning head is also proposed that is large enough to allow turning by waste collection, emergency services and other larger vehicles.
- 5.66 A second vehicle access is proposed to the north east corner of the site which would lead to a small parking area of 5 spaces. This is also satisfactory in terms of design, site visibility, junction radii and width. The small parking area allows adequate space for turning and manoeuvring of cars using the spaces.
- 5.67 Pedestrian Movement
The site presents challenging topography in terms of pedestrian movement as the southern part of the site currently sits on an elevated plateau above the lower northern area. In order to overcome this constraint three sets of steps to the east, west and in a central position are proposed, together with a large access ramp in the centre. A series of hard surfaced footpaths would be provided within the site connecting different areas and would ensure a good level of permeability throughout.
- 5.68 Footpaths within the site would link on to Sunderland Road to the north at three separate points and on Herbert Street to the east on two separate points. This would ensure good pedestrian connections to public transport, local services and facilities.
- 5.69 A condition to require details and secure implementation of hard and soft landscaping, including the steps and ramp, is considered appropriate to ensure spaces and connections within the site are well designed to make the development attractive and safe from a pedestrian permeability perspective.
- 5.70 Car Parking
The amended site layout provides 24 parking spaces, serving 43 apartments and 12 bungalows. The proposed levels of car parking are below Council parking standards for a typical residential flat/apartment scheme. However, Officers note that the properties would be occupied by people aged 55 and over and those requiring independent supported living accommodation, who would have a lower levels of demand for resident and visitor parking than typical residential developments. This is supported by a survey which has been provided by the Hospital of King James of car ownership and visitor parking levels associated with their existing Sunderland Road premises, which estimates a requirement for 25-26 spaces for the development proposed. This is broadly in line with the amount of car parking proposed and any overspill on-street parking is likely to be very minimal. Conditions are recommended to

secure the occupation of the accommodation on this basis, given the lower levels of car parking proposed. Overall car parking is considered acceptable and would not result in any adverse highway safety issues.

5.71 The Sustainability Statement contained within the Planning Statement states that 2 EV charging spaces would be provided, however the location identified is based on an earlier version of the proposed site layout. The Council's Car Parking Standards for major residential developments requires that EV charging spaces are provided. Conditions are therefore to be imposed to agree details of the number, location and specification of EV charging bays within the scheme; based on the submitted details it is expected at least two would be provided.

5.72 Existing parking bays and waiting restrictions

There are existing parking bays on Herbert Street, which were previously associated with the former library. To ensure adequate sightlines at the proposed vehicle accesses, it will be necessary for these to be removed and replaced with no waiting at any time (double yellow line) restrictions, including a new/amended Traffic Regulation Order (TRO). Officers consider their removal is acceptable given the demolition of the library as part of the development.

5.73 The proposed bungalows fronting Sunderland Road are distant from the parking facilities within the site and accessed via a long ramp. As these dwellings are bungalows, they are much more likely to attract car-owning residents than occupiers of the apartments. The long walking distance to parking facilities, combined with the ramp, may lead to residents parking on the double yellow lines on Sunderland Road, which blue badge holders could do for up to three hours. This would be to the detriment of cyclists and other road users on this key transport corridor. As such an upgrade of waiting restrictions on Sunderland Road to introduce a loading ban is considered necessary.

5.74 Planning conditions are considered appropriate to secure the above waiting restrictions and loading ban to ensure a good level of highway safety is provided on roads immediately adjoining the site.

5.75 Cycle Parking

The application identifies that cycle parking would be provided within the apartment building and that separate provision within individual bungalows could also be provided. Overall given the intended nature of the occupiers (over 55s and independent supported living accommodation), which would be secured by conditions, it is considered cycle ownership by residents is likely to be low. Conditions to agree and implement final details of the number, location and specification of cycle parking is considered appropriate.

5.76 Travel Plan

An Interim Travel Plan has been submitted with the application, which sets out proposed measures for promoting sustainable modes of travel. A condition to agree a full travel plan is appropriate to expand on this and detail precisely how sustainable modes of travel will be supported as part of the development.

5.77 Waste Management

A bin store is proposed adjacent to the turning head within the site so a HGV waste servicing vehicle would be able to access it and manoeuvre easily. The bin store would be an adequate size to meet the need of residents of the apartments.

5.78 Bungalows would have individual bins kept within their curtilage. The proposed site plan demonstrates adequate access to conveniently allow residents to put their bins out for collection. The bungalows facing Sunderland Road would have an allocated area adjacent to Sunderland Road where bins would be put out for collection and waste servicing vehicles would stop on Sunderland Road to empty these bins. Other bins would either be put out adjacent to the internal access road or on Herbert Street for the two properties to the east side of the site.

5.79 Whilst details of the communal bin store have been provided a condition to agree and implement individual bin stores within the bungalows is considered appropriate. Subject to this condition it is considered waste management arrangements are acceptable and would accord with Local Plan policy MSGP48.

