

Date of Committee: 3 January 2018

Application Number and Address:

DC/17/00900/FUL

Gills Super Fry
23 The Crescent
Dunston
Gateshead
NE11 9SJ

Applicant:

Mr Graham Gill

Proposal:

Proposed variation of condition 3 (opening hours of planning approval reference DC/12/01065/COU to allow opening hours between 1100hrs and 2300hrs Monday to Saturday, between 1700hrs and 2300hrs on a Sunday and Bank Holidays (currently restricted to between 0800 and 1700 on Monday to Saturday and no other times) (additional information received 20/11/17)

Declarations of Interest:

Name	Nature of Interest
None	None

List of speakers and details of any additional information submitted:

Mr Fahim Farooqui – Agent speaking on behalf of the applicant.

Decision(s) and any conditions attached:

That the application for the variation of the Condition be granted as applied for.

Any additional comments on application/decision:

Councillor Allison Thompson had requested to speak against the application, but was not in attendance at the meeting. The Agent was still allowed to speak as the officer recommendation was for planning permission to be refused.

A motion to accept the officer recommendation to refuse planning permission was defeated. A second motion to grant the permission as applied for was made as a result of which permission was granted. The reason the committee gave for not applying the Hot Food Takeaway Supplementary Planning Document and giving greater weight to other material planning considerations, was that the premises had previously had temporary permission for extended hours which had caused no impact on residential amenity and that this was not in substance a new application.

Date of Committee: 3 January 2018

Application Number and Address:

DC/17/00946/FUL
Former Rowlands Gill Infant and Nursery School
Sherburn Green
Rowlands Gill

Applicant:

Gateshead Regeneration Partnership

Proposal:

Proposed erection of 23 dwellings with associated garages, parking, boundary details and landscaping (amended and additional information received 03/11/17).

Declarations of Interest:

Name	Nature of Interest
None	

List of speakers and details of any additional information submitted:

Decision(s) and any conditions attached:

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment 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 -

QD1053-300-01 Location Plan 1_1000 (A4)
QD1053-301-01 Existing Site Plan 1_500 (A2)
QD1053-160-01 Construction Site Layout Rev B (A0)
QD1053-103-01 - Rev A - Garage Working Drawing (A1)
Sold-Secure-2014-Approved-Catalogue
Wall Mounted 2 Bike Bicycle rack
QD1053-101-02 House Type BL Construction Sheet 1 (A1)
QD1053-100-02 House Type DI Construction Sheet 1 (A1)
QD1053-102-02 House Type JK Construction Sheet 1 (A0)
QD1053-316-01 Roof Layout
ENE 8 SHEDS - autopa secure fixing tech sheet
QD1053-337-01 Shed Details 1_20 (A2)
QD1053-308-01 Existing Site Sections (A0)
QD1053-319-01 Proposed Site Sections (A0)
QD1053-345-01 Vehicle Tracking Layout
QD1053-344-01 Critical Distances Plan Rev A
QD1053-353-01 Parking Provision Plan
QD1053-162-01 Construction Enclosures Layout Rev C (A0)
QD1053-162-02 Enclosure Details Rev A (A1)

QD1053-349-01 POS LAYOUT
Rowlands Gill Infant School Topo 1-250 on A1
QD1053-161-01 Construction Materials Layout Rev B (A0)
L-1532-DOC-001 Landscape Strategy Re02
Galliford Sherburn Grn AIA1_1: Tree Assessment
Rowlands Gill DS BFL12
Drainage Layout QD1053-04-02-D and External Levels QD1053-04-01-D
QD1053-00-05 Flow Path (1)
QD1053-00-04 suds matrix (1)
QD Coal Mining Assessment
QD1053 Flood Risk
5149685 - Former Infant Sch Redev_Rowlands Gill_Rev 01_incl Appendices: GI Report
Final SI Report - Dec 2010
QD1053 Remediation Strategy Report Rev B
Bin Stores 18 10 17 A1 Sheet
Materials Palette for House Types 15 09 17
NWL email confirming downstream defender
QD1053 SW 01 11 17: Micro Drainage calculations
QD1053-08-01 Adoptable Drainage Details Rev A
QD1053-08-02- Hydrobrake Detail Rev B
QD1053-08-03 Typical Downstream Defender GA
QD1053-08-04 Private Attenuation Typical Details Rev B
Road & Sewer Sections QD1053-05-01-B
QD1053-EX1-02 Site Sections at plot 23 (A2)
QD Sun Path Report 29 11 17

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.

