

Date of Committee: 13 March 2019

Application Number and Address:

DC/16/00320/FUL
Land to the South of Cushy Cow Lane
Ryton

Applicant:

Bellway Homes Ltd (North East)

Proposal:

Proposed erection of 283 dwellings including associated access, infrastructure and open space including diversion of public rights of way (amended 22/12/17 and 17/10/18 and additional information and amended plans received 24/01/19).

Declarations of Interest:**Name****Nature of Interest**

Councillor Chris McHugh

Non-registerable interest.

List of speakers and details of any additional information submitted:

Councillor Chris Buckley spoke against the planning application
Mr Andrew Moss spoke against the planning application
Mr Roger Snodin spoke against the planning application
Mr Mark Gabriele spoke in favour of the application
Mr James Hall (Agent) spoke in favour of the application

Reason for Minor Update**Further representations made**

A petition of 23 signatures has been received in objection to the application, the signatories are the residents of Low Row (Stargate Lane). The petition is summarised as follows:

- Construction traffic would result in between 16 and 32 movements a day for a period of 7 to 8 years;
- Stargate Lane is already congested and heavily trafficked;
- The construction traffic would give rise to:
 - Air pollution;
 - Highway safety issues; and
 - And damage to properties

The widening proposed by the development would not address the above concerns and an alternative access via the A695 should be sought.

The concerns cited above have been considered and addressed within the main report.

Any additional comments on application/decision:

The Committee was minded to grant planning permission in accordance with the recommendations set out in the agenda papers but subject to amendment of conditions 29 and 30 requiring that the works to Stargate Lane be completed prior to commencement of the development.

Authorise the Service Director of Development, Transport and Public Protection to deal with the application at the end of the publicity period after consultation with the Chair and/or Vice-Chair with a view to GRANT SUBJECT TO A SECTION 106 AGREEMENT:

1) The agreement shall include the following obligations:

- Affordable housing in perpetuity
- Biodiversity mitigation
- Local workforce commitments
- Provision of a new bus service

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

3) That the Service Director of Development, Transport and Public Protection be authorised to add, delete, vary and amend the planning conditions as necessary.

4) And that the conditions shall include;

1

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

Layout & Other Plans

Overall Masterplan – dwg no. 573-BEL 13-031-P01Z
Site Layout Plan (West) – dwg no. 573-BEL 13-031-P02E
Site Layout Plan (East) – dwg no. 573-BEL 13-031-P03E
Boundary Treatment Plan (West) – dwg no. 573-BEL 13-031-P07.1C
Boundary Treatment Plan (East) – dwg no. 573-BEL 13-031-P07.2C
Elevational Treatment Plan – dwg no. 573-BEL 13-031-P12C
Landscape Strategy – dwg no. 916_01 Rev C
Drainage Strategy Sheet 1 – dwg no. QD958-00-01 Rev A
Drainage Strategy Sheet 2 – dwg no. QD958-00-02 Rev A

Housetypes

Country Brick Character Area

Potter Elevations & Floor Plans – dwg no. A_769_00_CB_01_PO-2B-2S-P1 & A_769_00_CB_02 Rev A
Cooper Elevations & Floor Plans – dwg no. A_770_00_CB_01_CO-2B-2S-P1 & A_770_00_CB_02_CO-2B-2S-CB-E
Tailor Elevations & Floor Plans – dwg no. A_802_00_CB_01_TA-3B-2S-P1 &

A_802_00_CB_02_TA-3B-2S-CB-E
Chandler Elevations & Floor Plans – dwg no. A_951_00_CB_01_CH-3B-2S-P1 &
A_951_00_CB_02_CH-3B-2S-CB-E
Carver Elevations & Floor Plans – dwg no. A_981_00_CB_01_CA-3B-2S-P1 &
A_981_00_CB_02_CA-3B-2S-CB-E
Peony (3b5p) Elevations & Floor Plans – dwg no. A/1129/00/CB/01 & A/1129/00/CB/02
Scrivener Elevations & Floor Plans – dwg no. A_1214_00_CB_01_SC-4B-2S-P1 &
A_1214_00_CB_02_SC-4B-2S-CB-E
Milliner Elevations & Floor Plans – dwg no. A_1289_00_CB_01_MI-4B-2S-P1 &
A_1289_00_CB_02_MI-4B-2S-CB-E
Cutler Elevations & Floor Plans – dwg no. A_1335_00_CB_01_CU-4B-2S-P1 &
A_1335_00_CB_02_CU-4B-2S-CB-E
Bowyer Elevations & Floor Plans – dwg no. A_1356_00_CB_01_BO-4B-2S-P1 &
A_1356_00_CB_02_BO-4B-2S-CB-E
Philosopher Elevations & Floor Plans – dwg no. A_1507_00_CB_01_PH-4B-2S-P1 &
A_1507_00_CB_02_PH-4B-2S-CB-E
Acacia (4b7p) Elevations & Floor Plans – dwg no. A/1550/00/CB/01 & A/1550/00/CB/02