5.80 Transport Conclusion

Trip generation associated with the proposed development can be adequately accommodated on the local highway network. There are existing bus stops in proximity to the site on Sunderland Road and the site is well connected by sustainable modes of travel. Overall, it is considered the proposal would not result in any adverse impacts upon highway safety and could be accessed by sustainable modes of travel, in accordance with Local Plan policies CS13, MSGP14 and MSGP15 and Part 9 of the NPPF.

5.81 DRAINAGE

The site is situated in Flood Zone 1, with a low risk of flooding and there are no known historical recorded incidences of flooding on the site. The Environment Agency identify a low risk of surface water flooding around the southern and western perimeter of the site and on Herbert Street. Overall, the site is considered to be at a low risk from all sources of flooding.

5.82 A Flood Risk and Drainage Assessment has been submitted with the planning application, which has subsequently updated following Officer's initial comments.

5.83 The scheme incorporates SuDs including a basin to the west side of the site and areas of permeable paving.

5.84 In principle, Officers consider the site is capable of being adequately drained, including SuDs, without being subject to on site flood risk or increasing flood risk elsewhere. However, some minor discrepancies in the technical details of the proposed drainage scheme have been identified. As such a condition is recommended to agree precise details of the final drainage scheme. Additionally, a condition for a drainage management plan is considered

appropriate identifying ownership and responsibility for all drainage components and how these would be maintained for the lifetime of the development.

- 5.85 Due to the proposed detention basin arrangement in proximity to the western boundary and the form of construction using a retaining wall system and partial embankment, a Drainage Construction Method Statement (DCMS) is required to demonstrate that the construction of the basin will be safe and will not adversely affect stability of boundary features including the public highway, the cemetery wall and trees. The DCMS should also detail how surface water runoff is to be managed during construction of the development, particularly if the basin is to be used for temporary sediment control during construction. A condition to agree and implement the DCMS is considered appropriate.
- 5.86 Subject to appropriate conditions as detailed above, it is considered the development can be satisfactorily accommodated without being affected by flood risk or increasing flood risk elsewhere and without resulting in any water quality issues, in accordance with Local Plan policies CS16, CS17, MSGP29 and MSGP30 and Part 14 of the NPPF.
- 5.87 TREES
It is intended to remove 1no. tree along the Sunderland Road frontage, 1no. tree on the Herbert Street frontage and a series of around 40no. trees within the centre of the site, which are currently located on the embankment between the upper and lower parts of the site. The removal of these trees is essential to facilitate the development layout proposed. 6no. trees along the Sunderland Road frontage would be retained together with trees within the adjacent cemetery to the south and west. Replacement planting is shown indicatively on the proposed site plan and precise details would be agreed as part of a landscaping condition.
- 5.88 A condition requiring implementation of the development in accordance with the tree protection details set out in the Arboricultural Method Statement is considered appropriate to ensure trees indicated as being retained are adequately protected during construction works.
- 5.89 Subject to the above conditions concerning tree protection and replacement planting, on balance the loss of trees in order to facilitate the development is considered acceptable and would accord with Local Plan policy MSGP36 and Part 15 of the NPPF.
- 5.90 ECOLOGY AND BIODIVERSITY
An Ecological Impact Assessment and Biodiversity Net Gain Assessment has been submitted with the application. This concludes the site is of low ecological value and is dominated by hardstandings and amenity grassland. No protected species surveys are considered necessary, other than consideration of the timing of works around the nesting bird season. It is considered the development would not result in any impacts on priority habitats and there are no designated ecological sites in proximity to the site. It is however noted that

the loss of 42no. trees from the site would result in the loss of habitats of moderate ecological value.

- 5.91 Trees being retained within and adjacent to the site and surrounding features within the cemetery provide habitats for priority and protected species, such as bats and nesting birds. Construction activities and operational use of the site have the potential to impact upon these species via harm and/or disturbance to nesting birds, should works be undertaken in the breeding bird season (March to August inclusive), and the potential to cause loss or degradation, including once the development is operational from increased artificial lighting, of bat commuting and foraging habitats.
- 5.92 A condition to agree and implement a construction environmental management plan (CEMP) is considered appropriate. This would set out how construction works would be managed to minimise impacts on biodiversity, priority and protected species.
- 5.93 Conditions to agree and implement a lighting design strategy for biodiversity are considered appropriate to demonstrate that external lighting as part of the development is sensitive to biodiversity, priority and protected species.
- 5.94 To mitigate the potential degradation of bat commuting and foraging habitats within the site and the loss of trees which may provide nesting opportunities for birds it is considered appropriate that bat roosting and bird nesting features are provided as part of the development. Conditions to agree and implement at least 1no. bat roosting feature and 2no. bird nesting features are considered appropriate.
- 5.95 The above measures would ensure appropriate mitigation is provide to offset the ecological impacts of the development, in accordance with Para. 180 (a) of the NPPF and Local Plan Policy MSGP37.
- 5.96 In terms of biodiversity the proposed residential site currently accommodates a baseline of 4.06 habitat units which is predicted to decrease to 1.81 habitat units following the development, resulting in a net loss of 2.25 units. Local Plan policy MSGP37 and Para. 174 (d) of the NPPF require that new development provides a net gain to biodiversity. The Government's emerging Environment Bill proposes to set a requirement for all new developments to achieve a 10% biodiversity net gain (BNG) using Defra's Biodiversity Metric calculator tool to inform off-site requirements, however as this is currently a draft Bill only and not currently an Act of Parliament, these requirements cannot be enforced at this time and only a net gain is required to be delivered in accordance with the above policies.
- 5.97 Some planting is proposed as part of the development which may allow the applicant to provide some biodiversity enhancements on site, however it is considered likely some off-site enhancements will also be required. Precise details of how BNG would be delivered are unclear at this time; as such, conditions are considered appropriate to require the proposed development would provide BNG and to agree and implement these on and off-site

