

## Committee Report

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| <b>Application No:</b>        | <b>DC/23/00949/FUL</b>   |
| <b>Case Officer</b>           | <b>Amy Dunbar</b>  |
| <b>Date Application Valid</b> | <b>21 November 2023</b>  |
| <b>Applicant</b>              | <b>Ms Sharon Lake</b>  |
| <b>Site:</b>                  | <b>Derwentwater Court<br/>Bensham<br/>Gateshead<br/>NE8 2HB</b>  |
| <b>Ward:</b>                  | <b>Lobley Hill And Bensham</b>   |
| <b>Proposal:</b>              | <b>Construction of 10no. dwellings including associated car parking and landscaping works (amended plans and documents submitted 05.03.2024 and 13.03.2024, amended site layout received 05.06.2024, amended highway plans received 07.06.2024, amended FRA and drainage strategy received 02.07.2024, remediation strategy, gas risk assessment and tree report received 01.08.2024, amended drainage information received 03.09.2024).</b> |
| <b>Recommendation:</b>        | <b>GRANT</b>   |
| <b>Application Type</b>       | <b>Full Application</b>  |

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

1.2 The application site is a previously developed 0.19ha parcel of land which has recently been subject to a demolition. The site was formerly occupied by a part two storey part three storey high apartment complex consisting of 30 flats. The building was demolished as it was at the end of its service life, and it was not deemed economically viable to carry out a refurbishment.

1.3 Existing residential properties lie to the west and south of the site, to the north lies Derwentwater Road. Beyond Derwentwater Road lies more residential properties as well as Cuthbert House Hostel which is a premises used by the probation service. The eastern boundary lies next to St Cuthberts Church which is now a commercial property hosting small businesses.

**1.4 DESCRIPTION OF APPLICATION**

1.5 The application proposes to construct 10no. dwellings. This would consist of 4no. 3 bed and 6no. 2 bed properties which would be marketed as affordable rentable properties.

1.6 Units 1-3 and unit 8 would be two storey dwellings, units 4-7 are laid out as two ground floor and two first floor flats within a single, two storey building. Units 9 and 10 would also be 2 storey dwellings, but these would have the first floor accommodated within the roof space. The dwellings would be

constructed using red/brown facing brickwork, grey concrete roof tiles, white uPVC windows, soffits and fascias and black front doors, gutters and downpipes. Solar panels would also be mounted on the roofs.

#### 1.7 RELEVANT PLANNING HISTORY

- 1.8 DC/23/00392/DEM Prior approval required and approved for 'Demolition of existing Derwentwater Court apartment building at Derwentwater Road, Gateshead, as well as all associated hard landscaping and site internal walls'. Dated 1<sup>st</sup> June 2023.

### **2.0 Consultation Responses:**

|                                   |                                     |
|-----------------------------------|-------------------------------------|
| Northumbria Police                | Amendments made, no objections.     |
| Tyne and Wear Archaeology Officer | No objection subject to conditions. |
| Tyne and Wear Fire and Rescue     | No objections.                      |
| The Coal Authority                | No objection subject to conditions. |

### **3.0 Representations:**

- 3.1 Neighbour notifications were issued on 10<sup>th</sup> May 2023. A site notice was displayed on 11<sup>th</sup> December 2023 in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.
- 3.2 No representations have been received.

### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS9 Existing Communities

CS10 Delivering New Homes

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

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

MSGP27 Archaeology

MSGP29 Flood Risk Management

MSGP36 Woodland, Trees and Hedgerows

MSGP37 Biodiversity and Geodiversity

MSGP48 Waste Management Facilities - New Dev

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

5.1 The key considerations to be taken into account when considering this planning application are the principle of the development and potential impacts on designated heritage assets, visual amenity, residential amenity, highway safety, ecology and land conditions.

### **5.2 HOUSING POLICY**

5.3 Policy CS11 of the CSUCP specifies that 60% of new private housing across the plan area should be suitable for and attractive to families with a minimum target of 16,000 new homes to have 3 or more bedrooms. Furthermore, Policy CS9 seeks to ensure that existing communities will be sustainable places of quality and choice. This should be achieved by, amongst other things, maintaining a range of housing types and sizes throughout the plan area.