2

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

3

The development hereby permitted shall be constructed entirely of the materials detailed and shown on plan numbers QD1053-161-01 Construction Materials Layout Rev A (A0) and Materials Palette for House Types 15 09 17. Unless otherwise approved in writing by the Local Planning Authority.

4

All boundary treatments hereby permitted shall be constructed entirely in accordance with details shown on plan numbers QD1053-162-01 Construction Enclosures Layout Rev B (A0) (A0) and QD1053-162-02 Enclosure Details Rev A (A1). Unless otherwise approved in writing by the Local Planning Authority.

5

Prior to the commencement of the development hereby approved, a construction control plan including the hours of operation, location and layout of the compound area, a scheme for the control of noise and dust and vehicle access locations shall be submitted to and approved in writing by the Local Planning Authority.

6

The construction control plan approved under condition 5 shall be implemented and complied with in full during all stages of construction, until completion.

7

The school keep clear markings on the Sherburn Green access to the site shall be fully removed prior to the occupation of the any unit hereby permitted.

8

Prior to commencement of the development hereby approved details of a footpath extension to the northern footway (adjacent to the substation on Sherburn Green) shall be submitted for the consideration and written approval of the Local Planning Authority.

9

The footway extension details approved under condition 8 shall be implemented in full accordance with the approved details prior to first occupation of any unit hereby permitted

10

No individual hard landscaping material shall be used on site until a detailed hard landscaping plan (including a timescale of implementation) has been submitted to and subsequently approved in writing by the Local Planning Authority.

11

All hard landscaping shall be completed in full accordance with the details approved under Condition 10 (including timescales for implementation), and retained as such in accordance with the approved details thereafter.

12

Prior to the occupation of any unit hereby approved the re-marking of white lining on the junction between Sherburn Park and the A694 shall be completed in full.

13

The cycle parking facilities associated with each individual property (shown on approved plan QD1053-160-01 Construction Site Layout Rev B (A0), Wall Mounted 2 Bike Bicycle rack and QD1053-337-01 Shed Details 1_20 (A2)) shall implemented in full accordance with the submitted details prior to first occupation of each respective unit hereby permitted. Thereafter, the cycle parking shall be retained as approved for the lifetime of the development.

14

At the point of occupation of any unit hereby approved, a Travel Plan, or 'Welcome Pack' shall be provided to the occupants of each dwelling, to encourage the use of alternative modes of travel to the site other than by private vehicle. This must include local cycle maps, bus stop locations, bus timetables and maps showing pedestrian routes to local amenities.

15

No development shall commence on site until the tree protection measures contained within Galliford Sherburn Grn AIA1_1: Tree Assessment have been installed in the locations identified. The approved scheme shall remain in situ until completion of the development.

16

The approved tree protection plan (contained within Galliford Sherburn Grn AIA1_1: Tree Assessment) shall be displayed at all times outside the site office or in a location visible to all contractors and site personnel. Once implemented the tree protection scheme shall be checked daily with a record of the daily checks being kept on file in the site office. The record shall include the date, time and name of the person carrying out the checks together with any problems identified and action taken. If at any time tree protection is missing or deficient without the prior written approval of the LPA being obtained all construction operations should stop until the protection is correctly in place. Details of this should also be recorded in the tree protection record file.

17

Notwithstanding the submitted plans, no unit hereby approved shall be occupied until a fully detailed scheme for the landscaping of the site (including areas identified for SuDS components) has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include a fully detailed landscaping scheme (ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting), proposed timings for implementation and a scheme and maintenance of the landscaping (for a period of 5 years following planting).

