

Committee Report

Application No:	DC/17/01117/OUT
Applicant	Follingsby International Enterprise Park Limited
Date Application Valid	12 October 2017
Site:	Follingsby Park South Follingsby Lane Gateshead NE10 8YA
Ward:	Wardley And Leam Lane
Proposal:	Outline application for Use Class B8 and B2, along with associated offices, internal roads, car parks, infrastructure and landscaping, with all matters reserved except access (further information received in respect of the environmental statement 28/11/2017).
Recommendation:	GRANT SUBJECT TO A SECTION 106 AGREEMENT and subject to no additional material planning issues being raised during the re-consultation period which expires on 30 December 2017 that have not previously been considered.
Application Type	Outline Application

1.0 The Application:

1.1 DESCRIPTION OF APPLICATION SITE

1.2 The application site is an area of fields / agricultural land which measures around 37.62 hectares, south of Follingsby Lane. The topography of the site falls from north to south towards the River Don.

1.3 There are a range of utilities on the site. Overhead electricity cables cross the site running in an east to west direction. Below ground is a high pressure gas mains which runs across the site again in an east to west direction. Connecting to this is a medium pressure gas mains which runs south to north through the site.

1.4 The site is allocated for employment land (B8 storage and distribution uses) under policy KEA2 South of Follingsby Lane in the Council's adopted Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (CSUCP). The site is also situated within a Wildlife Corridor. The vast majority of the site is situated within Flood Zone 1. There is a small area of the southern part of the site, which runs adjacent to the River Don which is situated within Flood Zones 2 and 3. There is a public right of way (footpath Felling 22) which runs along the western boundary of the site.

1.5 The site is situated on the south eastern edge of Gateshead, with the Borough of South Tyneside to the north and east and the City of Sunderland to the south. The site lies immediately to the south of Follingsby Lane, with Follingsby Park Industrial Park which includes a range of manufacturing and storage / distribution uses to the north. The former Leamside Railway Line is immediately to the east of the site with fields, commercial uses, stables and some residential properties further east in South Tyneside. The River Don is immediately to the south of the site with fields, a riding stables, playing pitches and the residential areas of Washington to the south in Sunderland. South Follingsby Farm is to the west of the site with the A194 motorway, Heworth Golf Club and the residential areas of Wardley and Heworth beyond.

1.6 DESCRIPTION OF PLANNING APPLICATION

1.7 This planning application is seeking outline planning permission for the erection of up to 90,000m² of floor space. The proposed uses provide for B2 (general industry) and B8 (storage and distribution) of which not more than 30% (27,000m²) will be for uses within B2. The main use of the site is therefore for warehousing and distribution (use class B8).

1.8 This is an outline planning permission with all matters reserved except access. Detailed drawings have been provided to show the proposed access arrangements to the site. No details relating to access within the site have been provided at this outline stage. Matters relating to appearance, landscaping, layout and scale of the development will be the subject of subsequent reserved matters planning applications.

1.9 A Parameters Plan has been submitted at this outline stage which shows the areas of the site which would be built on and the areas of the site which would provide green infrastructure. The built development area of the site would include warehouse, distribution and industrial uses, and associated car parks, service yards, internal roads and formal landscaping including planting along the Follingsby Lane frontage and within the car park areas. The proposed areas of green infrastructure along the eastern, southern and western boundaries of the site range from 35 metres to 150 metres in width and will provide ecology habitat areas, landscaping, drainage including SuDs features and a safeguarded zone of 10 metres along the southern boundary of the site for future improvements to the River Don.

1.10 The Parameters Plan sets out the minimum and maximum numbers of units to be developed within the built development area and allows for between two to four units. The maximum height of the buildings is 28 metres above the proposed finished floor level. The minimum and maximum finished floor levels as defined on the Parameters Plan are 52.5m (above AOD) and 55m (above AOD).

1.11 Detailed plans have been submitted for the access into the site. These show that the vehicle access to the site will be from Follingsby Lane via 3 new

junctions. There is an existing vehicle access to the site from Follingsby Lane which is to be retained as a maintenance access point.

1.12 TIMING OF DEVELOPMENT

1.13 The construction of the development is anticipated to take up to 4 years, including site preparation, enabling works and construction, including ground works, foundations, buildings and external service yards and car parking. On the basis that construction works commence in the second quarter of 2018 they are anticipated to end in 2021.

1.14 EIA DEVELOPMENT

1.15 The proposed development represents an industrial estate development project on a site exceeding 0.5 hectares so falls within part 10 (a) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. (EIA Regs). Part 1 of the EIA Regs confirms that development falling within Schedule 2 may comprise EIA development if it is likely to have significant effects on the environment by virtue of its nature, size or location.

1.16 The Council has agreed with the developer that the proposed development has the potential for significant effects due to the scale and nature of the development and its location to sensitive environmental receptors. As such the proposed development is considered to be EIA development and has been submitted with an Environmental Statement (ES). The submitted ES considers the likely significant effects arising during the construction and operation of the development and the potential cumulative effects which may arise when considered with other relevant nearby developments.

1.17 ACCOMPANYING INFORMATION

1.18 The application has been submitted with the following supporting information.

The Environment Statement comprising of :

Volume 1 Non Technical Summary

Volume 2 Main Technical Assessments

Chapter A - Introduction and Background

Chapter B - Scope and Methodology

Chapter C - Site and Scheme Description

Chapter D - Transport

Chapter E - Biodiversity

Chapter F - Heritage (above and below ground)

Chapter G - Landscape and Visual Impact

Chapter H - Air Quality

Chapter I - Water Resources

Chapter J - Noise

1.19 and the following supporting information :

Sustainable Drainage Statement
Phase 1 Geo-Environmental Assessment
Arboricultural Impact Assessment
Illustrative Scheme for Undeveloped Area
Utilities Statement
Planning Statement
Flood Risk Assessment
Transport Assessment
Framework Travel Plan
Summary Statement
Design and Access Statement

1.20 FURTHER INFORMATION (received 28 November 2017)

1.21 The Council formally requested further environmental information on 25 November 2017. On 28th November 2017 an updated Non Technical Summary and Supplementary Environmental Statement (SES) were submitted. This additional information was in response to the Council's request for further information but also includes additional survey work carried out, amendments to the proposed access arrangements and responds where practicable and relevant to comments made by consultees. The key design change is the reduction in the number of proposed new access points from 4 to 3 along Follingsby Lane

1.22 RELEVANT PLANNING HISTORY

1.23 None.

2.0 Consultation Responses:

Tyne And Wear Archaeology Officer	No objection subject to a number of planning conditions relating to excavation and trial trenching on the site and the publication of the findings.
Environment Agency	No objection subject to a number of planning conditions relating to no buildings being location within flood zones 2 and 3 on the site, the provision of a buffer zone along the River Don and the provision of a river restoration scheme for the River Don.

Highways England	No objection to the proposal as it would not result in a material impact on the strategic road network.
Natural England	No objection as the proposal is unlikely to affect any statutorily protected sites or landscapes. No assessment has been made for impacts on protected species and the Council should apply the standing advice.
Network Rail	No objection in principle to the development subject to a number of planning conditions.
Health And Safety Executive	No objection as does not advise on safety grounds against the granting of planning permission.
Northern Gas Networks	No objection.
Northumbria Water	No objection subject to a planning condition requiring the foul flows to discharge into the existing foul sewer at manhole 0202 and the surface water to discharge directly into the River Don watercourse.
Nexus	No objection

3.0 Representations:

- 3.1 This planning application has been advertised on site and in the press as EIA development which has been submitted with an Environment Statement, as well as being a departure (as B2 floor space is proposed) and affecting a public right of way.
- 3.2 ORIGINAL INFORMATION / PLANS SUBMITTED (12 October 2017)
- 3.3 The Council sent neighbour notification letters to 69 properties surrounding the site in Gateshead, South Tyneside and Sunderland on 18 and 20 October 2017. Council officers displayed 9 notices surrounding the site in Gateshead, South Tyneside and Sunderland on 18 October 2017. In addition a notice also appeared in the Newcastle Journal on 18 October 2017.
- 3.4 No representations have been received from any of the surrounding properties.
- 3.5 SUNDERLAND COUNCIL
- 3.6 Sunderland Council was consulted as an adjoining Council to the south of the application site. On 20th October 2017 they responded stating that the City Council had no observations to make in respect of the development.