5.4 The site is not allocated for any specific purpose and is therefore classed as a windfall housing site, although it has long been established for residential use.

5.5 Four of the ten dwellings proposed would be of a suitable size to accommodate a family, it is acknowledged that the 60% target referred to in Policy CS11 does not require all new housing across the borough to have 3 or more bedrooms. Although not all of the proposed dwellings would provide family sized homes, the development would contribute ten new dwellings to

the local housing stock in an established residential area which accords with policies CS9, CS10 and CS11 of the Local Plan for Gateshead.

#### 5.6 RESIDENTIAL SPACE STANDARDS

- 5.7 Policy CS11(4) requires that new residential development provides adequate space inside and outside of the home to meet the needs of residents.
- 5.8 Policy MSGP12 requires new residential development to, at minimum, achieve the Nationally Described Space Standards (NDSS) in order to ensure adequate space is provided inside the home and therefore ensuring new homes are of a high standard and quality.
- 5.9 The proposed floor plans demonstrate that plots 1, 2, 9 and 10 would be 3-bedroom, 2 storey dwellings with 5 bed spaces. The minimum gross internal floor area for a dwelling of this size is 93m<sup>2</sup> including 2.5m<sup>2</sup> of built-in storage. The floor plans indicate a gross internal floor area of approximately 93.36m<sup>2</sup>.
- 5.10 Plots 4-7 would be 1 storey, 2- bedroom flats providing 3 bedspaces. The minimum gross internal floor area for a dwelling of this size is 61m<sup>2</sup> including 2m<sup>2</sup> of built-in storage. The proposed flats have internal floor areas of between 61-67 m<sup>2</sup>.
- 5.11 Plots 3 and 8 would be 2 storey, 2-bedroom dwellings providing 4 bedspaces. The minimum gross internal floor area for a dwelling of this size is 79m<sup>2</sup> including 2m<sup>2</sup> of built-in storage. These dwellings would have a floor area of 80 m<sup>2</sup>.
- 5.12 All of the proposed dwellings would meet the minimum space requirements for gross internal floor area, furthermore they would achieve the minimum width and floor area requirements necessary for accommodating a double and single bedspace.
- 5.13 It is considered that the proposal presents ten new dwellings that would provide an adequate amount of internal and external living space for future occupiers which would contribute towards providing a good standard of amenity and is therefore in accordance with policies CS11 and MSGP12 of the Local Plan for Gateshead.
- #### 5.14 VISUAL AMENITY AND DESIGN
- 5.15 The NPPF requires that, amongst other things, new development is sympathetic to local character and is visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 5.16 Officers initially raised concerns about the density of the proposed development suggesting the layout appears cramped resulting in a potential overdevelopment of the site.
- 5.17 Amendments have since been made to the site layout. Each dwelling would feature a private garden with the flats sharing communal garden spaces to the rear. The site would also feature a 'central pedestrian zone' which would

include a grassed area, benches and planters with the aim of providing a visually attractive environment for residents to enjoy. The communal area is also situated on a part of the site that would allow for views across to the city of Newcastle providing a relationship between the development and surrounding townscape and adding to the quality of place.