enhancements. Conditions to agree management, annual maintenance and monitoring of the BNG and ensure its retention for at least 30 years are also appropriate to ensure long term benefits are delivered. This will ensure an appropriate level of biodiversity net gain is delivered in the long term as part of the development, in accordance with policy MSGP37 and Part 15 of the NPPF.

5.98 GROUND CONDITIONS

A Phase 1: Desk Top Study & Coal Mining Risk Assessment (Arc Environmental, ref: 21-767, 4 November 2021), Remediation Statement & Validation Proposal Sheets (Arc Environmental, ref: 21-767, 14 March 2022) and Consultants Coal Mining Report (ref: 51002677327001, produced by the Coal Authority) have been submitted as part of the application.

5.99 The above documents detail site investigations undertaken and remediation works required in relation to contamination and gas risk impacts. Officers agree with the conclusions of these reports and the remediation works required. Conditions are appropriate to require implementation of the remediation works and subsequent approval of a verification report demonstrating the required remediation works have been implemented in full. A condition concerning unexpected contamination is also appropriate, requiring investigation and risk assessment of any unexpected areas of contamination discovered during construction works.

5.100 There is potential for the former library building, intended to be demolished, to contain asbestos. Asbestos surveys and appropriate treatment of any asbestos found will be required. However, this is covered by separate legislation and planning conditions are not necessary in relation to the treatment of asbestos.

5.101 The development is located outside any coal mining Development High Risk areas but is in proximity to mining legacy features. The Coal Mining Risk Assessment (CMRA) indicates that unrecorded mine workings associated with the High Main Coal Seam may pose a risk of instability to the proposed development. The report advises that intrusive site investigations should be carried out to determine this level of risk. The Coal Authority have been consulted and raise no objections, noting that it is for the Local Planning Authority to determine whether it considers the undertaking of the investigatory works recommended in the CMRA are necessary in order to demonstrate that the site is, or can be made, safe and stable for the proposed development.

5.102 The Coal Authority also advise that the design of any SuDS features should consider the implications in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

5.103 The Coal Authority's comments are noted and it is acknowledged they raise no objections. The site is not within a coalfield Development High Risk area, it is unknown whether any coal mining legacy features are present within the site,

although the CMRA indicates there is some potential for this. An informative has been recommended by the Coal Authority requiring the developer to contact them if any coal mining legacy features are encountered during construction works. In this instance, it is considered unnecessary to impose conditions requiring intrusive investigations and remediation of coal mining legacy features. Should the developer encounter any such features the informative and the Coal Industry Act 1994 would require them to work with the Coal Authority to provide the appropriate treatment for any hazards. Furthermore appropriate foundation design would need to be agreed as part of the building regulations approval, which would have regard to features of this nature.

5.104 Overall subject to the remediation and verification conditions and the coal mining informative, it is considered the development is not subject to any unacceptable risks from contamination and land instability, in accordance with Local Plan Policies CS14 and MSGP20 and Part 15 of the NPPF.

5.105 SUSTAINABILITY

The Planning Statement incorporates a Sustainability Statement. The development has been designed with a 'fabric first approach' which is a nationally recognised method in designing buildings to mitigate carbon emissions at best value. The design includes high levels of insulation and air tightness to be included in the construction to minimise heat loss. Sufficient glazing is also proposed to the principal living rooms of each residential unit with sufficient natural lighting, thus reducing the energy consumed in artificially lighting the room. The development has been orientated to ensure that the principal glazed elevations utilise solar gain.

5.106 The proposed development includes renewable technologies to improve the sustainability of the site. This is proposed through the incorporation of air source heat pumps as the main heating source and use of PV panels to appropriately orientated roof slopes. EV charging bays are also intended to be provided.

5.107 The development aims to achieve sustainability in excess of Part L of the Building Regulations which set maximum limits for carbon emissions from buildings and provides minimum efficiency standard for fabric and building services. It is therefore considered the development would provide a good level of sustainability, in accordance with Local Plan policy CS16 and Part 14 of the NPPF.

5.108 DIGITAL INFRASTRUCTURE

Local Plan policy 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.

5.109 A condition is recommended to be imposed requiring the submission of a statement explaining the outcome of this engagement, subject to which the application complies with policy MSGP8 of the Local Plan for Gateshead.

5.110 **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

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 housing related. The development is located within Charging Zone C, with a levy of £0 per square metre for this type of development.