18

The landscaping details approved under Condition 17 shall be implemented in accordance with the timings approved under Condition 17.

19

The approved landscaping scheme shall be maintained in accordance with the details approved under condition 17.

20

No work in relation to any proposed drainage features shall take place until a construction management plan for the approved drainage scheme has been submitted to and approved in writing by the LPA.

21

The approved drainage scheme shall be constructed in full accordance with the construction management plan approved under condition 20.

22

No unit hereby approved shall be occupied until a maintenance plan for the approved drainage scheme has been submitted to and approved in writing by the LPA.

23

The approved drainage scheme shall be maintained in full accordance with the maintenance plan approved under condition 22.

24

Prior to commencement of the development hereby permitted, a detailed remediation scheme (including timings of works) to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted for the written approval of the Local Planning Authority. The scheme must include all works to be undertaken, 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.

25

The details of remediation measures approved under condition 26 shall be implemented in accordance with the timescale approved under condition 24 and shall be maintained for the life of the development.

26

Following completion of the remediation measures approved under condition 24 a verification report that demonstrates the effectiveness of the remediation carried out must be submitted for the written approval of the Local Planning Authority prior to first occupation of any unit hereby permitted.

27

During development works, any undesirable material observed during excavation of the existing ground should be screened and removed. If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations should cease until the exposed material has been chemically tested. A risk assessment of the development should then be undertaken, to determine whether remedial works are necessary. The risk assessment (including a remediation strategy and timescale for implementation) shall be submitted to and approved in writing by the Local Planning Authority.

28

Any remediation works deemed to necessary by the LPA following testing (as part of Condition 29) shall be carried out in full within in the timescales approved under Condition 27.

29

Prior to the commencement of the development hereby approved intrusive site investigation works shall be undertaken in order to establish coal mining legacy issues on site. The findings of the intrusive site investigations works in relation to coal mining legacy issues along with details of any remedial works (and timescales) required shall be submitted and approved by the LPA prior to the commencement of the development hereby approved.

30

Any remedial works identified under Condition 29 shall be implemented in accordance with the timescale set out in the approved findings.

Any additional comments on application/decision:

This application had previously been reported to the Committee on 6 December 2017, where after hearing speakers, Members decided to defer the application for a Site Visit. This site visit took place on Thursday 21 December 2017.

Date of Committee: 3 January 2018

Application Number and Address:

DC/17/01054/FUL
Long Acre Farm
Lamesley
Birtley
DH3 1RQ

Applicant:

Miss Kirsty Cassie

Proposal:

Development of a 49.99 MW Gas Fired Electricity Generating Facility, with associated infrastructure and landscaping. (Amended on the 30/11/17. Amendments include revised siting of attenuation pond, reduction in the number of stacks from 11 to 4 and a reduction in the height of the stacks from 15 metres to 8 metres).

Declarations of Interest:

Name	Nature of Interest
None	None

List of speakers and details of any additional information submitted:

An update report was received.

Further representations made with one additional letter of objection being received.

The letter confirms that despite the reduction in height, the development would still have an invasive impact on the countryside and would increase the volume of traffic and the pollution from the traffic.

Decision(s) and any conditions attached:

That temporary permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to grant planning permission and 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 -

Masterplan, SL172_300, GP_GK-01, GP_11KvSH_01, GP_SF_02, GP_AF_02, GP_CC_02, Cross Section A and Cross Section B.

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.

2

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

3

The development hereby approved shall not commence until a Biodiversity Method Statement, covering the construction phase of the development, has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of all the habitats, trees and hedgerows which are to be retained on site, as well as details of any protected and priority species and the measures that will be put in place to protect these ecological features which could be affected by site set up, vegetation clearance, soil stripping, the shaping of new landforms and construction of the development.