- 3.7 On the 1st November 2017 Sunderland Council stated that they wished to make an additional representation from a planning policy point of view. This additional representation letter raised concerns about the development on the following grounds.

The inclusion of B2 floor space should be advertised as a departure to the approved development plan

The B2 floor space could diminish Sunderland Council's and South Tyneside Council's joint aspiration for the International Advanced Manufacturing Park (IAMP) to the south east of the site

The highway impact of the development on the Sunderland Council area has not been assessed.

- 3.8 ADDITIONAL INFORMATION / PLANS (received 28 November 2017)

- 3.9 The Council sent neighbour notification letters to 69 properties surrounding the site in Gateshead, South Tyneside and Sunderland on 28 November 2017. Council officers displayed 9 notices surrounding the site in Gateshead, South Tyneside and Sunderland on 28 November 2017. In addition a notice also appeared in the Newcastle Journal on 30 November 2017.

- 3.10 The consultation period to make comments on the additional information and plans received on 28 November 2017 expires on 30th December 2017.

- 3.11 Any further comments received before the committee meeting will be provided as an update report (written and if necessary verbal at the time of the meeting).

- 3.12 SUNDERLAND COUNCIL

On 5th December 2017 Sunderland Council responded stating that they had considered the further information provided by the applicant and consider that no further information is required in respect of the Transport Assessment.

- 3.13 However Sunderland Council still has substantive concerns in relation to the planning application being in conflict with and a departure from the Council's adopted development plan.

- 3.14 SOUTH TYNESIDE COUNCIL

Object to the application on the basis that it represents a departure (as an element of B2 is proposed) from the allocation and this would have a negative impact on the International Advanced Manufacturing Park (IAMP). Further, comments are made on the scope of the Transport Assessment, sustainable transport measures, impact on the River Don, ecology and screening from the Green Belt.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

DC1D Protected Species

DC1H Pollution

DC1J Substrata Drainage-Water Quality

DC1P Contamination, derelict land, stability

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV22 Sites of Archaeological Imp - Potential

ENV44 Wood/Tree/Hedge Protection/Enhancement

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV51 Wildlife Corridors

ENV54 Dev on Land Affected by Contamination

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

KEA2 Follingsby South

5.0 Assessment of the Proposal:

- 5.1 The main planning issues are considered to be the principle of the development, landscape and visual impact, heritage issues, the potential for land contamination, noise, air quality, transport issues, flood risk / drainage, ecology, socio economic issues and cumulative effects.

5.2 PRINCIPLE OF DEVELOPMENT

- 5.3 The site is allocated for up to 90,000m² of employment land (B8 storage and distribution uses) under policy KEA2 South of Follingsby Lane in the Council's CSUCP. This planning application is seeking outline planning permission for the erection of up to 90,000m² of floor space. The proposed uses would include B8 (storage and distribution) and B2 (general industry) of which not more than 30% (27,000m²) will be for uses within B2. The main use of the site is therefore for warehousing and distribution (use class B8).
- 5.4 Given that this site is allocated for B8 use only and the proposal includes an element of B2 use the application has been advertised by the Council as a departure to the Council's development plan.
- 5.5 The submitted Planning Statement explains that the inclusion of an element of B2 floor space is essential to provide flexibility to the developer to respond quickly to market demand. The Planning Statement then explains the economic merits of the inclusion of B2 uses within the development. These include the potential to diversify the offer of employment premises available to the market and the compatibility between B2 general industry and B8 storage and distribution uses.
- 5.6 Council officers agree with these economic benefits of including B2 uses as part of the development and that incorporating B2 use as part of the development will make it more attractive to potential occupiers. However no evidence has been provided as part of the application to suggest that there is no reasonable prospect of the site being occupied for B8 uses alone.
- 5.7 This site was allocated for B8 development due to its potential contribution to supporting the distribution and logistics sector. Whilst the inclusion of B2 (general industrial) floor space has the potential in quantitative terms to reduce the amount of floor space given to B8 (storage and distribution) uses, Council officers are of the view that the inclusion of B2 uses would not impair the developments primary function within the distribution and logistic sector.
- 5.8 Sunderland and South Tyneside Councils have raised concerns that the B2 floor space could diminish Sunderland Council's and South Tyneside Council's joint aspiration for the International Advanced Manufacturing Park (IAMP) to the south east of the site.
- 5.9 The IAMP Area Action Plan (AAP) and supporting documents were submitted to the Secretary of State and Planning Inspectorate on 6 February 2017 for Independent Examination. The Examination Hearing sessions took place in April 2017. The AAP for IAMP was adopted on 30th November 2017. Therefore at the current time IAMP does not benefit from either a planning application or planning permission.
- 5.10 Notwithstanding the above the evidence base supporting development of the IAMP emphasises that the IAMP will deliver additional growth in the automotive/advanced manufacturing sectors. The additional growth cited

within the IAMP's evidence base makes clear that the IAMP will bring jobs into the region that would not otherwise be delivered (i.e. could not be delivered on existing sites, including at this site Follingsby South, which serves a role in the logistics/distribution sector rather than automotive/advanced manufacturing). The IAMP evidence also makes clear that any displacement effects of the IAMP (i.e. effect the IAMP might have on attracting existing businesses within the region to relocate there) will be outstripped by the wider economic uplift that the IAMP will support across the region.

- 5.11 Council officers are therefore of the view that the development of this site for B8 and B2 uses could complement and support (rather than compete with) development of the IAMP.
- 5.12 The EIA Regulations 2017 requires an EIA to include an assessment of any direct and indirect cumulative effects arising from the inter-relationships between different impacts arising from the development when considered alongside any other developments in the area surrounding the site. However in terms of the need to assess the cumulative effect of the potential International Advanced Manufacturing Park (IAMP) best practice requires that cumulative assessments of this nature should have regard to those schemes which are 'reasonably foreseeable' (i.e. those under construction or with planning permission). The assessment is only capable of being carried out based on the information available at the time of assessment.
- 5.13 Council officers accept that the inclusion of some B2 uses as part of the development is not in accordance with policy KEA2 of the CSUCP and is therefore a departure to the Council's approved development plan. However the impact of introducing B2 uses as part of the development has been fully assessed in the submitted ES and Supplementary Environmental Statement (SES) and has been found to be acceptable. Council officers also accept the economic benefits that an element of B2 uses at the site could bring.
- 5.14 A condition (condition 7) has been recommended to ensure that any B2 uses on the site do not exceed more than 30% of the 90,000m² floor space to ensure the primary function of the site is for B8 storage and distribution uses in line with the aims and objectives of policy KEA2 of the CSUCP. Subject to this condition the proposed development of the site for B8 and B2 uses is considered to be acceptable
- 5.15 LANDSCAPE AND VISUAL IMPACT
- 5.16 The ES considers the effects of the proposed development on the landscape and receptors. There will be a fundamental change to how the site looks changing from the existing agricultural land to an employment development with large scale industrial buildings, infrastructure and parking.
- 5.17 The ES and SES conclude that the proposed development will alter the local landscape character - however considering the semi-urban and industrial character of the surrounding landscape and the presence of some existing visual barriers in the landscape such as trees and buildings that the proposed

development is appropriate to the location. Council officers agree with this conclusion and also consider that the choice of external materials for the buildings and the provision of additional landscaping at the site could help to reduce the visual impact of the development further.

5.18 The external materials and detailed landscaping are not known at this outline application stage and will be subject to separate reserved matters applications.

5.19 HERITAGE ISSUES

5.20 Below Ground (Archaeology)

A desk based archaeological assessment and geophysical survey report have been submitted as part of the planning application. The site is a large green field site which is part of the agricultural area of the medieval settlement of Follingsby based around several farms. Based on the geophysical assessment the prospect of significant archaeology is low. Trial trenching is however considered to be necessary to determine if an archaeological resource is present on site. A number of conditions have been recommended (conditions 8-10) which require trial trenching to be carried out on site, a report of the findings to be submitted and the publication of the results. The Council's Archaeologist has no objection to the development, subject to these conditions.

5.21 Above Ground

There are no Conservation Areas, Registered Parks and Gardens, Historic Battlefields and World Heritage Sites either within the site or its surroundings that will be impacted upon by the proposed development.