5.111 **ANY OTHER MATTERS**

The representations submitted raise a number of points in relation to a perceived lack of need for the development and suggestion that the development would be better suited to alternative sites in other locations. These are not material planning matters and cannot be afforded weight in the determination of this application; the matter to be considered is whether the proposed development is acceptable in this location.

5.112 It is considered that all other material planning issues have been addressed in the report.

6.0 CONCLUSION

6.1 The proposal would result in the redevelopment of previously developed land and would contribute to the Borough's housing stock. Whilst an existing play area and multi-use games area would be lost as a result of the development, the application proposes the provision of replacement facilities close to the site, which are considered to acceptably compensate for the facilities that would be lost.

6.2 Taking all the relevant issues into account, it is considered that the proposal is acceptable or can be made so through conditions in terms of principle, open space and play, visual amenity, heritage/archaeology, residential amenity, transport and waste management, drainage, ecology, trees, ground conditions and digital infrastructure and would comply with the aims and objectives of the NPPF, and the Local Plan for Gateshead.

7.0 Recommendation:

Minded to GRANT planning permission, subject to planning conditions and subject to further representations and consultations that may be received before the current publicity/notification period ends (9 August 2023), 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

The development shall be carried out in complete accordance with the approved plan(s) as detailed below -

Site Location Plan (Dwg. No. 0005 Rev P05)
Proposed Site Plan (Dwg. No. 001129 Rev P029)

Proposed Site Sections (Dwg. No. 0015 Rev P02)
Site Sections 1 of 2 (Dwg. No. SK02)
Site Sections 2 of 2 (Dwg. No. SK03)

Bin Store (0022 Rev P01)
Boundary Plan (00204 Rev P04)
'Kompan' General Layout plan (Dwg. No. SC15849-01).

Proposed Lower Ground Floor Plan (Dwg. No. 0111 Rev P06)
Proposed Ground Floor Plan (Dwg. No. 0112 Rev P06)
Proposed First Floor Plan (Dwg. No. 0113 Rev P06)
Proposed Second Floor Plan (Dwg. No. 0114 Rev P06)
Proposed South and West Elevations (Dwg. No. 0132 Rev P05)
Proposed North and East Elevations (Dwg. No. 0131 Rev P05)
Typical 2 bed apartment layout (Dwg. No. 0117 Rev P05)
Typical 1 bed apartment layout (Dwg. No. 0116 Rev P05)
Proposed Roof Plan (Dwg. No. 0115 Rev P06)

Typical 1 bed Bungalow Plans (Dwg. No. 0122 Rev P04)
Typical 2 bed Bungalow Plans (Dwg. No. 0124 Rev P04)
Typical 2b3p bungalow - Ground Floor Plan (Dwg. No. 0152 Rev P01)
Typical 1b2p bungalow - Ground Floor Plan (Dwg. No. 0151 Rev P01)

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

Prior to commencement of any part of the residential development (except for the installation of tree protection measures) a Demolition and Construction Management Plan (DCMP) shall be submitted to and

approved in writing by the Local Planning Authority. The DCMP shall include the following:

- a) Vehicle access and parking locations for site operatives and visitors;
- b) Measures to control the emission of dust, dirt and noise and vibration during demolition and construction;
- c) A scheme for recycling/disposing of waste resulting from construction works;
- d) Measures for the protection of heritage assets, namely the stone walls to the north, south and west boundaries and the Victorian drinking fountain to the north boundary;
- e) Location and layout of compound areas for the storage of plant and materials to be used in construction

Reason

In order to avoid nuisance to neighbouring occupiers during the demolition and construction phases of the residential development and to ensure heritage assets on/adjacent to the site are protected, in accordance with the NPPF and policies CS14, CS15, MSGP17, MSGP18 and MSGP25 of the Local Plan.

Reason for pre-commencement condition

The demolition and construction management plan must be submitted and approved in writing before the residential development commences in order to ensure that an appropriate scheme can be implemented prior to works starting on site which may have a detrimental impact upon the amenity of local residents and heritage assets.

4

The DCMP approved under condition 3 shall be adhered to and implemented at all times throughout the demolition and construction period of the residential development in accordance with the approved details.

Reason

In order to avoid nuisance to neighbouring occupiers during the construction phase of the development and to ensure heritage assets on/adjacent to the site are protected, in accordance with the NPPF and policies CS14, CS15, MSGP17, MSGP18 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 and installation of play equipment, shall be carried out only between 0800 hours and 1800 hours on Mondays to Fridays, between 0800 hours and 1300 hours on 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

Prior to commencement of any part of the residential development (including demolition, ground works, vegetation clearance) a construction environmental management plan (CEMP: Biodiversity) shall be 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 "biodiversity protection zones" e.g. tree 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);
- d) 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) Any times during construction when specialist ecologists need to be present on site to oversee works;
- 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 protective fences, exclusion barriers and warning signs.

Reason

To avoid and minimise impacts on biodiversity in accordance with Policies CS18 and MSGP37 of the Local Plan for Gateshead and Part 15 of the NPPF.