The content of the Biodiversity Method Statement shall include:

The purpose and objectives for the proposed works

- Detailed design(s) and/or working method(s) necessary to achieve stated objective, including, where relevant, type and source of materials to be used.
- Extent and location of proposed works shown on appropriate scale maps and plans
- Timetable for implementation, demonstrating that works are aligned with the proposed
- Phasing of construction
- Persons responsible for implementing the works
- Maintenance of protected ecological features during construction
- Disposal of any wastes arising from works

4

The construction of the development shall be carried out in accordance with the Biodiversity Method Statement approved under condition 3.

5

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

- i. the parking of vehicles of site operatives, including construction vehicles and visitors
- ii. An updated Construction Traffic Management Plan which includes further details of the management of HGV's arriving at and leaving the site and temporary access details during construction and decommissioning, including any widening required and visibility displays.
- iii. storage of plant and materials used in constructing and then removing the development
- iv. the erection and maintenance of security hoarding
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction and decommissioning.
- vii. a scheme for the recycling/disposing of waste arising from construction works.

In addition all works and ancillary operations in connection with the demolition, remediation of the site, the construction of the new development and the decommissioning of the site, including the use of any equipment or deliveries to the site, shall be carried out only between 0700 hours and 1800 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays, unless otherwise approved in writing by the Local Planning Authority.

6

The development shall be carried out in accordance with the Construction Method Statement approved under condition 5.

7

No groundworks or development shall commence until a programme of archaeological fieldwork (to include geophysical survey, 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.

8

The development hereby approved shall not be brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 7 has been submitted to and approved in writing by the Local Planning Authority.

9

The development hereby approved shall not be brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a journal and which has been submitted to and approved in writing by the Local Planning Authority.

10

Construction of the development hereby approved shall not commence until a scheme of further intrusive investigations to establish the coal mining legacies present on the site has been submitted to and approved in writing by the Local Planning Authority.

11

Prior to construction of the development hereby approved commencing, the intrusive investigations shall be carried out in accordance with the details approved under condition 10.

12

Construction of the development hereby approved shall not commence until a report of findings arising from the intrusive site investigations approved under condition 10 and a scheme of remedial works if necessary, including the phasing of any remedial works, has been submitted to and approved in writing by the Local Planning Authority.

13

Any remediation works approved under condition 12 shall be implemented in accordance with the timetable approved under that condition.

14

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 updated 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.

15

Construction of the new development hereby approved shall not commence above foundation level until samples of all materials, colours and finishes to be used on all external surfaces have been made available for inspection on site and are subsequently approved in writing by the Local Planning Authority.

16

The materials used shall be in accordance with the details approved under condition 15 unless otherwise approved in writing by the Local Planning Authority.

17

The construction of the development hereby approved shall not be commenced above foundation level until an updated drainage assessment and SuDS scheme, in accordance with the CIRIA SuDS Manual (C697) and Update has been submitted to and approved in writing by the Local Planning Authority. The assessment and scheme shall consider the DEFRA Non-Technical Standards for SuDS and shall include: infiltration testing, detailed designs of all SuDS components ; health and safety risk assessment; construction method statement (refer to CIRIA guidance - Construction Method Statements RP992/22)); a drainage maintenance plan (refer to CIRIA guidance on maintenance plan RP992/21), copy of the electronic drainage model, evidence to demonstrate that there is adequate foul and surface water public sewerage capacity based on NWL's agreed discharge volumes and rates before connecting to the public sewerage system and a timetable of implementation for the approved SuDS components.

The drainage maintenance plan should include the arrangements to secure the operation of the drainage scheme throughout the lifetime of the development and shall co-ordinate with the landscape management plan.

18

The SuDS scheme shall be implemented in accordance with the details approved under condition 17, prior to the development hereby approved being first occupied and shall be retained as such thereafter.