5.22 Bowes Railway and Wardley moated site Scheduled Monuments, the Grade II* Scots House and a number of Grade II Listed Buildings are located within 2 km of the site. The submitted ES and SES assess the impact of the construction and operation phases of the development on these designated heritage assets and concludes that the construction phases will have a neutral and negligible impact. The ES and SES also conclude that the impact of the operation phase of the development on these designated heritage assets is neutral. Council officers agree with these conclusions.

5.23 Subject to the archaeology related planning condition, the proposed development is therefore considered to be acceptable from a heritage point of view and accords with the aims and objectives of the NPPF, saved policy ENV22 of the UDP and policy CS15 of the CSUCP.

5.24 LAND CONTAMINATION

5.25 A Phase 1 Geo Environmental Assessment Report has been submitted as part of the application. This report assesses the potential for contamination to be present on site and concludes the risk from historic uses is low. The report does however identify there is a potential risk of contamination issues to exist at the site due to the electricity pylons, gas pipelines/infrastructure, drainage infrastructure and two small buildings on site. Council officers agree with these findings.

- 5.26 It is therefore considered that a number of planning conditions (conditions 11-15) are necessary to require a Phase 2 Risk Assessment Report to be undertaken to inform foundation design and gas protection measures, the submission/implementation of a remediation strategy and verification report as well as controlling any previously unidentified contamination that may be discovered on the site.
- 5.27 Subject to these conditions, it is considered the proposed development is acceptable from a contaminated land point of view and would accord with the aims and objectives of the NPPF, saved policies DC1(p) and ENV54 of the Council's UDP and policy CS14 of the CSUCP.
- 5.28 NOISE
- 5.29 The ES and SES consider the potential noise impacts resulting from the proposed development.
- 5.30 Construction Noise
Construction works including site preparation, road widening and the construction of the buildings on the site will generate noise that has the potential to disturb houses and commercial properties surrounding the area. The submitted ES and SES state that due to the separation distances from the site to nearby houses the enabling and construction activities will be below the criteria to be significant. The ES and SES state that for the existing industrial units at Follingsby Industrial Park there is the potential for the highways and building construction to approach criteria to be of significant noise levels, when working in close proximity or undertaking concurrent activities.
- 5.31 The ES and SES therefore propose careful management of the on site construction activities through the adoption of a construction management plan which will reduce these effects. Planning conditions have therefore been recommended (conditions 18-19) to ensure that a construction management plan is approved and implemented on the site in the interests of the amenity of adjacent residential and commercial properties.
- 5.32 The ES and SES suggest the following construction hours :
- 7:30am – 6:30pm Monday – Fridays
7:30am – 1:30pm Saturdays
No working on Sundays, Bank or Public holidays.
- 5.33 A planning condition has been recommended (condition 20) which restricts the construction works to these hours, subject to a change to the suggested Saturday working to 8am-2pm instead in the interest of residential amenity.
- 5.34 Operational Noise
The proposed development may operate 24 hours a day, 7 days a week. The ES and SES have suggested operational noise levels for the development. The ES and SES then state that at these levels the operations at the site will be of

low impact to residents. Planning condition 21 has therefore been recommended to require that the development when operational does not exceed the recommended noise rating in the ES and SES at the nearest noise sensitive property in the interest of residential amenity.

- 5.35 The ES and SES predict the change in traffic noise associated with the proposed development and states that the development will be perceptible at two residential properties on Follingsby Lane (Westfields and Strothers Farm House). The ES and SES go on to state that for 99% of the residential properties assessed the change in road traffic noise due to the development will be below of negligible effect.
- 5.36 The ES and SES explain that based on the results of the assessments, impacts from construction noise and vehicle movements have the potential to increase the noise levels in the area. The ES and SES conclude that these effects will either be temporary in nature, highly localised or limited to a small number of properties.
- 5.37 Council officers agree with the findings and conclusions of the ES and SES. Subject to the recommended planning conditions relating to noise the proposed development is considered to be acceptable from a noise point of view and accords with the aims and objectives of the NPPF, saved policies DC1(h) and DC2 of the UDP and policy CS14 of the CSUCP.
- 5.38 AIR QUALITY
- 5.39 The ES and SES predict the potential air quality effects associated with the construction phase (dust) and operational phase (vehicle emissions) of the proposed development.
- 5.40 A dust management plan is to be prepared for the site to provide measures to ensure dust arising from the construction phases of the development will be controlled, limited and reduced. The ES and SES state that this will result in a negligible impact for dust at nearby properties during the construction phases. The submitted air quality assessment predicts that there will be a negligible impact on vehicle emissions with proposed development in place.
- 5.41 Council officers agree with these conclusions. Planning conditions (conditions 18-19) have been recommended to require a dust management plan as part of the construction management plan to ensure that the construction phases of the development have no significant effects. Subject to these planning conditions the development is considered to be acceptable from an air quality point of view.
- 5.42 TRANSPORT ISSUES
- 5.43 Public right of way
There is a public right of way which runs along the western boundary of the site (footpath Felling 22). The proposed development proposes no changes to this existing right of way – it is not to be stopped up or diverted. The right of way will

be situated within the green infrastructure buffer along the western edge of the site. The proposed development will therefore not have any impact on this existing right of way or its use.

5.44 Access / Parking Arrangements

Proposed vehicle access to the site is from Follingsby Lane via three new junctions comprising shared car and HGV accesses. The position of the access points have been designed in order to meet officer requirements in relation to the spacing of junctions along Follingsby Lane and to achieve appropriate visibility splays in order to promote the safety of all highway users. An existing vehicle access off Follingsby Lane is to be retained for maintenance use associated with the infrastructure on site.

5.45 Follingsby Lane is to be widened from 6.3 metres to 7.3 metres all along the site frontage to accommodate the land use change and the associated HGV movements. The proposals will also provide a shared footway and cycleway along the southern side of Follingsby Lane, together with bus infrastructure improvements.

5.55 Traffic Generation / Impact

The Transport Chapter of the ES and SES assess the potential effects of the development on the local highway network surrounding the site during the construction and operational phases. The ES and SES conclude that residual effect both during construction and operation in terms of transport are acceptable and not significant. Council officers are accepting that the proposals are not severe subject to the external highway works detailed below. Highways England has no objection to the proposal as it would not result in a material impact on the strategic road network.

5.56 Transport Improvements

In addition to the widening of Follingsby Lane and introduction of shared footway and cycleway, a number of transport changes and improvements are proposed as a result of this development including :

- Provision of an uncontrolled pedestrian crossing with central refuge across Follingsby Lane to the west of Access 1.
- Provision of a new signalised controlled crossing across Follingsby Lane to the east of Access 1.
- The upgrade and modification of the signal equipment and controllers at the A195 New Road / B1288 Leam Lane / A195 Lingey Lane junction
- The rerouting of existing bus services onto Follingsby Lane.
- The provision of a new bus stop and layby along the southern side of Follingsby Lane between Access 1 and Access 2.

- The provision of loading / waiting restriction along both sides of Follingsby Lane
 - Reduction in the speed limit along Follingsby Lane from 60mph to 40mph.
- 5.57 A number of planning conditions (conditions 26 -31) have been recommended to approve the final details of these transport changes and improvements and to ensure that they are delivered at an appropriate stage in the development.
- 5.58 The access within the site, number, location and layout of car parking spaces, and the service yards will all be considered as part of the reserved matters application in the context of the assessments that have been carried out as part of this outline application
- 5.59 Planning conditions (conditions 22 - 25) are considered necessary at this outline stage relating to approving and providing cycle parking provision and electric vehicle charging points as part of the development.
- 5.60 Construction Phase
In order to ensure that the impact of the construction phase on the transport network is minimised it is proposed that the construction management plan secured under conditions 18 and 19 will provide details relating to contractor parking and managing the transfer of debris on to the highway.
- 5.61 Travel Plan
A Framework Travel Plan has been submitted as part of the planning application. Council officers consider that some changes are required to this document to make it more appropriate. Conditions 32 – 33 have therefore been recommended to approve and implement a revised Framework Travel and Final Occupier Travel Plans for the development.
- 5.62 Subject to the above planning conditions the proposed development is considered to be acceptable from a transport point of view and would accord with the aims and objectives of the NPPF and saved policy CS13 of the CSUCP.
- 5.63 THE FORMER LEAMSIDE RAIL LINE
- 5.64 The former Leamside Railway Line runs along the eastern boundary of the site. Policy KEA2 of the CSUCP requires that the development of this site safeguards the Leamside Line for potential future re-opening. The submitted Parameters Plan shows that a green infrastructure buffer ranging from 35 metres to 45 metres along the eastern boundary of the site adjacent to the former Leamside Line. It is therefore considered that the proposed development would not prejudice the potential re-opening of the Leamside Line.
- 5.65 Network Rail has been consulted. Given the Council's aspirations to reopen the currently mothballed Leamside railway line Network Rail has considered the

line to be operational and safeguarded for future re-use. On this basis they have stated that they have no objection in principle to the proposed development subject to a number of planning conditions relating to drainage, boundary fencing, site levels, lighting and landscaping adjacent to the line. These issues are already covered by planning conditions for other reasons relating to flood risk, design, ecology and amenity and /or will be subject to separate reserved matters applications.