Town Contemporary Character Area

Potter Elevations & Floor Plans – dwg no. A_769_00_TC_01_PO-2B-2S-P1 &
A_769_00_TC_02 Rev A
Cooper Elevations & Floor Plans – dwg no. A_770_00_TC_01_CO-2B-2S-P1 &
A_770_00_TC_02_CO-2B-2S-TC-E
Tailor Elevations & Floor Plans – dwg no. A_802_00_TC_01_TA-3B-2S-P1 &
A_802_00_TC_02_TA-3B-2S-TC-E
Chandler Elevations & Floor Plans – dwg no. A_951_00_TC_01_CH-3B-2S-P1 &
A_951_00_TC_02_CH-3B-2S-TC-E
Carver Elevations & Floor Plans – dwg no. A_981_00_TC_01_CA-3B-2S-P1 &
A_981_00_TC_02_CA-3B-2S-TC-E
Peony (3b5p) Elevations & Floor Plans – dwg no. A/1129/00/TC/01 & A/1129/00/TC/02
Scrivener Elevations & Floor Plans – dwg no. A_1214_00_TC_01_SC-4B-2S-P3 &
A_1214_00_TC_02_SC-4B-2S-TC-E
Milliner Elevations & Floor Plans – dwg no. A_1289_00_TC_01_MI-4B-2S-P1 &
A_1289_00_TC_02_MI-4B-2S-TC-E
Cutler Elevations & Floor Plans – dwg no. A_1335_00_TC_01_CU-4B-2S-P2 &
A_1335_00_TC_02_CU-4B-2S-TC-E
Bowyer Elevations & Floor Plans – dwg no. A_1356_00_TC_01_BO-4B-2S-P1 &
A_1356_00_TC_02_BO-4B-2S-TC-E

Town Feature Brick Character Area

Cooper Elevations & Floor Plans – dwg no. A_770_00_TF_01_CO-2B-2S-P1 &
A_770_00_TF_02_CO-2B-2S-TF-E
Tailor Elevations & Floor Plans – dwg no. A_802_00_TF_01_TA-3B-2S-P1 &
A_802_00_TF_02_TA-3B-2S-TF-E
Chandler Elevations & Floor Plans – dwg no. A_951_00_TF_01_CH-3B-2S-P1 &
A_951_00_TF_02_CH-3B-2S-TF-E
Carver Elevations & Floor Plans – dwg no. A_981_00_TF_01_CA-3B-2S-P1 &
A_981_00_TF_02_CA-3B-2S-TF-E
Peony (3b5p) Elevations & Floor Plans – dwg no. 1129/00/TF/01 & A/1129/00/TF/02

Scrivener Elevations & Floor Plans – dwg no. A_1214_00_TF_01_SC-4B-2S-P1 & A_1214_00_TF_02_SC-4B-2S-TF-E
Milliner Elevations & Floor Plans – dwg no. A_1289_00_TF_01_MI-4B-2S-P1 & A_1289_00_TF_02_MI-4B-2S-TF-E
Cutler Elevations & Floor Plans – dwg no. A_1335_00_TF_01_CU-4B-2S-P1 & A_1335_00_TF_02_CU-4B-2S-TF-E
Bowyer Elevations & Floor Plans – dwg no. A_1356_00_TF_01_BO-4B-2S-P1 & A_1356_00_TF_02_BO-4B-2S-TF-E
Philosopher Elevations & Floor Plans – dwg no. A_1507_00_TF_01_PH-4B-2S-P1 & A_1507_00_TF_02_PH-4B-2S-TF-E
Acacia (4b7p) Elevations & Floor Plans – dwg no. A/1550/TF/01 & A/1550/TF/02

Supporting Documents

Masterplan and Phasing Document – 01/03/19
Arboricultural Impact Assessment - AE/ARB/1021, January 2019
Ecological Impact Assessment – R09, December 2017
Flood Risk Assessment - Rev C, 18/01/19
Noise Assessment – NT11928, 002, December 2017
Transport Assessment Addendum – September 2018
Transport Assessment Addendum V2 – January 2019

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

Unless otherwise approved in writing by the Local Planning Authority, the phasing of the development shall take place in accordance with ‘Phasing and Infrastructure Delivery’ plan set out within Section 7 of the approved “Masterplan and Phasing Document 2019” (the ‘Phasing Plan’). For the avoidance of doubt, development shall proceed in the order of Phase 1 first, Phase 2 second, Phase 3 third and Phase 4 last.

No dwellings hereby permitted shall be commenced in any successive Phase until 75% of dwellings on the previous Phase are substantially complete and all (on site) infrastructure identified by the Phasing Plan is substantially complete.