19

The construction of the development hereby approved shall not be commenced above foundation level until a scheme for on and off site landscape and habitat creation, restoration and enhancement has been submitted to and approved in writing by the Local Authority. The scheme shall include details of all the habitats (including wetland habitats informed by the SuD system, trees and hedgerows which are to be retained on site long term, The scheme shall also include but not limited to, the creation of c.1.4ha of native broadleaved woodland, the restoration of c. 380m of existing native hedgerow and the provision of ecological buffers to Long Acre Dene and Long Acre Wood Local Wildlife Sites,

The Landscape and Habitat Creation Plan shall include:

The purpose and objectives for the proposed works

- Detailed design(s) and/or working method(s) necessary to achieve stated objective, including, where relevant, type and source of materials to be used.
- Extent and location of proposed works shown on appropriate scale maps and plans
- Timetable for implementation
- Persons responsible for implementing the works
- Disposal of any wastes arising from works

20

The Landscape and Habitat Creation, Restoration and Enhancement Plan shall be implemented in accordance with the details and timetable approved under condition 19.

21

Prior to the development hereby approved being first brought into use a Landscape and Ecological management plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- Description and evaluation of features to be managed
- Ecological trends and constraints on site that might influence management
- Aims and objectives of management
- Appropriate management operations for achieving aims and objectives
- Prescriptions for management actions
- Preparation of a work schedule with each schedule being reviewed every 5 years.
- Details of the body or organisation responsible for implementation of LEMP
- Ongoing monitoring and remedial measures

22

The on and off site Landscaping and Habitats provided as a result of this development shall be maintained in accordance with the Landscape and Ecological Management Plan approved under condition 21.

23

The development hereby approved shall not be first brought into use until full details of the method of illumination of the external areas of the development have been submitted to and approved in writing by the Local Planning Authority.

24

Any illumination of the external areas shall be in accordance with the details approved under condition 23.

25

Prior to the cessation of the development hereby approved, a restoration scheme for area to be occupied by the built development (as shown on Masterplan Figure 20) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for implementation and an aftercare programme.

26

The restoration of the site and subsequent aftercare scheme shall be carried out in accordance with the details approved under condition 25.

Any additional comments on application/decision:

Date of Committee: 3 January 2018

Application Number and Address:

DC/17/01109/HHA
24 Wilsons Lane
Low Fell
Gateshead
NE9 5EQ

Applicant:

Mr Michael Langdon

Proposal:

Proposed roof terrace within rear slope with bi-fold doors.

Declarations of Interest:

Name

Nature of Interest

None

None

List of speakers and details of any additional information submitted:

Councillor Ron Beadle – speaking as a ward councillor in favour of the application.

Dr Anton Lang – speaking on behalf of the applicant.

Decision(s) and any conditions attached:

That permission be REFUSED for the following reason(s):

1

The proposed external roof terrace, to be formed by the removal of a significant section of roof slope would, by reason of its scale and design, be a visually intrusive and alien feature, altering the character and appearance of the host building. Consequently it would be out of character with the host and surrounding properties. It would result in less than substantial harm to the significance of Low Fell Conservation Area, a designated heritage asset without any public benefit to outweigh this harm, contrary to the National Planning Policy Framework. The application is also contrary to saved policies ENV3 and ENV7 of the Unitary Development Plan, policy CS15 of the Core Strategy and Urban Core Plan and the adopted Supplementary Planning Document "Household Alterations and Extensions".

2

The size and location of the proposed external roof terrace in relation to neighbouring properties would result in an increase in opportunities for overlooking, both real and perceived, that would be detrimental to the living conditions of neighbouring properties and therefore it would not comply with the National Planning Policy Framework or saved policy DC2 of the Unitary Development Plan.

Any additional comments on application/decision:

Date of Committee: 3 January 2018

Application Number and Address:

DC/17/01110/COU
321 and 323 Rectory Road
Bensham
Gateshead
NE8 4RS

Applicant:

Jomast Accommodation Ltd

Proposal:

Change of use from dwelling (use class C3) to an eight-bedroom house in multiple occupation (HMO) (sui generis use)

Declarations of Interest:

Name	Nature of Interest
None	None

List of speakers and details of any additional information submitted:

Decision(s) and any conditions attached:

That permission be REFUSED for the following reason(s):

1

The development would fail to help achieve a mixed and balanced local community by causing the loss of a family home contrary to the National Planning Policy Framework and policy CS9(4) of the Core Strategy and Urban Core Plan.