5.66 EXISTING HEDGEROWS AND TREES

An Arboricultural Impact Assessment has been submitted as part of this application which identifies a number of hedgerows and trees on the site. The majority of the hedgerows and a small number of trees will be removed from the site to accommodate the development. Replacement and additional landscaping is proposed as part of the development.

5.67 A number of planning conditions (conditions 36 - 37) have been recommended relating to the protection of the trees that are to be retained during construction. Details relating to the proposed landscaping of the site and its management will be considered at the reserved matters stage.

5.68 Subject to the above tree protection planning conditions, the development is considered to be acceptable from a tree/landscaping point of view and accords with the NPPF, saved policy ENV44 of the UDP and policy CS18 of the CSUCP.

5.69 FLOOD RISK / DRAINAGE

5.70 The vast majority of the site is situated within Flood Zone 1 (lowest risk). There is a small area of the southern part of the site, which runs adjacent to the River Don which is situated within Flood Zones 2 and 3. A Flood Risk Assessment (FRA) and Sustainable Drainage Strategy have been submitted as part of the planning application.

5.71 No built development is proposed in flood zones 2 or 3. The FRA concludes that the proposed development is not a significant flood risk, subject to the finished floor levels of the development being raised. It is recommended that the finished floor levels are raised 150mm above surrounding ground levels and that the site has a finished floor level of between 52.5 metres and 55 metres (above AOD). These levels are indicated on the submitted Parameters Plan.

5.72 The Sustainable Drainage Strategy sets out the principles for the drainage design. The foul water flows from the development will connect to an existing foul sewer system in the area. It is proposed that surface water flows from the development will discharge into the River Don to the south of the site at a restricted rate as the site is considered to be unsuitable for infiltration. The FRA therefore concludes that the development will not increase flood risk to the surrounding area as a result of suitable management of surface water discharging from the site.

- 5.73 Northumbrian Water has stated that they have no objection to the development subject to a planning condition requiring the foul flows to discharge into the existing foul sewer at manhole 0202 and the surface water to discharge directly into the watercourse (condition 38).
- 5.74 **River Don Feasibility Study**
As part of the work being carried out by the River Don Partnership a River Don Feasibility Study report was commissioned by the Environment Agency (EA) to assess the potential for providing improvements and river restoration along reaches of the River.
- 5.75 Much of the River Don is considered to be heavily modified and failing and is considered to have potential for improvement. At this current time there are no specific proposals for improving the River Don. The submitted Parameter Plan has however been updated to include a 10 metre safeguarded zone adjacent to the River Don. It is therefore considered that the proposed development would not prejudice the future restoration of the River.
- 5.76 The Environment Agency stated that they have no objection to the proposal subject to a number of planning conditions relating to no buildings being located within flood zones 2 and 3 on the site, the provision of a buffer zone along the River Don and the provision of a river restoration scheme for the River Don. A number of planning conditions (conditions 44 - 48) have therefore been recommended to address the EA's comments.
- 5.77 A number of planning conditions (conditions 38 - 43) have also been recommended relating to the approval and implementation of the drainage scheme for the site including SuDs features and its maintenance. Subject to these planning conditions the proposed development is considered to be acceptable from a flood risk and drainage point of view and accords with the aims and objectives of the NPPF and policies CS17 and KEA2 of the CSUCP. In addition the proposed development provides the opportunity to carry out improvements to the River Don.
- 5.78 The ES and SES conclude that the development would not have any significant impacts on water resources in the area and that there are some beneficial impacts associated with the scheme such as the improvements to the river and water quality. Council officers agree with this conclusion.
- 5.79 **ECOLOGY**
- 5.80 The site is located entirely within a designated Wildlife Corridor. Sections of the Durham Coast Special Area of Conservation (SAC) and Northumbria Coast Special Protection Area (SPA) lie within 9.5km of the development site. Several non-statutory designated nature conservation sites (i.e. Local Wildlife Sites) are located within 2km of the site, including Wardley Colliery LWS (120m northeast) and River Don LWS which forms the southern boundary.
- 5.81 The site comprises a series of arable fields of varying size bound by native hedgerows with occasional hedgerow trees, smaller areas of semi-

improved/marshy grassland and two small buildings. The River Don forms the southern boundary of the site which at its eastern end supports a narrow strip of broadleaved woodland.

- 5.82 Several ponds occur within 500m of the site, a number of which have been confirmed as supporting breeding great crested newts (European Protected Species). The River Don supports water vole and occasional commuting otter. Habitats within and adjacent the site also provide opportunities for terrestrial amphibians (incl. common toad), farmland birds, foraging/commuting bats, brown hare, hedgehog and badger.
- 5.83 The site and its setting have been subject to a range of ecological surveys to inform allocation of the site for employment use under policy KEA2 of the CSUCP. In addition a range of surveys have been undertaken to support other planning applications in the local area. Using data gathered from a range of sources including a desk based study, previous ecological survey work and more recent survey work where time constraints have allowed the ES and SES identify the key ecological constraints as being :
- the River Don corridor and its associated water vole population
 - local great crested newt populations
 - farmland and woodland edge birds
 - otter and bats which use the River Don corridor
- 5.84 The proposed development will result in the loss of all arable land and internal hedgerows on the site. These areas will be replaced by the development together with 13.08 hectares of green infrastructure on the eastern, southern and western boundaries of the site.
- 5.85 Mitigation measures are proposed to protect the value and function of the River Don corridor and maintain ecological connectivity with neighbouring habitats/designated sites, including Wardley Colliery LWS. Mitigation measures are also proposed to avoid/minimise adverse impacts on protected/priority species during the construction and operational phases of the development. These proposed mitigation and enhancement measures can be secured through planning conditions (conditions 49 - 54).
- 5.86 Whilst mitigation measures have been put forward, the reduced width of the southern ecological/landscape buffer is likely to compromise its potential to support birds of open habitats including wading birds. Council officers are of the opinion that this level of impact cannot be mitigated on site alone. It is therefore considered that it is not possible to develop this site with no net loss of biodiversity.
- 5.87 In recognition of this and in accordance with the hierarchy set out in the NPPF, Council officers consider that off-site ecological compensation is therefore required to render the proposed development ecologically acceptable.

- 5.89 After considering options Council officers have identified an off-site ecological solution which involves the creation of 3.5 hectares of wet/marshy grassland at Shibdon Meadow LWS. The costs associated with the above off-site ecological compensatory measures (£58,750) can be secured by a planning obligation. Council officers consider that this would represent an acceptable/proportionate off site ecology scheme. The applicant has agreed to the off-site ecological solution and discussions are currently taking place to progress and complete the planning obligation.
- 5.90 The Local Planning Authority considers that the proposed development will require a Natural England European Protected Species Mitigation Licence in respect of great crested newts, and that the relevant licensing authority is likely to issue such a licence subject to the submission of an acceptable licence application by the applicant and/or their appointed agent.
- 5.91 In respect of discharging its statutory duty with regards to the consideration of species (namely great crested newt) protected under the provisions of the Habitats Directive, and implemented through the Conservation of Habitats and Species Regulations 2017, the Local Planning Authority is satisfied that the proposed development meets the requirements of the three derogation tests:
- a. Imperative reasons of overriding public interest of a social or economic nature or preserving public health and safety. The significant socio economic benefits are outlined in the Socio Economic section of this report.
 - b. No satisfactory alternative. The ES and SES consider alternatives and Council officers agree with the findings.
 - c. Favourable conservation status of the European Protected Species in their natural range – The LPA is satisfied that suitable measures can be imposed that will minimise the impact of the development on individual great crested newts during the site clearance and construction phases of the development, and that the proposed creation of new/replacement breeding and terrestrial habitat, along with measures to improved ecologically connectivity, will result in the conservation status of the local great crested newt population being maintained at or above its current level.
- 5.92 The ES and SES conclude that with the implementation of the proposed mitigation measures (including licenced mitigation in respect of great crested newts) no residual adverse construction effects of above minor adverse significance are anticipated other than on wading birds which will be lost to the development with a moderate adverse effect. The ES and SES also state that a number of potential benefits will be provided as a result of the development including habitat creation and improved ecological connectivity. Council officers agree with these conclusions.