4

Notwithstanding the submitted plans, no dwelling shall be occupied on each phase of the development, until a fully detailed scheme for the landscaping for that phase of the development of the site and a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details and proposed timing of all landscaping, ground preparation and planting plans noting the species, plant sizes, planting densities for all new planting, gapping up/planting of hedgerows and a scheme of maintenance of the landscaping (for a period of five years following planting).

5

The landscaping and hedgerow planting/gapping up details approved under Condition 4 shall be implemented in accordance with the timings approved under Condition 4.

6

The approved landscaping and hedge maintenance schemes shall be maintained in accordance with the details approved under condition 4.

7

No development shall commence on each phase of the development until a scheme for the protection of the retained 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 trees/hedges to be retained and the location and specification of the protective fencing to be used.

Reason for Pre-commencement Condition

This pre-commencement condition is required to satisfy the Local Planning Authority that the development can be carried out in a manner that protects existing trees and hedges that are to be retained. This information is fundamental to the development and requires approval prior to development starting on the site.

8

The tree protective fencing for each phase of the development approved at condition 7 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.

9

No development shall commence on each phase of the development (except for the installation of tree protection measures, site investigations and remediation works) until a detailed drainage scheme for that phase including a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The information submitted shall include:

- Detailed final drawings of the drainage network showing clearly numbered pipes, falls, diameters, invert and cover levels that correspond with the submitted drainage model. Show connection of all SuDS features and final details of connections to existing off site sewers.
- Detail of all inlet and outlet features including landscape treatment, to demonstrate appropriateness for residential setting.
- Final detail of detention basins, showing detail of local variation of slope and form following landscape design. Include detail of any lining, soil depths, and low flow channel. Show water levels at 1:1, 1:30 and 1:100 (plus cc).
- Detail of all other SuDS features, field drains, flow controls and treatment devices.
- Landscape details for SuDS features including detailed planting plans, soiling.
- Final detail of drainage link to Stargate Industrial Estate showing accurate line and level of pipes, plus accurate tree locations and root protection areas.

- Detailed results from exceedance flow analysis to be presented to demonstrate no off site risk from exceedance flows.
- Confirmation of adoption arrangements and parties responsible for all drainage features.
- A SuDS Health and Safety Assessment where appropriate consideration and management of any health and safety issues relating to the SuDS system is required.

Reason for Pre-commencement Condition

This pre commencement condition is required to satisfy the Local Planning Authority that the development and associated drainage provision is carried out in a comprehensive and co ordinated manner. This information is fundamental to the development and requires approval prior to development starting on the site to prevent the increased risk of flooding.

10

Each phase of the development shall be implemented in accordance with the drainage scheme for that phase of the development and the timetable for implementation approved at condition 9.

11

No drainage shall be constructed 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 information submitted shall include:

- Consideration of any construction phasing, demonstrating that adequate interim drainage and surface water pollution protection measures are in place to protect surface water discharge off site during the construction phase.
- Description of any construction methodologies to protect the SuDS functionality including the provision of any required temporary drainage systems, and methods for temporary protection of infiltration features, erosion prevention, pollution control, and de-silting prior to completion of works.

12

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 11.

13

Prior to each phase of the development being brought into use a Drainage Management Plan for that phase of the development shall be submitted to and approved in writing by the Local Planning Authority.

14

The drainage scheme provided for each phase of the development shall be managed and maintained in accordance with the Drainage Management Plan approved at condition 13.

15

No development (including any groundworks or site clearance) 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 details of the following measures and a timetable for their provision, implementation and retention:

- a) measures to avoid adverse impacts on retained ecological habitats and features during the site clearance and construction phases of the development
- b) measures to minimise the residual risk of harm to individual species during the site clearance and construction phases of the development
- c) measures to ensure local populations of protected and/or priority species are maintained at, or above, their current status.

Reason for Pre-commencement Condition

This pre-commencement condition is required to satisfy the Local Planning Authority that the site clearance and construction phases of the development can be carried out in a manner which avoids or minimises harm to ecology. This information is fundamental to the development and requires approval prior to development starting on the site as the commencement of site clearance and construction works and the manner in which they are undertaken could harm existing ecology on the site.

16

The ecology method statement approved at condition 15 shall be provided for each phase of the development in accordance with the approved details and the approved timetable for implementation and retention.

17

No external lighting shall be provided on each phase of the development until an external lighting strategy for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for biodiversity, including bats
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can clearly be demonstrated that areas to be lit will not prevent bats and other wildlife using their territory or having access to their resting places and
- c) identify those areas of highway (including footpaths) which are intended to be adopted.

18

All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy at condition 17.

19

The dwellings hereby approved shall not progress above damp proof course until an external materials schedule has been submitted to and approved in writing by the Local Planning Authority and samples of the materials, colours and finishes to be used on the external surfaces have been made available for inspection on site and subsequently approved in writing by the Local Planning Authority.

20

The development hereby approved shall be undertaken in accordance with the materials schedule approved at condition 19.