Reason for pre-commencement

To satisfy the Local Planning Authority that the development can be carried out in a manner which avoids harm to biodiversity. This information is fundamental to the development and requires approval before development starting on site as the commencement of works and the manner in which they are undertaken could be harmful to biodiversity.

7

The CEMP approved under condition 6 shall be adhered to and implemented throughout the construction period of the residential development strictly in accordance with the approved details.

Reason

To avoid and minimise impacts on biodiversity in accordance with Policies CS18 and MSGP37 of the Local Plan for Gateshead and Part 15 of the NPPF.

8

Prior to commencement of the residential development a final detailed drainage scheme for the development and timetable for implementation shall be submitted to and approved by the Local Planning Authority in consultation with the LLFA.

The drainage scheme shall include a final detailed drainage plan and supporting drainage calculations together with site specific cross sections through all key drainage components (sewers, detention basin, flow control chamber, permeable paving).

The final detention basin design should demonstrate that it satisfies hydraulic objectives, will be compatible with the landscaping scheme and will maximise biodiversity benefits to the site and environs.

Reason

To demonstrate that the final detailed drainage design follows the philosophy of the approved drainage strategy and best practice guidance in accordance with Policies MSGP29, CS17 and CS18 of the Local Plan for Gateshead and Part 14 of the NPPF.

Reason for pre-commencement

In order to ensure that the site layout can accommodate appropriate drainage measures prior to the commencement of the construction of the development.

9

The drainage scheme shall be implemented in complete accordance with the details and timetable approved under condition 8.

Reason

To demonstrate that the final detailed drainage design follows the philosophy of the approved drainage strategy and best practice guidance in accordance with Policies MSGP29, CS17 and CS18 of the Local Plan for Gateshead and Part 14 of the NPPF.

10

Prior to commencement of the residential development a detailed Drainage Construction Method Statement (DCMS) for the development shall be submitted to and approved by the Local Planning Authority. In particular, details of how the basin retaining wall and embankment features are to be constructed shall be provided together with confirmation of the strategy for managing surface water runoff prior to the development drainage system being commissioned.

Reason

To prevent surface water run off and associated nuisance in the interests of amenity and highway safety, in accordance with Local Plan

policies CS16, CS17, CS18, MSGP29 and MSGP30 and Part 14 of the NPPF.

Reason for pre-commencement

In order to ensure that the site layout can accommodate appropriate drainage measures prior to the commencement of the construction of the development.

11

The DCMS approved under condition 10 shall be adhered to in full at all times during construction of the residential development hereby approved.

Reason

To prevent surface water run off and associated nuisance in the interests of amenity and highway safety, in accordance with Local Plan policies CS16, CS17, CS18, MSGP29 and MSGP30 and Part 14 of the NPPF.

12

The residential development hereby approved shall be undertaken in complete accordance with the Arboricultural Method Statement (Elliott Consultancy Ltd, Ref: ARB/CP/2338, November 2022).

No construction work shall take place, nor any site cabins, materials or machinery be brought on site, until all trees and hedges, indicated on the tree protection plan in Appendix 3 of the Arboricultural Method Statement as to be retained, are protected by the erection of fencing, placed as indicated on the plan and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar approved in accordance with BS.5837:2012.

Protective fencing shall remain in place for the duration of all construction works on the site.

No operations whatsoever, no alterations of ground levels, and no storage of any materials are to take place inside the protective fencing, and no work is to be done such as to affect any tree.

No removal of limbs of trees or other tree work other than that detailed in the Arboricultural Impact Assessment shall be carried out on the site.

No underground services trenches or service runs shall be laid out in root protection areas, as defined on the Tree Protection Plan.

Reason

To ensure that adequate tree protection is in place prior to the commencement of any construction works and that there are no resulting adverse impacts on trees and hedging to be retained within the

site, to preserve the visual amenity of the surrounding area, in accordance with policy MSGP36 of the Local Plan for Gateshead and Part 15 of the NPPF.

Reason for pre-commencement

To satisfy the Local Planning Authority that the development can be carried out in a manner that protects existing trees and hedges within and adjacent to the site. The protection measures are fundamental to the protection of the trees and hedges and must be in place prior to development starting on site.

13

The replacement play area shall be installed in accordance with the principals established on the 'Kompan' General Layout plan (Dwg. No. SC15849-01).

Prior to removal of the existing play area final details of the replacement play area to be installed shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that replacement play provision is made, in accordance with the NPPF and policy MSGP39 of the Local Plan.

14

The replacement play area approved under condition 13 shall be installed in full accordance with the details approved under condition 13 and made available for public use, prior to removal of the existing play area.

Reason

To ensure that replacement play provision is made, in accordance with the NPPF and policy MSGP39 of the Local Plan.

15

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

Reason

To safeguard the visual amenities of the area, in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan.

16

The external materials approved under condition 15 shall be implemented in full accordance with the approved details.

Reason

To safeguard the visual amenities of the area, in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan.

17

Notwithstanding the approved plans, prior to the installation of any boundary treatment within the residential development a fully detailed scheme for boundary treatments in the residential development shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall provide details of the type, position, design, dimensions and materials of the boundary treatment.