- 5.18 Northumbria Police's Designing Out Crime Officer raised concerns about the development creating a new opening onto Derwentwater Road which would allow pedestrians to walk through the site directly onto the proposed parking area. To ensure this would be a semi-private space and to promote a safe environment by minimising the potential for crime, an access gate has been added to the new opening.
- 5.19 The site layout plan indicates there would be several areas allocated for soft landscaping, to ensure that the development appears as a positive contribution to the street scene, conditions have been attached requiring the submission of an appropriate scheme for soft landscaping and for this to be maintained accordingly.
- 5.20 Although the density of housing remains as originally proposed the layout has been improved to provide better connectivity as well as a creating a safer environment and an overall better sense of place.
- 5.21 The design of the dwellings would broadly fit the character of the existing residential properties in the surrounding street scene and would, in terms of its overall size and scale, would be similar to the former Derwentwater Court apartments.
- 5.22 The proposed built materials, including colours and finishes, are considered to be acceptable and sympathetic to the appearance of the wider street scene. Furthermore, the hardstanding areas by virtue of the proposed materials, design and colour would ensure there is a clear visual distinction between private and public spaces thereby reinforcing the function of these areas. The scheme for boundary treatment is also considered to be satisfactory.
- 5.23 Overall, it is considered that the scale and footprint of the new dwellings would be in keeping with the size and scale of dwellings within the surrounding built environment and would be sympathetic to the character of the street scene. The materials, design, colour and finishes of the external materials including hardstanding and boundary treatment would ensure that visually the development is of a good quality design and appearance. The proposed development would therefore comply with the aims and requirements of the NPPF and policies CS15 and MSGP24 of the Local Plan for Gateshead.
- 5.24 **ARCHAEOLOGY**
- 5.25 The application has been assessed by the Tyne and Wear Archaeology Officer. The western section of the site was part of the former churchyard of St Cuthbert's Church constructed in 1848. According to Church of England records, the churchyard was in use for burial until 1874. There is potential for

buried human remains to survive, which have likely been disturbed or truncated by the development of Derwentwater Court and prior to that, landscaping to accommodate the former Bensham National School.

- 5.26 Paragraph 211 of the NPPF requires developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.
- 5.27 Taking into account the above requirements and given the potential for the survival of archaeological remains, it is considered necessary that archaeological trial trenching to be carried out prior to the commencement of the development. Appropriately worded conditions have been attached (conditions 4-6). Subject to compliance with conditions, the proposed development is in accordance with the NPPF and policy MSGP27 of the Local Plan for Gateshead.
- 5.28 RESIDENTIAL AMENITY
- 5.29 Paragraph 135 of the NPPF requires that planning policies and decisions should ensure that development will achieve a high standard of amenity for existing and future users. This is reflected in local policy CS14 of the CSUCP which requires that the wellbeing and health of communities will be maintained and improved by preventing negative impacts on residential amenity.
- 5.30 Policy MSGP17 recognises amongst other things, that existing residential areas are vulnerable to amenity issues where building density is increased as a result of redevelopment and sub-division of curtilage to create new building plots particularly as a result of a loss of privacy and reasonable levels of outlook.
- 5.31 The proposed layout of the site would be similar to the previous layout in terms of proximity to adjacent residential properties. The separation distance between the rear elevations of units 9 and 10 and 18 and 19 Whittingham Court is approximately 16.5 metres, both elevations contain habitable room windows. To achieve suitable levels of privacy it is recommended, (in Council guidance relating to house extensions), that a separation distance between facing elevations containing habitable rooms windows is 21 metres. Prior to demolition, the previous residential development at this site presented a similar relationship with properties at Whittingham Court however the former separation distance was approximately 13 metres. Consequently, whilst not achieving a 21m separation, the proposed relationship is an improvement on the existing.
- 5.32 The windows at first floor level on the rear of units 9 and 10 are proposed to be 'Velux Due Vertical' windows. To prevent any overlooking it is recommended that a condition be attached to require the lower section of this window to be fitted with obscure glazing while the section of window on the roof slope remain clear to allow for a degree of outlook from habitable rooms (condition 7).