21

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

22

All hard landscaping shall be completed in full accordance with the details approved at Condition 21 (including timescales for implementation) and retained as such in accordance with the approved details thereafter.

23

No boundary treatments shall be provided within each phase of the development until a timetable for implementation has been submitted to and subsequently approved in writing by the LPA.

24

All boundary treatments at the site shall be installed in accordance with approved plans 13-031-P07.1 C - Boundary Treatment Plan (West) and 13-031-P07.2 C within the timescales approved at condition 23.

25

Notwithstanding the submitted details no development shall commence on the new site access onto Cushy Cow Lane until a revised access scheme has been submitted to and approved in writing by the Local Planning Authority.

26

The site access approved at condition 25 shall be provided in accordance with the approved details prior to the first house being occupied.

27

Notwithstanding the submitted details no dwellinghouse hereby permitted within phase 1 shall be occupied until the final details of improvements to the junction of Cushycow Lane and Stargate Lane and a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority.

28

The improvements to the junction of Cushycow Lane and Stargate Lane approved at condition 27 shall be implemented prior to the occupation of no more than 67 dwellings within phase 1.

29

Notwithstanding the submitted details no dwellinghouse hereby permitted within phase 1 shall be occupied until the final details of the widening of Stargate Lane and improvement

to footways between Cushycow Lane and the A695 have been submitted to and approved in writing by the Local Planning Authority.

30

The widening of Stargate Lane and improvement to footways between Cushycow Lane and the A695 approved at condition 29 shall be implemented prior to the occupation of no more than 67 dwellings within phase 1.

31

Notwithstanding the submitted details no dwellings hereby permitted shall be occupied until the final details of all bus stops and shelters within the site and on Cushycow Lane and a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority.

32

All bus stops shall be installed at the locations, in accordance with the details and timescale approved at condition 31.

33

Notwithstanding the submitted details no dwellings hereby permitted shall be commenced within phase 2 until the final details of bus turning facility on Woodside Lane have been submitted to and approved in writing by the Local Planning Authority.

34

The bus turning facility on Woodside Lane approved at condition 33 shall be provided in accordance with the approved details prior to the occupation of 50th dwellinghouse within phase 1.

35

Notwithstanding the submitted details, no development shall commence until the details of a continuous vehicular link-road within the site between Cushycow Lane and the boundary with West Ryton (287a) as identified within Section 1 of the approved "Masterplan and Phasing Document" to facilitate all vehicular including buses and construction traffic, pedestrian and cyclist access shall be submitted to and approved in writing by the LPA.

Reason for Pre-commencement Condition

This pre-commencement condition is required to satisfy the Local Planning Authority that the proposed link road is deliverable up to the site boundary and would provide a continuous link from Cushycow Lane to the boundary with 287a. This information is fundamental to the development and requires approval prior to development starting on the site.

36

The vehicular link-road approved at condition 35 shall be implemented in accordance with the approved details and made available for the use by vehicles, pedestrians and cyclists before the occupation of any dwellinghouse within phase 3. Thereafter the road shall remain open for use for vehicles, pedestrians and cycles to access 287a at all times. No barriers or other physical impediments to the use of this road by vehicles, pedestrians and cyclists to access to 287a shall be put in place without the prior written consent of the Local Planning Authority.

37

Notwithstanding the submitted details, no occupation of any dwellinghouse hereby permitted shall take place until the design of a continuous vehicular link-road within the site between Cushycow Lane and the boundary with West Ryton (287b) as identified within Section 1 of the approved "Masterplan and Phasing Document" to facilitate, vehicular, pedestrian and cyclist access shall be submitted to and approved in writing by the LPA.

38

The vehicular link-road approved at condition 37 shall be implemented in accordance with the approved details and made available for the use by vehicles, pedestrians and cyclists before the occupation of any dwellinghouse within phase 2. Thereafter the road shall remain open for use for vehicles, pedestrians and cycles to access 287b at all times. No barriers or other physical impediments to the use of this road by vehicles, pedestrians and cyclists to access to 287b shall be put in place without the prior written consent of the Local Planning Authority.

39

Notwithstanding the submitted details no dwellings hereby permitted shall be occupied within Phase 2 until the final details of the emergency access route to Mullen Drive and a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority.

40

The emergency access route to Mullen Drive approved at condition 39 shall be provided in accordance with the approved details and timescales.

41

Notwithstanding the submitted details no dwellings hereby permitted shall be occupied within Phase 2 until the final details of the pedestrian access to Mullen Drive and a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority.

42

The pedestrian access route to Mullen Drive approved at condition 41 shall be provided in accordance with the approved details and timescales.

43

Notwithstanding the submitted details no development shall commence until final details of all footpath diversions including a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority.

44

The footpath diversions approved at condition 39 shall be provided in accordance with the approved details and timescales.