Reason

To safeguard the visual amenities of the area, in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan.

18

The boundary treatments approved under condition 17 shall be implemented in full accordance with the approved details.

Reason

To safeguard the visual amenities of the area, in accordance with the NPPF and policies CS15 and MSGP24 of the Local Plan.

19

Notwithstanding the approved plans, prior to the commencement of any works to create a new opening within the north boundary wall of the residential development site, final details of the opening to be created shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To safeguard the visual amenities and heritage assets of the area, in accordance with the NPPF and policies CS15, MSGP24 and MSGP25 of the Local Plan.

20

The opening in the north boundary wall of the residential development site shall be implemented in accordance with the details approved under condition 19.

Reason

To safeguard the visual amenities and heritage assets of the area, in accordance with the NPPF and policies CS15, MSGP24 and MSGP25 of the Local Plan.

21

Notwithstanding the approved plans, prior to first installation of any air source heat pumps, final details of the specification and number of pumps to be installed and measures for the mitigation of noise (including boundary fencing) shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the development would not result in an unacceptable level of disturbance to neighbouring properties, in accordance with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

22

The equipment and mitigation measures approved under condition 21 shall be installed and operated in accordance with the approved details and shall be retained as such thereafter.

Reason

To ensure that the development would not result in an unacceptable level of disturbance to neighbouring properties, in accordance with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

23

Works shall not progress above damp proof course until a noise mitigation strategy for the residential development has been submitted to and approved in writing by the Local Planning Authority.

The strategy shall include final details of façade design and ventilation for the proposed development and any mitigation measures necessary to achieve appropriate noise levels.

Reason

In order to protect the amenity of future occupiers of the premises and in accordance with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

24

The noise mitigation strategy approved under condition 23 shall be implemented in full accordance with the approved details prior to first occupation of the residential development hereby approved and shall be retained for the lifetime of the development.

Reason

In order to protect the amenity of future occupiers of the premises and in accordance with the NPPF and policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

25

Notwithstanding the approved plans, prior to the commencement of any landscaping works, a hard and soft landscaping scheme for the residential development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) areas of habitat creation, planting species with a focus on locally native species, sizes, layout, densities, numbers, planting procedures or specification and the establishment and maintenance regime
- b) the specification, appearance and siting of all new hard surfacing materials
- c) retaining walls/structures
- d) steps and the proposed ramp
- e) street furniture
- f) a timetable for implementation

Reason

In the interests of the appearance of the surrounding area, biodiversity and highway safety, in accordance with Policies MSGP15, MSGP24, MSGP36 and MSGP37, CS13, CS15 and CS18 of the Local Plan for Gateshead and Parts 9, 12 and 15 of the NPPF.

26

The hard and soft landscaping works shall be implemented in accordance with the details and timetable approved under condition 25.

Reason

In the interests of the appearance of the surrounding area, biodiversity and highway safety, in accordance with Policies MSGP15, MSGP24, MSGP36 and MSGP37, CS13, CS15 and CS18 of the Local Plan for Gateshead and Parts 9, 12 and 15 of the NPPF.

27

Prior to first occupation of any part of the residential development hereby approved the brick utility structure to the south east corner of the site adjacent to the junction with Herbert Street shall be removed.

Reason

To ensure adequate visibility is provided for users of the junction of the development with Herbert Street and prevent any adverse impacts upon highway safety, in accordance with Policies CS13 and MSGP15 of the Local Plan for Gateshead and Part 9 of the NPPF.

28

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.

29

Digital infrastructure shall be implemented as part of the development in complete accordance with the details approved under condition 28.

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.

30

Prior to first occupation of the residential development hereby approved, details of a scheme for the provision of on and off site public open space (to deliver public open space to the equivalent of 1.99ha per 0.48ha), and timescales for delivery, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure adequate and appropriate open space provision in accordance with the NPPF and policy MSGP40 of the Local Plan.

31

The scheme for the provision of public open space approved under condition 30 shall be implemented in accordance with the approved details and maintained as such for the lifetime of the development.

Reason

To ensure adequate and appropriate open space provision in accordance with the NPPF and policy MSGP40 of the Local Plan.

32

Prior to first occupation of any part of the residential development hereby approved a scheme of highway works including the following shall be submitted to and approved in writing:

- a) Removal of existing parking bays on Herbert Street and replacement with no waiting at any time (double yellow line) restrictions, including a new/amended Traffic Regulation Order (TRO).
- b) Upgraded waiting restrictions on Sunderland Road to introduce a loading ban along the site frontage.

Reason

In the interests of highway safety in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

33

The highway works shall be implemented in complete accordance with the details approved under condition 32 prior to first occupation of any part of the residential development.

Reason

In the interests of highway safety in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

34

Notwithstanding the submitted details, prior to first occupation of any part of the residential development hereby approved precise details of the location and specification of secure and weather resistant cycle parking shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In order to promote cycling as part of the development, in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

35

Cycle parking facilities shall be implemented in complete accordance with the details approved under condition 34, made available for use prior to first occupation of any part of the residential development and retained thereafter for the lifetime of the development.