- 5.33 The proposed separation distance between unit 8 and No.20 Whittingham Court would be approximately 20 metres. Taking into consideration the previous site arrangement, a shortfall of 1 metre below the recommended standard is considered acceptable in this case.
- 5.34 Although the proposed separation distance would be below the recommended standard, this would be an improvement on the previous development at this site. It is considered that the inclusion of partially obscured windows would mitigate any potential for overlooking of nearby properties.
- 5.35 The proposed first floor flats would feature balconies that would overlook the communal garden area. Given the orientation of the balconies in relation to existing and proposed residential properties, it is not considered these additions would result in an unacceptable degree of overlooking.
- 5.36 Overall, it is considered that the position, size, and scale of the proposed dwellings in relation to adjacent buildings would not result in an unacceptable degree of harm to the amenity of residents occupying these properties or the wider area.
- 5.37 The application site is located close to several busy roads therefore future residents may be exposed to noise disturbance from these sources. The application is supported by a Noise Impact Assessment which concludes that to ensure acceptable internal noise levels, appropriate window glazing and ventilation would be necessary. To protect residents against exposure to an unacceptable degree of external noise from road traffic, a condition has been attached requiring the development to meet the sound attenuation standards set out in the NIA report (condition 8).
- 5.38 The site is located within a residential setting therefore there is likely to be an increase in noise disturbance to nearby residents during the construction phase. Furthermore, the application is supported by an Air Quality Impact Assessment which concludes sensitive receptors, particularly the immediately adjacent properties, would be exposed to dust emissions. It is recommended that conditions are attached to control the days and hours in which construction activities can take place and for a construction management plan to be submitted prior to the commencement of the development (conditions 9 and 10).
- 5.39 It is considered that the proposed development would provide an acceptable Standard of amenity for neighbouring and proposed occupiers, having regard to light, outlook, privacy and noise. Therefore, it is considered that the proposal is in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.
- 5.40 **PARKING/ HIGHWAY SAFETY**
- 5.41 In terms of parking, the MSGP sets out minimum car parking and cycle parking requirements for all new residential development. The proposed site

plan demonstrates that each dwelling would be allocated one parking space, four visitor parking spaces would also be provided on site.

- 5.42 The proposed site plan demonstrates that secure and weatherproof cycle storage would be provided either externally or internally at all dwellings, in order to encourage the use of sustainable transport, a condition has been attached to ensure that the cycle storage is implemented on site (condition 11).
- 5.43 The proposed onsite car parking and cycle parking provision would meet the minimum requirements set out in the MSGP. It is also noted that there is potential for unrestricted street parking in the immediate area therefore it is not anticipated that the addition of 10no. dwellings at this site, that is a significant decrease on the previous number of dwellings on the site, would generate a demand for parking that would result in excessive or unsafe parking in the surrounding area.
- 5.44 The proposed site plan indicates that electric vehicle charging points would also be installed. A condition has been attached requiring details of this provision to be submitted for approval. (conditions 12 and 13).
- 5.45 Transport Officers have expressed a desire for a cycle access to be provided at the north of the site. This provision would conflict with the need to ensure there is not a through flow of pedestrians at the site. Cyclists would still have access to main cycle routes therefore a cycle access at the north of the site is not considered necessary in this case.
- 5.46 Transport Officers have acknowledged that some of the proposed footpath widths within the site would be narrower than 2 metres, which is the recommended width. Some footpaths would be 1.8m or 1.6m in width however this is necessary to accommodate parking bays and EV charging points. On balance, it is considered the proposed footpath widths are acceptable as they would allow for the provision of necessary infrastructure.
- 5.47 It is not considered that the proposed residential development would have an unacceptable impact on highway capacity, highway safety or parking provision. It is considered that the proposal complies with the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.
- 5.48 **ECOLOGY AND BIODIVERSITY**
- 5.49 The application has been assessed by the Council's Ecologist. The site does not fall within any designated nature conservation sites or a designated Wildlife Corridor and no direct adverse impact on any such feature is predicted. Habitat surrounding the application site does have the potential to support a range of protected, priority and notable species including bats.
- 5.50 The application is supported by a Bat Survey Report which states that the site is of low risk for roosting bat presence. Given the lack of presence of suitable bat foraging habitat on site, it is not considered necessary for bat features to



be conditioned. To minimise harm to nesting birds it is recommended that a condition is attached regarding the incorporation of bird boxes (condition 14).