45

Notwithstanding the submitted details, prior to the commencement of development (except for the installation of tree protection measures, removal of vegetation (as approved) site investigations and remediation works) details of a traffic calming scheme for the housing layout to maintain a self-enforcing 20 MPH zone and a timetable for its delivery shall be submitted to and approved in writing by the Local Planning Authority.

46

The traffic calming measures approved at condition 45 shall be provided in accordance with the approved details and approved timetable for delivery.

47

Notwithstanding the submitted details, prior to the first occupation of any dwelling hereby approved final details of cycle storage for each house to include details of the locking mechanism and anchor point to be located in each garage or shed to Secure by Design standards shall be submitted to and approved in writing by the Local Planning Authority.

48

The cycle storage provision approved at condition 43 shall be provided for each house prior to each house being occupied.

49

Notwithstanding the submitted details, prior to the first occupation of any dwelling hereby approved final details of bin storage areas for each house shall be submitted to and approved in writing by the Local Planning Authority.

50

The bin storage areas approved at condition 43 shall be provided for each house prior to each house being occupied.

51

Prior to the first occupation of any dwelling hereby approved details confirming the provision of an electric vehicle charging unit in all affordable units and a spur for charging points for all remaining dwellings shall be submitted to and approved in writing by the Local Planning Authority.

52

The electric vehicle charging units/points approved at condition 45 shall be provided for each house prior to each house being occupied.

53

No dwelling hereby approved shall be occupied until a final Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include:

- An assessment of the site, including the transport links to the site, on-site facilities, any transport issues and problems, barriers to non-car use and possible improvements to encourage walking, cycling and bus use.
- Clearly defined objectives, targets and indicators.
- Details of proposed measures.
- Appointment of a travel plan co-ordinator and their allocated budget
- Detailed timetable for implementing measures.
- Proposals for maintaining momentum and publicising success.
- A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.

Evidence of the implementation of the approved Travel Plan 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.

54

The Travel Plan approved under condition 52 shall be wholly implemented in accordance with the approved details for the life of the development

55

No development shall commence on each phase of the development (except for the installation of tree protection measures) 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
- contractor parking
- details of delivery arrangements
- the hours of construction

All external works and ancillary operations in connection with the construction of the development, including deliveries to the site, shall be carried out only between 0800 hours and 1700 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.

Reason for Pre-commencement Condition

This pre commencement condition is required to satisfy the Local Planning Authority that the construction phases of the development can be carried out in a manner which

minimises nuisance to surrounding residents and businesses. This information is fundamental to the development and requires approval prior to development starting on the site as the commencement of construction works and the manner in which they are undertaken could affect adjacent occupiers.

56

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 55.

57

No development shall commence on any dwellings within a phase of the development until noise mitigation measures for those dwellings in that phase to protect the occupiers of the dwellings from road traffic noise in accordance with the Noise Assessment (Wardell Armstrong December 2017 ref NT11928) have been submitted to and approved in writing by the Local Planning Authority.

58

The noise mitigation measures approved under condition 50 shall be provided in accordance with the approved details prior to each dwelling being occupied.

59

No more than 100 dwellinghouses hereby permitted shall be occupied until the final report of the results of the archaeological excavation undertaken on site has been submitted to and approved in writing by the Local Planning Authority.

60

No more than 150 dwellinghouses hereby permitted shall be occupied until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

61

No development shall commence until an intrusive site investigation *is* undertaken, and a Phase 2 Risk Assessment report of the findings submitted to the Local Authority for written approval.

The site investigation will consist of a series of boreholes / trial pits, soil sampling, chemical laboratory testing, to assess potential contamination issues.

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 the environment, 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 for Pre-commencement Condition

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that an appropriate remediation suitable for the sensitive end use is identified and approved prior to the commencement of the development.

62

The recommendations of the intrusive site investigation and the Phase 2 Risk Assessment Report approved under condition 61 shall be implemented insofar as it relates to each individual phase prior to commencement of each phase of the development hereby permitted.

Reason for Pre-commencement Condition

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that an appropriate remediation suitable for the sensitive end use is identified and approved prior to the commencement of the development.

63

Prior to commencement of the development hereby permitted, where required, a detailed remediation scheme 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.

Reason for Pre-commencement Condition

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that an appropriate remediation suitable for the sensitive end use is identified and approved prior to the commencement of the development.

64

The details of remediation measures approved under condition 63 shall be implemented insofar as it related to each individual phase prior to commencement of the development on each phase of the development hereby permitted and maintained for the life of the development.

Reason for Pre-commencement Condition

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that an appropriate remediation suitable for the sensitive end use is identified and approved prior to the commencement of the development.

65

Following completion of the remediation measures approved under condition 63 for each individual phase 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 the development hereby permitted.

66

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

Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by 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.

67

No development shall commence on each phase of the development (except for the installation of tree protection measures and site investigation) until a detailed scheme of remediation works for shallow coal mining workings in that phase including a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority.