Reason

In order to promote cycling as part of the development, in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

36

The residential development hereby approved shall not be occupied until a Travel Plan has been submitted to the Local Planning Authority for consideration. The Travel Plan shall include:

- (a) An assessment of the site, including the transport links to the site, on-site facilities, any transport issues and problems, barriers to non-car use and possible improvements to encourage walking, cycling and bus use.
- (b) Appointment of a travel plan co-ordinator and identification of associated budget
- (c) Clearly defined objectives, targets and indicators
- (d) Details of proposed measures
- (e) Detailed timetable for implementing measures
- (f) Proposals for maintaining momentum and publicising success
- (g) A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.
- (h) Commitment to the use of the councils preferred monitoring database
- (i) Consideration of provision of introductory travel tickets for residents

Reason

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

37

Within 24 months of the date of approval of condition 36, evidence of the implementation of the Travel Plan approved under condition 36 over a minimum period of 12 months following final completion, and any revisions, shall be submitted to the Local Planning Authority for consideration.

Reason

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

38

The Travel Plan and any revisions approved under conditions 36 and 37 shall be wholly implemented in accordance with the approved details for the lifetime of the development.

Reason

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

39

Prior to their installation precise details of the number, location and specification of bin stores serving the bungalows hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate and adequate bin storage is provided as part of the development, in accordance with the NPPF and policies CS13, CS15, MSGP15, MSGP24 and MSGP48 of the Local Plan.

40

The bin stores approved under condition 39 shall be implemented in accordance with the approved details prior to first occupation of the bungalows to which they relate.

Reason

To ensure appropriate and adequate bin storage is provided as part of the development, in accordance with the NPPF and policies CS13, CS15, MSGP15, MSGP24 and MSGP48 of the Local Plan.

41

The communal bin store detailed on drawing no. 21009-EArch-PL-XX-DR-A-0022-Rev P01 (Bin Store) shall be installed

in the location shown on drawing no. 21009-EArch-FE-XX-DR-A-001129 Rev 29 (Proposed Site Plan) prior to first occupation of any of the apartments hereby approved.

Reason

To ensure appropriate and adequate bin storage is provided as part of the development, in accordance with the NPPF and policies CS13, CS15, MSGP15, MSGP24 and MSGP48 of the Local Plan.

42

Prior to first occupation of any part of the residential development hereby approved a Drainage Maintenance Plan (DMP) shall be submitted to and agreed by the Local Planning Authority. The DMP should 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 should 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 policy CS17 of the Local Plan for Gateshead and Part 14 of the NPPF.

43

The DMP approved under condition 42 shall be adhered to in full for the lifetime of the development hereby approved.

Reason

To ensure that the drainage scheme operates at its full potential throughout the development's lifetime in accordance with policy CS17 of the Local Plan for Gateshead and Part 14 of the NPPF.

44

Prior to first occupation of any part of the residential development, a lighting design strategy for biodiversity (prepared in consultation with a suitably qualified ecologist) for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- (a) Identify those areas/features on site or adjacent to site that are particularly sensitive for bats and that are likely to cause disturbance in or around their resting places (including any bat roost features installed as part of the proposals) or along important routes used to access key areas of their territory, for example, for foraging; and
- (b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

Reason

To maintain and enhance 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 for Gateshead and Part 15 of the NPPF.

45

All external lighting shall be installed in accordance with the specifications and locations set out in the lighting design strategy approved under condition 44, and shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason

To maintain and enhance 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 for Gateshead and Part 15 of the NPPF.

46

Works shall not progress above damp proof course until full details including the specification and precise location (as identified on a plan and elevation drawing) of proposed bat roost features (minimum 1no.) and bird nesting features (minimum 2no., including provision for species such as house sparrow and starling) have been submitted to and approved in writing by the Local Planning Authority.

Reason

To enhance the value and function of the site for roosting bats and nesting birds in accordance with policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead and Part 15 of the NPPF.

47

The bat roost and bird nesting features shall be installed in complete accordance with the details approved under condition 46. Thereafter the approved Bat Roost Features and Bird Nesting Features shall be retained for the life of the development.

Reason

To enhance the value and function of the site for roosting bats and nesting birds in accordance with policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead and Part 15 of the NPPF.

48

Notwithstanding the approved plans, prior to the commencement of any landscaping works on the residential site, details of a biodiversity net gain compensation scheme, including the mechanism(s) for delivery of on and off site measures, which delivers a biodiversity net gain, as demonstrated through application of the Defra metric 3.1, to be delivered

on suitable land, and including timescales for delivery, shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the development achieves measurable biodiversity net gain and improves the local and natural environment in accordance with policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead and Part 15 of the NPPF.

49

The biodiversity net gain compensation scheme approved under condition 48 shall be implemented in full accordance with the approved measures and timescales, and maintained thereafter for a minimum of 30 years.

Reason

To ensure the development achieves measurable biodiversity net gain and improves the local and natural environment in accordance with policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead and Part 15 of the NPPF.