- 5.51 The application was received before the introduction of the mandatory requirement of a 10% net gain in biodiversity and therefore it is exempt from assessment under that legislation. Local Policy MSGP37, expects new development to provide a net gain in biodiversity and is relevant. It is considered that an appropriate scheme for soft landscaping and habitat creation would result in a measurable net gain in biodiversity therefore relevant planning conditions have been attached (conditions 15-17).
- 5.52 Subject to compliance with conditions, the proposal is considered to be in accordance with policies CS18 and MSGP37 of the Local Plan for Gateshead.
- 5.53 TREES
- 5.54 The development would result in the loss of a small number of low value trees. It is considered that this loss can be compensated through the implementation of a good quality scheme for soft landscaping. Subject to compliance with this condition, the proposal is considered to be in accordance with policies CS18, MSGP36 and MSGP37 of the Local Plan for Gateshead.
- 5.55 WASTE MANAGEMENT
- 5.56 The proposed site layout includes designated bin collection points as well as individual bin stores at each plot which would ensure an efficient waste servicing process therefore the proposal is in accordance with policy MSGP48 of the Local Plan for Gateshead.
- 5.57 CONTAMINATED LAND
- 5.58 The application site has been assessed and inspected as part of the Council's Contaminated Land Strategy and has been identified as being located on potentially contaminated land based on its current and historic use.
- 5.59 Initially the application was supported by a Phase I Risk Assessment which concludes that a Phase II intrusive site investigation is required to investigate potential contamination issues at the site.
- 5.60 Following this, the applicant provided a Phase II Geo- Environmental Site Assessment and Remediation Strategy which revealed the presence of elevated concentrations of heavy metals and PAHs therefore a suitable remediation scheme has been proposed, particularly to areas of soft landscaping where future occupiers could come into direct contact with contaminants. A condition has been attached requiring the development is constructed in accordance with the remediation scheme (condition 18).
- 5.61 The site is also located in an area containing coal measures which are a potential source of methane and carbon dioxide. A Gas Risk Assessment has also been provided which concludes that it would not be necessary for gas protection measures to be incorporated into the construction of the development.

5.62 Following the implementation of the remediation works, a verification report must be submitted to demonstrate the works have been carried out correctly (condition 19). Subject to compliance with relevant conditions, the proposal is considered to be in accordance with policies CS14 and MSGP20 of the Local Plan for Gateshead.

5.63 LAND STABILITY

5.64 The application site is situated within an area defined by The Coal Authority as being a 'Development High Risk Area'. The application is supported by a Coal Mining Risk Assessment which identifies the site may have been subject to coal mining activity and that insufficient rock cover may exist above potential shallow coal mine workings underlying the site. To establish the extent of any unrecorded shallow mining works and to inform any remedial works, further intrusive site investigations are necessary.

5.65 Relevant conditions regarding coal mining legacy have been attached (conditions 21-23). Subject to compliance with these conditions, the proposal is considered to be in accordance with policies CS14 and MSGP20 of the Local Plan for Gateshead.

5.66 FLOOD RISK AND DRAINAGE

5.67 The application site is located within Flood Zone 1. The application is for major development therefore it is supported by a Flood Risk Assessment as well as a scheme for a sustainable drainage system.

5.68 Notwithstanding the submitted information, final details of the proposed drainage model are required, a condition has been attached requiring the submission of an updated sustainable drainage model. Subject to compliance with conditions 24 and 25, the application would accord with the NPPF and policies CS17 and MSGP29 of the Local Plan for Gateshead.

5.69 DIGITAL INFRASTRUCTURE

5.70 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, a relevant condition has been attached (condition 26).

5.71 COMMUNITY INFRASTRUCTURE LEVY (CIL)

5.72 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 of the relevant issues into account, it is considered that the proposed development is acceptable and accords with the relevant national and local planning policies.

**7.0 Recommendation:**

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

1

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

Site Location Plan (dated September 2023)

Proposed Site Plan Revision P05

Plots 8-10 Elevations Revision P06

Plots 9-10 Plans Revision P06

Plots 4-7 Elevations Revision P04

Plots 4-7 Plans Revision P02

Plots 1-3 Elevations Revision P03

Plots 1-3 Plans Revision P02

006-01 Revision B Kerb Notes & Surface Finishes Layout

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

Reason

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

2

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

Reason

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

3

The development, including areas of hardstanding, hereby permitted shall be constructed entirely of the materials detailed and shown on the following plans and documents:

Proposed Site Plan Revision P05

Plots 8-10 Elevations Revision P06

Plots 4-7 Elevations Revision P04

Plots 1-3 Elevations Revision P03

Design and Access Statement dated October 2022.