Reason for Pre-commencement Condition

This pre-commencement condition is required due to the presence of shallow mine workings below the site and to satisfy the Local Planning Authority that the development can be carried out in a safe and stable manner. This information is fundamental to the development and requires approval prior to development starting on the site as it may not be possible to carry out the investigations and remediation works once development has started.

68

The scheme of coal mining remediation works on each phase of the development shall be carried out in accordance with the details approved for that phase under condition 67 including the approved timetable of implementation.

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Date of Committee: 13 March 2019

Application Number and Address: DC/17/01376/FUL Land East of Woodside Lane and North of A695	Applicant: Taylor Wimpey
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Proposal:

Proposed erection of 267 dwellings including associated access, infrastructure and open space (amended 22/10/18 and 24/01/19)

Declarations of Interest:

Name	Nature of Interest
Councillor Chris McHugh	Non-registerable interest

List of speakers and details of any additional information submitted:

Councillor Chris Buckley spoke against the application
Mr Andrew Moss spoke against the application
Mr Aidan Lawson spoke against the application
Mr David Abercrombie (Agent) spoke in favour of the application.

Any additional comments on application/decision:

Authorise the Service Director of Development, Transport and Public Protection to deal with the application at the end of the publicity period after consultation with the Chair and/or Vice-Chair with a view to GRANT SUBJECT TO A SECTION 106 AGREEMENT:

2) The agreement shall include the following obligations:

- Affordable housing in perpetuity
- Biodiversity mitigation
- Local workforce commitments
- Provision of a new bus service

3) That the Strategic Director of Corporate Services and Governance be authorised to conclude the agreement.

3) That the Service Director of Development, Transport and Public Protection be

authorised to add, delete, vary and amend the planning conditions as necessary.

4) And that the conditions shall include:

1

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

Plan	Reference Number
Masterplan and Phasing Document 2019	Ryton Masterplan Document_1.03.2019 (1)
AA22 Affordable Elevations	AA22/6/PL2
AA22 Affordable Floor Plans	AA22/6/PL1
AA33 Affordable Elevations	AA33/6/PL2
AA33 Affordable Floor Plans	AA33/6/PL3
Garage Floor Plan	GARAGES/PL1
Beauford - Floor Plans	NA21/7/PL1 C
Beauford - Elevations	NA21/7/PL2 B
Manford – Floor plans	NA44/7/PL1 B
Manford – Elevations Character 1	NA44/7/PL3 B
Manford – Elevations Character 2	NA44/7/PL2 B
Braxton – Ground Floor Plan	NB31/CP/01 A
Braxton – Elevations Character 1	NB31/7/PL3 B
Braxton – Elevations Character 2	NB31/7/PL2 A
Braxton – Floor Plans	NB31/7/PL1 B
Elliston – Elevation Character 1	NB41/7/PL3 A
Elliston – Elevation Character 2	NB41/7/PL2 B
Elliston – Floor Plans	NB41/7/PL1 B
Coltham – Elevations Character 1	ND40/7/PL2 A
Coltham – Elevations Character 2	ND40/7/PL3 A
Coltham – Floor Plan	ND40/7/PL1 A
Kingham – Floor Plans	ND42/7/PL1 A
Kingham – Elevations Character 1	ND42/7/PL2 A
Kingham – Elevations Character 2	ND42/7/PL3
Canford – Elevations Character 1	PA25/7/PL2 A
Canford – Elevations Character	PA25/7/PL3

2	
Canford – Floor Plans	PA25/7/PL1 A
Gosford – Elevations Character 1	PA34/7/PL2 A
Gosford – Elevations Character 2	PA34/7/PL3 A
Gosford – Floor Plans	PA34/7/PL1 A
Midford – Elevations Character 1	PA44/7/PL2 A
Midford – Elevations Character 2	PA44/7/PL3
Midford – Floor Plans	PA44/7/PL1 C
Amersham – Elevations Character 1	PD30/7/PL2
Amersham – Elevations Character 2	PD30/7/PL3
Amersham – Floor Plans	PD30/7/PL1
Lavenham – Elevation Character 1	PD51/7/PL2
Lavenham – Elevation Character 2	PD51/7/PL3
Lavenham – Floor Plans	PD51/7/PL1 B
Easedale – Floor Plans	PT36/7/PL1 A
Easedale – Elevation Character 1 (roof 1)	PT36/7/PL2
Easedale – Elevation Character 1 (roof 2)	PT36/7/PL3
Easedale – Elevation Character 2 (roof 1)	PT36/7/PL4
Easedale – Elevation Character 2 (roof 2)	PT36/7/PL5
Site A SW Basin A	QD836 Site A SW Basin A
Site A SW Basin B	QD839 Site A SW Basin B
Site B SW Network	QD839 Site B SW Network
Site A Drainage Strategy	QD839-00-01 Rev B
Site A External Works Sheet 1	QD839-00-02 Rev B
Site A External Works Sheet 2	QD839-00-03 Rev B
Site A External Works Sheet 3	QD839-00-04 Rev B
Site A External Works Sheet 4	QD839-00-05 Rev B
Site A External Works Sheet 5	QD839-00-06 Rev B
Site B Drainage Strategy	QD839-00-07 Rev A
Site B External Works	QD839-00-08 Rev A
Site A – Area A - Storm	QD839 Site A Area A
Site A – Area B – Storm	QD839 Site A Area B