5.93 Subject to the above ecology related planning conditions and off-site ecology compensation measures to be secured by a planning obligation, it is considered that the proposed development would not have a detrimental impact on designated sites, protected species, priority habitats, priority species and ecology connectivity and would therefore comply with the NPPF, saved policies DC1(d), ENV44, ENV46, ENV47, ENV49 and ENV51 of the UDP and Policy CS18 of the CSUCP.

5.94 SOCIO ECONOMIC ISSUES

5.95 This chapter of the ES and SES assess the likely socio economic effects of the proposed development both during its construction and operation. During construction the ES and SES state that the development is expected to support 130 construction jobs and 195 spin off jobs each year over the duration of a four year build project.

5.96 The ES and SES estimate that the proposed development is capable of accommodating between 1,125 and 1,538 jobs on site. Adjusting for part time workers this is likely to equate to between 1,047 and 1,444 full time equivalent jobs. The proposed development could also generate £1.84m to £1.94m of additional business rates revenue per year.

5.97 The ES and SES conclude that the development would not give rise to any adverse socio economic effects. The ES and SES go on to state that overall the proposed development will have a permanent beneficial effect from a socio economic point of view. Council officers agree with this conclusion and are of the opinion that the development would result in significant investment in the area which would provide significant local employment opportunities and expenditure.

5.98 CUMULATIVE EFFECTS

5.99 The ES and SES assess whether any cumulative effects may arise from the proposed development when considered with other schemes in proximity to the site. The objective is to identify whether impacts from several developments which individually might be insignificant could when considered together cause a significant indirect and cumulative impact requiring mitigation.

5.100 The ES and SES identify cumulative effects in respect of transport, landscape and visual and ecology arising from the development when considered with other developments in the area. The ES and SES conclude that none of the identified cumulative effects will be significant. Council officers agree with this assessment and findings.

5.101 COMMUNITY INFRASTRUCTURE LEVY

5.102 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 not CIL chargeable

development as it is not for qualifying retail or housing related development. As such no CIL charge is liable.

6.0 CONCLUSION

- 6.1 The Environmental Information contained with the Environmental Statement (ES) and Supplementary Environmental Statement (SES) submitted with this application has been taken into consideration by the Council in coming to its decision.
- 6.2 A range of mitigation measures have been identified which are capable of being provided through planning conditions and a planning obligation.
- 6.3 The ES and SES conclude that negative residual effects remain for landscape/visual and noise in relation to some properties that are close to the site. The ES and SES also conclude that all other effects are negligible, neutral or beneficial. Council officers agree with these findings and conclusions.
- 6.4 The negative impacts should however be balanced against the significant beneficial socio economic benefits of the development in terms of investment in the area and local employment opportunities and expenditure. Overall the effect on the local community is considered to be a positive one.
- 6.5 The inclusion of some B2 uses as part of the development is not in accordance with policy KEA2 of the CSUCP and is therefore a departure to the Council's approved development plan. However the impact of introducing B2 uses as part of the development has been fully assessed in the submitted ES and SES and has been found to be acceptable.
- 6.6 Therefore taking into account all the relevant material planning considerations, including the environmental information contained with the Environmental statement, the Supplementary Environmental Statement, the comments made by consultees and the representations received, it is considered that the proposal is acceptable and accords with the aims and objectives of both national and local planning policies.
- 6.7 It is therefore recommended that planning permission be granted subject to the planning conditions and planning obligation below.

7.0 Recommendation:

GRANT SUBJECT TO A SECTION 106 AGREEMENT and subject to no additional material planning issues being raised during the re-consultation period which expires on 30 December 2017 that have not previously been considered.

1) The agreement shall include the following obligations: the payment of £58,750 for off site ecology compensation

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

3) That the Strategic Director of Communities and Environment be authorised to add, delete, vary and amend the planning conditions (set out below) as necessary.

1

The development hereby permitted in outline shall not be carried out other than in complete accordance with the plan(s) accompanying the application as listed below :

17072-0010 Rev B	site location plan
17072-011 Rev H	parameters plan
2119-800-P-001 Rev I	all accesses
2119-900-P-001 Rev E	access 1 general arrangement
2119-900-P-002 Rev E	access 1 engineering layout
2119-1100-P-001 Rev G	access 2 general arrangement
2119-1100-P-001 Rev G	access 2 engineering layout
2119-1200-P-001 Rev B	access 3 general arrangement
2119-1200-P-002 Rev B	access 3 engineering layout

and with such further details for each phase of the development that shall be submitted to prior to the commencement of development on that phase for the Council's approval in writing in relation to the following reserved matters, namely:

- (1) appearance
- (2) landscaping
- (3) layout
- (4) scale

Reason

This condition is imposed pursuant to article 4 (1) of the Town and Country Planning (General Development Procedure) Order 2010 (as amended) to ensure development is carried out in accordance with the approved details as submitted.

2

Application for approval of the reserved matters referred to in condition 1 above shall be made to the Local Planning Authority within 5 years of the date of this permission.

Reason

This condition is imposed pursuant to the requirements of section 92 of the Town and Country Planning Act 1990.

3

The development to which this permission relates shall be begun not later than two years from the approval of the reserved matters referred to in condition 1 above.

(N.B. if the reserved matters are approved on different dates, the two-year period is calculated from the approval of the last such matter to be approved.)

Reason

This condition is imposed pursuant to the requirements of section 92 of the Town and Country Planning Act 1990.

4

The buildings on the site shall not exceed a maximum height of 28 metres above the finished floor level with the maximum finished floor level being 55 metres (above AOD).

Reason

To ensure an appropriate form of development in the interest of good design to accord with the NPPF, saved policy ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

5

No development shall commence on site until a phasing plan which includes details of the elements of the development which are included in each phase and the order of the phases has been submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of good design and to ensure a comprehensive, phased and co-ordinated approach to the site development to accord with the aims and objectives of the NPPF, saved policy ENV3 of the Council's Unitary Development Plan and Policy CS15 of the Council's Core Strategy and Urban Core Plan.

6

The development shall be carried out in accordance with the phasing plan approved under condition 5 unless otherwise subsequently updated and approved in writing by the Local Planning Authority.

Reason

In the interest of good design and to ensure a comprehensive, phased and co-ordinated approach to the site development to accord with the aims and objectives of the NPPF, saved policy ENV3 of the Council's Unitary Development Plan and Policy CS15 of the Council's Core Strategy and Urban Core Plan.

7

The development hereby approved shall not provide more than 90,000 m² gross external floor space and shall only be used/occupied for the following uses and for no other purpose :

- (a) B2 general industry (which shall not exceed more than 27,000m² of gross external floor space)
- (b) B8 storage and distribution

of the Town & Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason

To ensure that the primary function of the site is for B8 in accordance with the NPPF and policy KEA2 of the Core Strategy and Urban Core Plan.

8

No development shall commence on each phase of the development until a specification for a programme of archaeological fieldwork (to include excavation) for that phase of the development has been submitted to and approved in writing by the Local Planning Authority and subsequently carried out on that phase in accordance with the approved specification.

Reason

The site is located in an area of potential archaeological interest and any remains on site should be preserved where possible and recorded in accordance with the NPPF, saved policy ENV22 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

9

For each phase of the development, within 3 months of the archaeological field work approved at condition 8 being completed a report of the results of the archaeological fieldwork undertaken for that phase of the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason

The site is located in an area of potential archaeological interest and any remains on site should be preserved where possible and recorded in accordance with the NPPF, saved policy ENV22 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

10

No building hereby approved shall be occupied on each phase of the development until a report detailing the results of the archaeological fieldwork undertaken for condition 8 in a form suitable for publication has been submitted to and approved in writing by the Local Planning Authority.