2

The development would exacerbate the existing unbalanced housing market in the area thereby failing to support an inclusive and mixed community through the further adding to the over-concentration of shared accommodation contrary to the National Planning Policy Framework and policy CS9(5) of the Core Strategy and Urban Core Plan.

3

The intensive use of the property would cause a significant increase in comings and goings and an unacceptable level of noise and disturbance thereby causing material harm to the living conditions of the occupiers of surrounding properties. This is contrary to the National Planning Policy Framework, policy CS14 of the Core Strategy and Urban Core Plan and saved policy DC2 of the Unitary Development Plan.

4

Rooms 7 and 8 would fail to provide adequate living and storage space for the future occupiers resulting in a poor, cramped living environment contrary to the National Planning Policy Framework and policy CS11(4) of the Core Strategy and Urban Core Plan.

Any additional comments on application/decision:

A verbal update was provided to Members to advise them that Councillor Mick Henry, who was not in attendance at the meeting, objected to this application on the same grounds as given by officers.

Date of Committee: 3 January 2018

Application Number and Address:

DC/17/0111/OUT
Follingsby Park South
Follingsby Lane
Gateshead
NE10 8YA

Applicant:

Follingsby International Enterprise Park Limited

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).

Declarations of Interest:

Name	Nature of Interest
None	None

List of speakers and details of any additional information submitted:

Decision(s) and any conditions attached:

That permission be GRANTED subject to reserved matters

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

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.

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.)

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).

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.

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.

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).

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.

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.

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.

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.

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.

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.

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.

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.

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.

17

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

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

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.

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.

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.

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

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.

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.

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.

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).

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.

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.

29

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.

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.

31

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

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.

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.

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.

35

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

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.

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.

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.

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.

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

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.

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.

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.

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).

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

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.

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

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.

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

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.

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.

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.

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

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.

Any additional comments on application/decision:

A verbal update was provided to Members to advise them of a change to the recommendation. As the consultation period referred to has now expired with no further representations being received and as a unilateral undertaking to secure a £58,750 payment for off-site ecological compensation has also been completed, the recommendation now becomes one where Officers recommend that planning permission is granted subject to the conditions set out in the officer report

Date of Committee: 3 January 2018

Application Number and Address:

DC/17/01160/FUL
The One Eyed Stag Micro Pub
5 The Square
Whickham
Newcastle upon Tyne
NE16 4JB

Applicant:

Mr Paul Walker

Proposal:

Variation of Condition 3 (opening hours) of planning approval DC/17/00067/FUL to allow opening on Sundays and Public Holidays until 2330 (currently restricted to 2230) and New Year's Eve into New Year's Day until 0145.

Declarations of Interest:

Name	Nature of Interest
None	None

List of speakers and details of any additional information submitted:

Kym Parnell – Local Resident speaking against the application

Dr Anton Lang – Agent speaking on behalf of the applicant

Decision(s) and any conditions attached:

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment 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 -

Location Plan

Site Plan

16-006-01 - Existing Plan Layout

16-006-02 - Proposed Floor Layout

16-006-03 - Existing Sections

16-006-04 - Proposed Sections

16-006-05 - Existing and Proposed Shopfront

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.

2

The use hereby approved shall be restricted to between the hours of 0900 and 2330 seven days a week, between the hours of 0900 and 0145 on New Year's Eve into New Year's Day and at no other times.

3

No deliveries and/or refuse disposal (servicing) shall take place between the hours of 2000 and 0800.

4

No amplified sound system or similar equipment shall be installed or used on the premises at any time.

Any additional comments on application/decision:

The Committee queried whether there had been any complaints made with regards to the premises. The Licensing Officer advised that there had been no complaints specifically in relation to these premises.