Site B – Storm Network	QD839 Site B Storm
Longsection Sheet 1	QD839-00-09 Rev A
Longsection Sheet 2	QD839-00-10 Rev A
Bus Turning Area Proposed Levels	QD839-00-11
Refuse Tracking Layout Sheet 1	QD839-40-01 Rev A
Refuse Tracking Layout Sheet 2	QD839-40-02 Rev A
Enclosure Details	RYT-SK-30 Rev C
Ryton Enclosure Details 1	RYT-SK-30 Rev B
Ryton Enclosure Details 2	RYT-SK-31 Rev A
Southern Boundary Indicative Sections Rev A	952_02
Indicative Sections Southern Boundary	952_10 Rev A
Management of Existing Hedgerows	952_50 Rev B
Open Space Provisions rev A	952_02
Woodside Lane LVA Rev A	952_ Woodside Lane LVA Rev A
Offsite Mitigation Area – Proposed Works	952_110
Sketch Layout	RYT/SK4-01 Rev D
Landscape Strategy	952_01(Rev B)
Design and Access Statement	HPS_DAS v3

Document	Reference Number
Noise Assessment	NT12153/0005-Rev2
BFL12 Assessment	BFL12_2
Arboricultural Impact Assessment	AE/ARB/1122
Tree Survey and Constraints Plan	ARB/AE/1122
Transport Assessment Addendum	A078337 & A089225-2 v2
Sustainability Statement	TW
Flood Risk Assessment and Drainage Strategy	QD836 Rev B
Revised Interim Travel Plan	A089225-2 v2
Geoenvironmental Appraisal	C6194A
Bat Survey	3920 TW Bats 2017 R03
Ecological Impact Assessment	3920 TW ECIA 2017 R04
Great Crested Newt Survey	3920 TW GCN 2017 R04
Hydrogeological Risk Assessment	C6194A
Geotechnical Review	70035931 Date: June 2017

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

Unless otherwise approved in writing by the Local Planning Authority, the phasing of the development shall take place in accordance with 'Phasing and Infrastructure Delivery' plan set out within Section 7 of the approved "Masterplan and Phasing Document 2019" (the 'Phasing Plan'). For the avoidance of doubt, development shall proceed in the order of Phase 1 first, Phase 2 second, Phase 3 third and Phase 4 last.

No dwellings hereby permitted shall be commenced in any successive Phase until 75% of dwellings on the previous Phase are substantially complete and all (on site) infrastructure identified by the Phasing Plan is substantially complete.

4

Notwithstanding the submitted plans, no dwelling shall be occupied on each phase of the development, until a fully detailed scheme for the soft landscaping for that phase of the development of the site and a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details and proposed timing of landscaping, ground preparation and planting plans noting the species, plant sizes, planting densities for all new planting, gapping up/planting of hedgerows and a scheme of maintenance of the landscaping (for a period of five years following planting).

5

The landscaping and hedgerow planting/gapping up details scheme shall be implemented in accordance with the details and timings approved at condition 4.

6

The approved soft landscaping and hedge maintenance schemes shall be maintained in accordance with the details approved under condition 4.

7

No development shall commence on each phase of the development until a scheme for the protection of the retained 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 trees/hedges to be retained and the location and specification of the protective fencing to be used.

Reason for Pre-commencement Condition

This pre-commencement condition is required to satisfy the Local Planning Authority that the development can be carried out in a manner that protects existing trees and hedges that are to be retained. This information is fundamental to the development and requires approval prior to development starting on the site.

8

The tree protective fencing for each phase of the development approved at condition 7 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.

9

No development shall commence on each phase of the development (except for the site set up, site hoardings, installation of tree protection measures, site investigations and remediation works) until a detailed drainage scheme for that phase including a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The information submitted shall include:

- Detailed final drawings of the drainage network showing clearly numbered pipes, falls, diameters, invert and cover levels that correspond with the submitted drainage model. Show connection of all SuDS features and final details of connections to existing off site sewers.
- Cross section through swale behind Plot 119 showing relationship to houses; rear gardens; hedge and RPA; wagonway; and maintenance access. Cross section between Plots 84 and 46 showing relationship of swale and swale crossing to drives, houses and hedgerow.
- Detail of all inlet and outlet features including landscape treatment, to demonstrate appropriateness for residential setting.
- Final detail of detention basins, showing detail of local variation of slope and form following landscape design. Include detail of any lining, soil depths, and low flow channel. Show water levels at 1:1, 1:30 and 1:100 (plus cc).
- Detail of all other SuDS features, flow controls and treatment devices.
- Landscape details for SuDS features including detailed planting plans, soiling.
- Detailed results from exceedance flow analysis to be presented to demonstrate no off site risk from exceedance flows.
- All necessary consents required for off-site works.
- Confirmation of adoption arrangements and parties responsible for all drainage features.
- A SuDS Health and Safety Assessment where appropriate consideration and management of any health and safety issues relating to the SuDS system is required.