Reason

The site is located in an area of potential archaeological interest and any remains on site should be preserved where possible and recorded in accordance with the NPPF, saved policy ENV22 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

11

No development shall commence on each phase of the development until an intrusive site investigation is undertaken for that phase and a Phase 2 Risk Assessment report of the findings submitted to and approved in writing by the Local Planning Authority.

The site investigation will consist of a series of boreholes / trial pits, insitu testing, groundwater and ground gas monitoring, soil sampling and chemical and geotechnical laboratory testing of samples to assess potential contamination issues and inform foundation design.

The site investigation and Phase 2 Risk Assessment report shall identify potential contamination, and possible areas which may require remedial works in order to make the site suitable for its proposed end use to ensure that no contamination is present that poses a risk to future users of the site and construction workers. Reference should be made to CLR 11 - Model Procedures for the Management of Land Contamination and BS 10175:2011 – Investigation of Potentially Contaminated Sites – Code of Practice.

The Risk Assessment should confirm possible pollutant linkages and should provide recommendations with regard to an appropriate remediation scheme which will ensure safe redevelopment.

Reason

To ensure that risk from land contamination are minimised in accordance with the NPPF, saved policies DC1 (p) and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

12

No development shall commence on each phase of the development until a detailed remediation scheme to bring that phase of the development to a condition suitable for the intended use has been submitted to and approved in writing by the Local Planning Authority.

The scheme must include all works to be undertaken for that phase, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

A minimum of 1.15m of 'proven' uncontaminated 'clean cover' is required in all soft landscape areas.

Reason

To ensure that risk from land contamination are minimised in accordance with the NPPF, saved policies DC1 (p) and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

13

No development shall commence on each phase of the development until the remediation measures for that phase of the development approved under condition 12 have been implemented.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works for each phase of the development.

Reason

To ensure that risk from land contamination are minimised in accordance with the NPPF, saved policies DC1 (p) and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

14

Following completion of any remediation measures approved under condition 12 on each phase of the development, a verification report that demonstrates the effectiveness of the remediation carried out for that phase must be submitted to and approved in writing by the Local Planning Authority prior to that phase being brought into use and/or the buildings on that phase being occupied.

Reason

To ensure that risk from land contamination are minimised in accordance with the NPPF, saved policies DC1 (p) and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

15

In the event that contamination is found at any time when carrying out the development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. Development must

be halted on that part of the site affected by the unexpected contamination.

An investigation, risk assessment, remediation scheme and verification report shall be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of conditions 11-14.

Reason

To ensure that risk from land contamination are minimised in accordance with the NPPF, saved policies DC1 (p) and ENV54 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

16

No development shall commence on each phase of the built development until details of the existing and proposed site levels for that phase of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure an appropriate form of development in the interest of good design and to accord with the NPPF, saved policy ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

17

Each phase of the built development shall be implemented in accordance with the site levels approved for that phase at condition 16.

Reason

To ensure an appropriate form of development in the interest of good design and to accord with the NPPF, saved policy ENV3 of the Unitary Development Plan and policy CS15 of the Core Strategy and Urban Core Plan.

18

No development shall commence on each phase of the development until a Construction Management Plan (CMP) for that phase of the development has been submitted to and approved in writing by the Local Planning Authority.

The CMP shall include :

- a dust management plan
- a noise management plan
- pollution prevention measures
- contractor parking
- measures to limit and manage transfer of debris on to the highway

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the construction phases of the development in accordance with the NPPF, saved policies DC1(h) and DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

19

Each phase of the development shall be implemented in accordance with Construction Management Plan (CMP) measures approved for that phase of the development at condition 18.

Reason

In order to avoid nuisance to the occupiers of adjacent properties during the construction phases of the development in accordance with the NPPF, saved policies DC1(h) and DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

20

All external works in connection with the construction of the development, including deliveries to the site, shall be carried out only between 0700 hours and 1830 hours on Mondays to Fridays, only between 0800 hours and 1400 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

To safeguard the amenities of nearby residents in accordance with the NPPF, saved policies DC1(h) and DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne

21

The rating level of noise emissions from the operational development shall not exceed 34 dB during the night time hours of between 2300 and 0700.

The rating level of noise emissions from the operational development shall not exceed 46 dB during the daytime hours of between 0700 and 2300.

The rating levels specified above are determined at the nearest noise sensitive property taken in accordance with BS4142:2014 or any appropriate future edition of this guidance.

Reason

In the interest of the amenity of adjacent properties and to accord with the NPPF, saved policies DC1(h) and DC2 of the Unitary Development Plan and policy CS14 of the Core Strategy and Urban Core Plan.

22

No cycle parking facilities shall be provided on each phase of the development until a scheme for the provision of cycle parking facilities for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall include :

- secure cycle parking provision for visitors
- secure and weatherproof cycle parking provision for staff
- secure motor cycle parking for staff and visitors

Reason

In order to ensure adequate provision for cyclists in accordance with the NPPF, policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the Council's Cycling Strategy.

23

The cycle parking facilities approved at condition 22 shall be provided on each phase of the development in accordance with the approved details prior to that phase of the development being brought into use and/or the buildings on that phase being occupied.

Reason

In order to ensure adequate provision for cyclists in accordance with the NPPF, Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne and the Council's Cycling Strategy.

24

No electric vehicle charging points shall be provided on each phase of the development until details of the number, location and specification of the charging points for that phase of the development have been submitted to and approved in writing by the Local Planning Authority.

Reason

To promote sustainable travel choices in accordance with the NPPF and policies CS13 and KEA2 of the Council's Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

25

The electric vehicle charging points approved at condition 24 shall be provided on each phase of the development in accordance with the approved details prior to that phase of the development being brought into use and/or the buildings on that phase being occupied.

Reason

To promote sustainable travel choices in accordance with the NPPF and policies CS13 and KEA2 of the Council's Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

26

No buildings hereby approved shall be occupied until a detailed scheme for the following highway works and improvements along with a timetable for their implementation has been submitted to and approved in writing by the local planning authority:

- (a) Widening of Follingsby Lane with associated works including lighting, drainage and signage details
- (b) Site access including details of gradients and visibility
- (c) Shared footway/cycleway detailing tie in with existing infrastructure and site access's
- (d) Provision of an uncontrolled pedestrian crossing with central refuge across Follingsby Lane to the west of Access 1
- (e) Provision of a new signalised controlled crossing across Follingsby Lane to the east of Access 1.
- (f) The provision of a new bus stop and layby along the southern side of Follingsby Lane between Access 1 and Access 2.
- (g) The provision of loading / waiting restriction along both sides of Follingsby lane
- (h) Reduction in the speed limit along Follingsby Lane from 60mph to 40mph.

The design for the above highway works and improvements shall include the consideration and inclusion of measures to avoid/minimise impacts on biodiversity and enhance ecological connectivity (principally for amphibians including great crested newt and foraging and commuting bats).

Reason

To provide suitable access and improve and promote access to the site by bus and for pedestrians, cyclists in accordance with the NPPF and policies CS13 and KEA2 of the Core Strategy and Urban Core Plan.

27

The off site highway works approved at condition 26 shall be provided in accordance with the approved details and approved timetable for implementation unless otherwise approved in writing by the Local Planning Authority.

Reason

To provide suitable access and improve and promote access to the site by bus and for pedestrians, cyclists in accordance with the NPPF and policies CS13 and KEA2 of the Core Strategy and Urban Core Plan.

28

No buildings hereby approved shall be occupied until a detailed scheme for the upgrade and modification of the signal equipment and controllers at the A195 New Road / B1288 Leam Lane / A195 Lingey Lane junction along with a timetable for the scheme's implementation has been submitted to and approved in writing by the local planning authority. The scheme shall include the re-cabling and re-equipping of the site as an extra low voltage (ELV) site with MOVA and UTC/UTMC capabilities.

Reason

To improve the operational capacity of the junction in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

29

The Lingey Lane signal improvement scheme approved at condition 28 shall be provided in accordance with the approved details and approved timetable for implementation unless otherwise approved in writing by the Local Planning Authority.