50

No part of the residential development hereby approved shall be occupied until a detailed Habitat Management and Monitoring Plan, to include an annual maintenance plan, monitoring protocol and arrangements to address any defects/issues adversely impacting the value and function of the soft landscaping and/or habitats provided on site have been submitted to and approved in writing by the Local Planning Authority.

Reason

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

51

The approved biodiversity net gain compensation scheme, including both on and off-site measures, shall be implemented in full accordance with the measures and timetables approved under conditions 48-50 and maintained thereafter for a minimum of 30 years.

Reason

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

52

The remediation measures set out in the Phase 1: Desk Top Study & Coal Mining Risk Assessment (Arc Environmental, ref: 21-767, 4 November 2021) and Remediation Statement & Validation Proposal

Sheets (Arc Environmental, ref: 21-767, 14 March 2022) shall be implemented in full as part of the residential development hereby approved and maintained for the lifetime of the residential 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 for Gateshead and Part 15 of the NPPF.

53

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 for Gateshead and Part 15 of the NPPF.

54

Where remediation is required (under conditions 52 and 53) following completion of the approved remediation and monitoring measures, occupation of the residential development hereby approved shall not commence until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority.

Where this is carried out in phases, use of the buildings, structures or plant within the relevant phase shall not commence until a verification report that demonstrates the effectiveness of the remediation carried out for that phase has been submitted to and approved in writing by the Local Planning Authority.

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with CS14 and MSGP20 of the Local Plan for Gateshead and Part 15 of the NPPF.

55

Prior to their installation precise details of the locations, numbers and specification of Electric Vehicle (EV) charging points to be provided shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In order to promote sustainable travel as part of the development, in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

56

The EV charging points shall be installed in complete accordance with the details approved under condition 55 prior to the first occupation of any part of the residential development hereby approved.

Reason

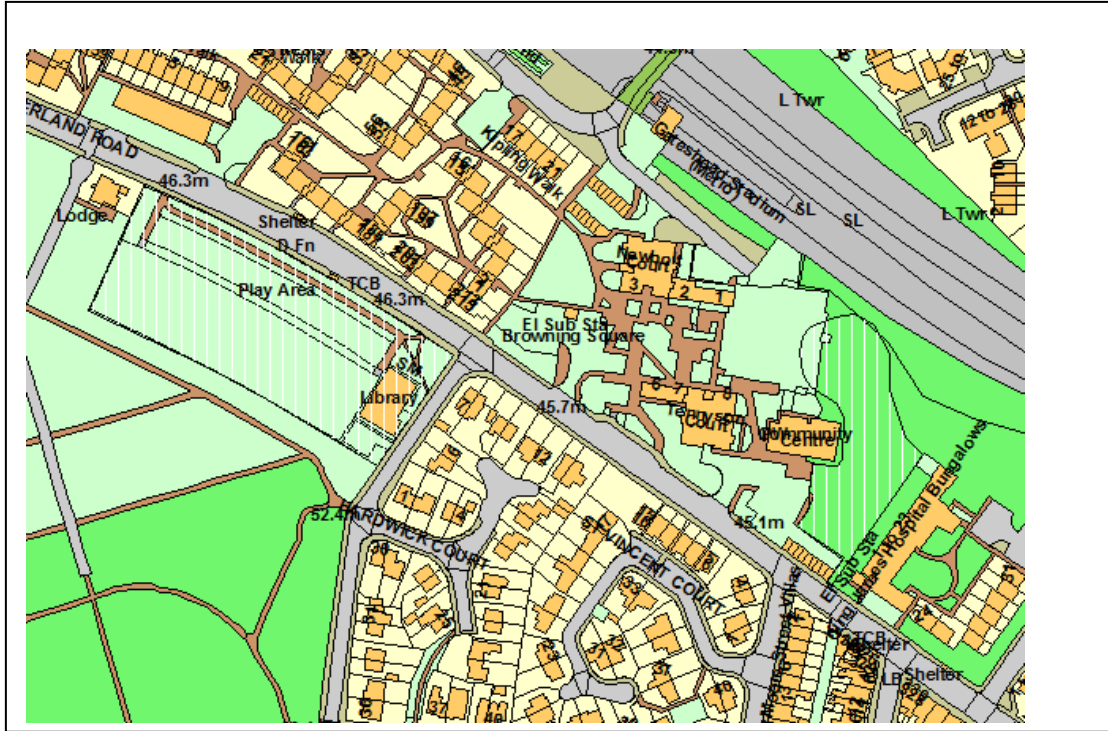
In order to promote sustainable travel as part of the development, in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.

57

The dwellings hereby approved shall only be occupied by persons aged 55 and over and on the basis of independent supported living, as defined in paras. 110 and 111 of the Specialist and Supported Housing Supplementary Planning Document 2022.

Reason

As car parking provided is lower than would usually be required for a development of this size and no new play space or replacement MUGA is to be provided and this is justified due to the nature of the proposed occupiers, in the interests of highway safety in accordance with Local Plan policies CS13 and MSGP15 and Part 9 of the NPPF.



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