Reason

To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF and Policies CS15 and MSGP24 of the Local Plan for Gateshead.

4

No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason for pre-commencement

To enable the identification and understanding of any archaeological remains and inform the level of protection to be assigned.

Reason

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with the NPPF and Policies CS15 and MSGP27 of the Local Plan for Gateshead.

5

Prior to the first occupation of any dwelling, a post excavation report of the results of the archaeological fieldwork undertaken in pursuance of Condition 4 shall be submitted to and approved in writing by the Local Planning Authority.

Reason

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with the NPPF and Policies CS15 and MSGP27 of the Local Plan for Gateshead.

6

Prior to the first occupation of any dwelling, a final report detailing the results of the archaeological fieldwork undertaken shall be produced in a form suitable for publication in a suitable and agreed journal. The report shall be submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason

The site is located within an area identified as being of potential archaeological interest. The publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with the NPPF and Policies CS15 and MSGP27 of the Local Plan for Gateshead.

7

The first-floor level windows located on the rear elevations (specifically the rear wall not the roof slope) of plots 9 and 10 shall be obscurely glazed at a level three or greater (in accordance with the levels set by Pilkington). The glazing shall be installed prior to the dwellings being occupied and shall be permanently retained in that condition thereafter.

Reason

To protect the privacy of neighbours and future occupiers of the dwelling in the interests of residential amenity in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

8

The development shall be designed and constructed so as to provide sound attenuation to the standards set out in the submitted Noise Impact Assessment (reference 11088.2 Revision C) dated 16<sup>th</sup> February 2024.

Reason

To ensure that the dwellings are adequately soundproofed in the interests of residential amenity in accordance with the NPPF and Policies CS14, MSGP17 and MSGP18 of the Local Plan for Gateshead.

9

All works associated with the development hereby permitted, including the use of any equipment on the site, related to the construction hereby permitted shall be carried out only between 08:00 hours and 17:00 hours Monday to Friday, between 08:00 hours and 13:00 hours on Saturday 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 for Gateshead.

10

No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- wheel washing facilities

- measures to control the emission of dust and dirt during construction
- a scheme for the recycling/disposing of waste arising from construction works.

Reason for pre-commencement

To mitigate the impact of construction work upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy.

Reason

To avoid nuisance to the occupiers of adjacent properties in accordance with the NPPF and Policies CS14 and MSGP17 of the Local Plan for Gateshead.

11

Prior to the first occupation of each dwelling, secure and weatherproof cycle storage, capable of storing at least one bicycle, shall be provided for that dwelling and thereafter permanently retained.

Reason

In order to ensure adequate provision for cyclists and in compliance with Policies CS13 and MSGP15 of the Local Plan for Gateshead.

12

Prior to the first occupation of any dwelling, final details of the electric vehicle charging infrastructure indicated on plan reference 'Proposed Site Plan Revision P05' shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of sustainable development and in accordance with policies CS13 and MSGP15 of the Local Plan for Gateshead and the National Planning Policy Framework.

13

Prior to the first occupation of any dwelling, the electric vehicle charging infrastructure shall be installed in accordance with the details approved under condition 12 and be maintained and retained for the lifetime of the development.

Reason

In the interests of sustainable development and in accordance with policies CS13 and MSGP15 of the Local Plan for Gateshead and the National Planning Policy Framework.

14

The development hereby approved shall be constructed to include the integrated bird boxes as detailed on the 'Proposed Site Plan Revision P05' and retained for the lifetime of the development.

Reason

To provide bird nesting features in accordance with the National Planning Policy Framework and policies CS18 and MSGP37 of the Local Plan for Gateshead.