Reason

To improve the operational capacity of the junction in accordance with the NPPF and policy CS13 of the Core Strategy and Urban Core Plan.

30

No building hereby approved shall be occupied until a Public Transport Scheme has been submitted to and approved in writing by the Local Planning Authority.

The Public Transport Scheme shall include details of the duration, routing, frequency, and delivery of bus services serving the development together with any review mechanisms as may be appropriate.

Reason

To improve and promote access to the site by bus in accordance with the NPPF and policies CS13 and KEA2 of the Core Strategy and Urban Core Plan.

31

The public transport scheme approved at condition 30 shall be provided in accordance with the approved details and approved timetable for implementation.

Reason

To improve and promote access to the site by bus and for pedestrians, cyclists in accordance with the NPPF and policies CS13 and KEA2 of the Core Strategy and Urban Core Plan.

32

No buildings hereby approved shall be occupied until a revised Framework Travel Plan has been submitted to and approved in writing by the Local Planning Authority.

The revised Framework Travel Plan will include:

- (a) Details to employ or engage a site-wide travel plan coordinator who shall be responsible for the implementation delivery monitoring and promotion of the sustainable transport initiatives set out in the Framework Travel Plan and whose details shall be provided and continue to be provided thereafter to the Local Planning Authority
- (b) Clearly defined objectives and indicators.
- (c) Indicative targets based on trip generation figures.
- (d) Details of proposed measures to address the objectives.
- (e) Detailed timetable for implementing measures, travel surveys and monitoring.
- (f) A summary of costs associated with the measures, monitoring and management of the TP over its lifetime together with details on how this will be funded.
- (g) Details of the governance that will be in place to ensure measures are implemented effectively.
- (h) Commitment to use the Council's preferred monitoring system

Evidence of the travel plans implementation over a minimum period of 12 months shall be submitted to and approved in writing by the Local Planning Authority prior to formally discharging the condition.

The travel plan will be in place for a minimum of 5 years after occupation of the final building on the site.

At all times thereafter, the Travel Plan shall be implemented in accordance with the approved details or any changes made under the review process.

Reason

To promote sustainable travel choices to accord with the NPPF and policies KEA2 and CS13 of the Core Strategy and Urban Core Plan.

33

3 months after each building hereby approved being occupied either in part or in full the owner and/or the occupier of each building shall submit a user specific travel plan to the Local Planning Authority for written approval.

The user specific travel plan shall demonstrate how they will engage with the measures set out in the Framework Travel Plan and accord in full with the details set out in the approved Framework Travel Plan at condition 32.

Evidence of the travel plans implementation over a minimum period of 12 months shall be submitted to and approved in writing by the Local Planning Authority prior to formally discharging the condition.

At all times thereafter, the Travel Plan shall be implemented in accordance with the approved details or any changes made under the review process.

Reason

To promote sustainable travel choices to accord with the NPPF and policies KEA2 and CS13 of the Core Strategy and Urban Core Plan.

34

No external lighting shall be provided on each phase of the development until details of the proposed external lighting for that phase of the development including details of the number, type, position, design, dimensions and lighting levels of the lighting has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure an appropriate form of development in the interest of good design, residential amenity and ecology to accord with the NPPF, saved policies ENV3, DC2, ENV47 and ENV51 of the Unitary Development Plan and policies CS14, CS15 and CS18 of the Core Strategy and Urban Core Plan.

35

The external lighting at the site shall be implemented in accordance with the external lighting details approved at condition 34.

Reason

To ensure an appropriate form of development in the interest of good design, residential amenity and ecology to accord with the NPPF, saved policies ENV3, DC2, ENV47 and ENV51 of the Unitary Development Plan and policies CS14, CS15 and CS18 of the Core Strategy and Urban Core Plan.

36

No development or any other operations shall commence on each phase of the development until a scheme for the protection of the existing trees and hedges that are to be retained on that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme must include a plan clearly showing the location and specification of the protective fencing to be used.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with the NPPF, saved policy ENV44 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

37

The tree protective fencing for each phase of the development approved at condition 36 must be installed prior to the commencement of development for that phase and thereafter retained intact for the full duration of the construction works on that phase of the development and there shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.

Reason

To ensure the satisfactory protection of trees, shrubs and hedges in accordance with the NPPF, saved policy ENV44 of the Unitary Development Plan and policy CS18 of the Core Strategy and Urban Core Plan.

38

No development shall commence on each phase of the development until a foul and surface water drainage scheme including a detailed assessment and a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage shall comprise surface level vegetated SuDS components wherever possible, shall provide a variety of functioning aquatic and riparian habitats within the wildlife buffer, sensitively designed outfall(s) arrangements, and shall be in compliance with DEFRA Non-Statutory Technical standards for SuDS, Local and National Policy, and the Water Framework Directive. The surface water drainage shall also comprise of measures to protect existing utilities (pylons and gas pipe network) and Leamside Line.

All phases of the development shall discharge the foul flows to the existing foul sewer at manhole 0202 and discharge the surface water directly to the River Don watercourse.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and policy CS17 of the Core Strategy and Urban Core Plan.

39

Each phase of the development shall be implemented in accordance with the foul and surface water drainage scheme for that phase of the development and the timetable for implementation approved at condition 38.

Reason

To prevent the increased risk of flooding in accordance with the NPPF and policy CS17 of the Core Strategy and Urban Core Plan.

40

No development shall commence on each phase of the development until a Drainage Construction Method Statement (DCMS) for that phase of the development has been submitted to and approved in writing by the Local Planning Authority.

The Drainage Construction Method Statement shall include :

- (a) Details of how construction site runoff will be detained and treated to avoid risk of flooding and/ or pollution or sedimentation to the River Don.
- (b) Details of how SuDS components will be protected during construction to ensure correct functioning without sediment build up at completion of the works.
- (c) Consideration of access for inspections

Reason

To protect the river environment of the River Don and to ensure correct functioning of the drainage system at completion to accord with the NPPF, saved policy DC1 of the Unitary Development Plan and policy CS17 of the Core Strategy and Urban Core Plan .

41

Each phase of the development shall be implemented in accordance with the Drainage Construction Method Statement for that phase of the development approved at condition 40.

Reason

To protect the river environment of the River Don and to ensure correct functioning of the drainage system at completion to accord with the NPPF, saved policy DC1 of the Unitary Development Plan and policy CS17 of the Core Strategy and Urban Core Plan .

42

Prior to each phase of the development being brought into use and/or the buildings on that phase being occupied a Drainage Management Plan (including the SuDs features) for that phase of the development shall be submitted to and approved in writing by the Local Planning Authority.

The Drainage Management Plan shall co-ordinate with the Landscape Management Plan and shall include :

- (a) confirmation of who will be responsible for the maintenance of the drainage system
- (b) description of the system and how each element is expected to work
- (c) management objectives for the site
- (d) inspection and maintenance schedules and specification
- (e) confirmation of maintenance access points, easements and outfalls
- f) health and safety guidance for maintainers of drainage and landscape, and also utility companies.

Reason

To ensure to correct functioning of the drainage system for the lifetime of the development and to prevent the increased risk of flooding and pollution of the water environment in accordance with the NPPF, saved policies DC1 (h) and (j) of the Unitary Development Plan and policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

43

The drainage scheme including SuDs features provided for each phase of the development shall be managed and maintained in accordance with the Drainage Management Plan approved at condition 42.

Reason

To prevent the increased risk of flooding and pollution of the water environment in accordance with the NPPF, saved policies DC1 (h) and (j) of the Unitary Development Plan and policies CS14 and CS17 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.

44

Any buildings on the site shall only be located within flood zone 1, as defined by Figure 2.1 of the submitted Flood Risk Assessment (dated October 2017).

Reason

To ensure that the buildings are located outside of flood zones 2 or 3 to prevent the increased risk of flooding to accord with the NPPF and saved policy CS17 of the Core Strategy and Urban Core Plan.

45

No built development shall commence on site until a scheme for the provision of a 10 metre safeguarding zone alongside the River Don

(within the application site boundary) and its protection has been submitted to and approved in writing by the Local Planning Authority.