15

Notwithstanding the submitted information and prior to the commencement of any external landscaping works, a fully detailed scheme for the landscaping of the site and habitat creation shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include a timetable for implementation as well as details of ground preparation and planting plans noting the species, plant sizes and planting densities.

Reason

In the interests of visual amenity and providing net gains in biodiversity in accordance with the NPPF and policies CS15, CS18, MSGP24 and MSGP37 of the Local Plan for Gateshead.

16

The landscaping scheme approved under condition 15 shall be implemented in accordance with the approved details. Soft landscaping must be implemented within the first available planting season (October to March).

Reason

In the interests of visual amenity and providing net gains in biodiversity in accordance with the NPPF and policies CS15, CS18, MSGP24 and MSGP37 of the Local Plan for Gateshead.

17

The approved landscaping scheme shall be maintained in accordance with British Standard 4428 (1989) Code of Practice for General Landscape Operations for a period of 5 years commencing on the date of Practical Completion and during this period any trees or planting which die, become diseased or are removed shall be replaced in the first available planting seasons (October to March) with others of a similar size and species and any grass which fails to establish shall be re-established.

Reason

In the interests of visual amenity and providing net gains in biodiversity in accordance with the NPPF and policies CS15, CS18, MSGP24 and MSGP37 of the Local Plan for Gateshead.

18

The development hereby approved shall be constructed in full accordance with the contaminated land remediation measures set out in the Remediation Strategy Report by ERGO Environmental Ltd dated July 2024 (ref 23-1666).

Reason

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

19

Following the completion of the contaminated land remediation measures and prior to the first use of the development, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to the Local Planning Authority for written approval.

Reason

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

20

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

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 Policies CS14 and MSGP20 of the Local Plan for Gateshead.

21

Prior to the commencement of the development, an intrusive site investigation to establish the risks posed to the development by coal mining legacy shall be submitted to and approved in writing by the Local Planning Authority. The site investigation must be undertaken by competent persons and a written report of the findings must be produced.

The site investigation should consist of the drilling of boreholes to depths of up to 30 metres below ground level, to establish ground conditions, the depth and condition of shallow coal seams/workings and to inform any necessary remedial measures.

Where necessary, a detailed remediation scheme to ensure the safety and stability of the proposed development shall also be submitted to the Local Planning Authority for written approval.

Reason for pre-commencement condition

To ensure the safe development of the site.

Reason

To ensure that any risks from historical coal mining activities to the future users of the site are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework and Policies CS14 and MSGP20 of the Local Plan for Gateshead.

22

Unless otherwise approved in writing by the Local Planning Authority, the development hereby approved shall be constructed in full accordance with the scheme for remedial stabilisation works approved under condition 21 and carried out in accordance with authoritative UK guidance.

Reason

To ensure that any risks from historical coal mining activities to the future users of the site are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework and Policies CS14 and MSGP20 of the Local Plan for Gateshead.

23

Unless otherwise approved in writing by the Local Planning Authority, prior to the first use of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority. This document shall confirm the completion of the remedial works and mitigation necessary to address the risks posed by past coal mining activity.

Reason

To ensure that any risks from historical coal mining activities to the future users of the site are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework and Policies CS14 and MSGP20 of the Local Plan for Gateshead.

24

Notwithstanding the submitted information and prior to the commencement of the development, updated details of a sustainable drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include a timescale for implementation as well as an updated drainage model and supporting plans to ensure sufficient capacity is available to the rain gardens and to demonstrate exceedance management.

Reason for pre commencement condition

To ensure the development incorporates a sufficient scheme for surface water management.

Reason

To mitigate the risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with the NPPF and Policies CS17 and MSGP29 of the Local Plan for Gateshead.

25

The development hereby approved shall be constructed in full accordance with the sustainable drainage scheme approved under condition 24, including the timescale for implementation. The SuDS features shall be maintained and retained thereafter for the lifetime of the development.

Reason

To mitigate the risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with the NPPF and Policies CS17 and MSGP29 of the Local Plan for Gateshead.

26

Prior to the first occupation of the dwelling hereby approved 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 shall be 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 for Gateshead.