The River Don safeguarding zone scheme shall be free from built development including lighting and formal landscaping and shall include:

- (a) Scaled plans showing the extent and layout of the 10 metre safeguarding zone measured horizontally from the top of the bank on the landward side of the river
- (b) Details demonstrating how the safeguarding zone will be protected during all development works except river restoration works.
- (c) A maintenance strategy

Reason

To ensure that ecology along the River Don is protected to accord with the NPPF, saved policies ENV47 and ENV51 of the Unitary Development Plan and policies CS18 and KEA2 of the Core Strategy and Urban Core Plan.

46

No built development shall commence on site until the scheme for the safeguarding of the River Don approved at condition 45 has been provided in accordance with the approved details. Thereafter the River Don safeguarding scheme shall be retained, and maintained in accordance with the details approved at condition 45 unless otherwise approved in writing by the Local planning Authority.

Reason

To ensure that ecology along the River Don is protected to accord with the NPPF, saved policies ENV47 and ENV51 of the Unitary Development Plan and policies CS18 and KEA2 of the Core Strategy and Urban Core Plan.

47

No buildings hereby approved shall be occupied until a river restoration scheme to restore the River Don (within the application site boundary) has been submitted to and approved in writing by the Local Planning Authority.

The river restoration scheme shall include :

- (a) A restoration/mitigation plan including proposals for the River Don
- (b) Details of habitat linkages between the river restoration scheme and the wildlife/ ecology/ SuDS buffer zone features.
- (c) Measures to safeguard/conservate existing ecology

- (d) Demonstration that the river restoration scheme will not compromise the intended hydrological performance of the SuDS scheme serving runoff from the development site.
- (e) A construction management plan including programme schedule, pollution control measures and timetable of works
- (f) A monitoring strategy
- (g) A maintenance and management strategy

Reason

To improve and restore the River Don in accordance with the Water Framework Directive and policy KEA2 of the Core Strategy and Urban Core Plan.

48

The river restoration scheme approved at condition 47 shall be provided in accordance with the approved details and the approved timetable of works, unless otherwise approved in writing by the Local Planning Authority.

Thereafter the river restoration scheme shall be monitored, maintained and managed in accordance with the details approved at condition 47.

Reason

To improve and restore the River Don in accordance with the Water Framework Directive and policy KEA2 of the Core Strategy and Urban Core Plan.

49

No development shall commence on each phase of the development until an Ecology Method Statement(EMS) for that phase of the development has been submitted to and approved in writing by the Local Planning Authority.

The EMS shall include the following measures and a timetable for their provision, implementation and retention:

- (a) details (local and specification) of the protective fencing to be installed on site to avoid impacts on habitats and species
- (b) the timing of works
- (c) proposed working methods
- (d) measures to prevent the spread of invasive species on site

- (e) details of how excavations will be covered during construction
- (f) details of how materials will be safely stored during construction
- (g) the provision of an ecological clerk of works

Reason

To prevent / minimise harm to ecological features during the construction phases of the development in accordance with the NPPF, saved policies DC1 and ENV47 of the Unitary Development Plan and policies KEA2 and CS18 of the Core Strategy and Urban Core Plan.

50

The ecology method statement approved at condition 49 shall be provided for each phase of the development in accordance with the approved details and the approved timetable for implementation and retention.

Reason

To prevent / minimise harm to ecological features during the construction phases of the development in accordance with the NPPF, saved policies DC1 and ENV47 of the Unitary Development Plan and policies KEA2 and CS18 of the Core Strategy and Urban Core Plan.

51

No development shall commence on each phase of the development until an Ecology Enhancement Plan (EEP) for that phase of the development has been submitted to and approved in writing by the Local Planning Authority.

The EEP shall include details of the on site habitat creation, restoration and enhancement measures including bird boxes, bat boxes and barn owl boxes with a timetable for their provision.

Reason

To provide replacement and improved opportunities for biodiversity in accordance with the NPPF, saved policies ENV46, ENV47 and ENV51 of the Unitary Development Plan and policies CC18 and KEA2 of the Core Strategy and Urban Core Plan.

52

Each phase of the development shall be implemented in accordance with the Ecology Enhancement Plan and timetable for implementation approved for that phase of the development at condition 51.

Reason

To provide replacement and improved opportunities for biodiversity in accordance with the NPPF, saved policies ENV46, ENV47 and ENV51

of the Unitary Development Plan and policies CC18 and KEA2 of the Core Strategy and Urban Core Plan.

53

A Landscape and Ecology Monitoring and Management Strategy (LEMS) for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority prior to that phase of the development being brought into use. The Landscape and Ecology Monitoring and Maintenance Strategy shall include the following :

- (a) description and evaluation of features to be managed
- (b) ecological trends and constraints on site that influence management
- (c) aims and objectives of the management
- (d) appropriate management options for achieving aims and objectives
- (e) details of initial aftercare
- (f) details of long term maintenance
- (g) a work schedule including annual work plan
- (h) details of the body or organisation responsible for implementation of the plan
- (i) ongoing monitoring and remedial measures

Reason

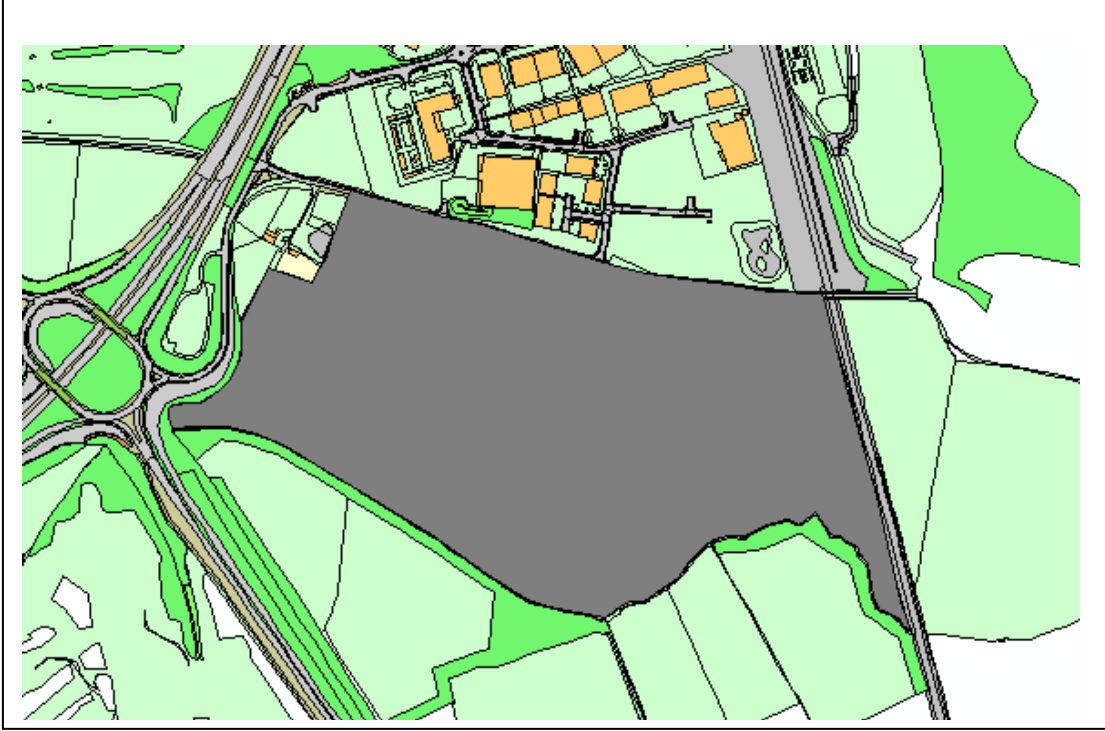
To ensure that the landscape and ecology provision at the site is well established and is satisfactorily maintained in accordance with the NPPF, saved policies ENV3, ENV46, ENV47 and ENV51 of the Unitary Development Plan and policies CS15, CS18 and KEA2 of the Core Strategy and Urban Core Plan.

54

Each phase of the development shall be monitored and managed in accordance with the Landscape and Ecology Monitoring and Management Strategy for that phase of the development approved at condition 53.

Reason

To ensure that the landscape and ecology provision at the site is well established and is satisfactorily maintained in accordance with the NPPF, saved policies ENV3, ENV46, ENV47 and ENV51 of the Unitary Development Plan and policies CS15, CS18 and KEA2 of the Core Strategy and Urban Core Plan.



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