Reason for Pre-commencement Condition

This pre commencement condition is required to satisfy the Local Planning Authority that the development and associated drainage provision is carried out in a comprehensive and co ordinated manner. This information is fundamental to the development and requires approval prior to development starting on the site to prevent the increased risk of flooding.

10

Each phase of the development shall be implemented in accordance with the drainage

scheme for that phase of the development and the timetable for implementation approved at condition 9.

11

No drainage shall be constructed 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 information submitted shall include:

- Consideration of any construction phasing, demonstrating that adequate interim drainage and surface water pollution protection measures are in place to protect surface water discharge off site during the construction phase.
- Description of any construction methodologies to protect the SuDS functionality including the provision of any required temporary drainage systems, and methods for temporary protection of infiltration features, permeable surfaces, erosion prevention, pollution control, and de-silting prior to completion of works.

12

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 11.

13

Prior to each phase of the development being brought into use a Drainage Management Plan for that phase of the development shall be submitted to and approved in writing by the Local Planning Authority.

14

The drainage scheme provided for each phase of the development shall be managed and maintained in accordance with the Drainage Management Plan approved at condition 13.

15

No development (including any groundworks or site clearance) 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 details of the following measures and a timetable for their provision, implementation and retention:

- d) measures to avoid adverse impacts on retained ecological habitats and features during the site clearance and construction phases of the development
- e) measures to minimise the residual risk of harm to individual species during the site clearance and construction phases of the development
- f) measures to ensure local populations of protected and/or priority species are maintained at, or above, their current status.

Reason for Pre-commencement Condition

This pre-commencement condition is required to satisfy the Local Planning Authority that the site clearance and construction phases of the development can be carried out in a manner which avoids or minimises harm to ecology. This information is fundamental to the

development and requires approval prior to development starting on the site as the commencement of site clearance and construction works and the manner in which they are undertaken could harm existing ecology on the site.

16

The ecology method statement approved at condition 15 shall be provided for each phase of the development in accordance with the approved details and the approved timetable for implementation and retention.

17

No external lighting shall be provided on each phase of the development until an external lighting strategy for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- d) identify those areas/features on site that are particularly sensitive for biodiversity, including bats
- e) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can clearly be demonstrated that areas to be lit will not prevent bats and other wildlife using their territory or having access to their resting places and
- f) identify those areas of highway (including footpaths) which are intended to be adopted.

18

All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy at condition 17.

19

The dwellings hereby approved shall not progress above damp proof course until an external materials schedule has been submitted to and approved in writing by the Local Planning Authority and samples of the materials, colours and finishes to be used on the external surfaces have been made available for inspection on site and subsequently approved in writing by the Local Planning Authority.

20

The development hereby approved shall be undertaken in accordance with the materials schedule and Elevational Treatment Plan approved at condition 19.

21

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

22

All hard landscaping shall be completed in full accordance with the details approved at Condition 21 (including timescales for implementation) and retained as such in accordance with the approved details thereafter.

23

No boundary treatments shall be provided within each phase of the development until a timetable for implementation for each development phase has been submitted to and subsequently approved in writing by the LPA.

24

All boundary treatments at the site shall be installed in accordance with approved plan RYT/SK4-01 within the timescales approved at condition 23.

25

Notwithstanding the submitted details no development shall commence on the new site access onto Woodside Lane until a revised access scheme has been submitted to and approved in writing by the Local Planning Authority.

26

The site access approved at condition 25 shall be provided in accordance with the approved details prior to the first house being occupied.

27

Notwithstanding the submitted details no dwellings hereby permitted shall be occupied until the final details and locations of all bus stops within the site and a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority.

28

All bus stops shall be installed at the locations, in accordance with the details and timescale approved at condition 27.

29

Notwithstanding the submitted details no dwellings hereby permitted shall be commenced within phase 2 until the final details of bus turning facility on Woodside Lane have been submitted to and approved in writing by the Local Planning Authority.

30

The bus turning facility on Woodside Lane shall be provided in accordance with the details approved at condition 29 prior to the occupation of the 30th dwelling house hereby permitted.

31

Notwithstanding the submitted details, no development (except for the site set up, site hoardings, installation of tree protection measures, site investigations and remediation works) shall commence until the details of a continuous vehicular link-road within the site between Woodside Lane and the boundary with East Ryton (285) as identified within Section 1 of the approved "Masterplan and Phasing Document" to facilitate, vehicular, pedestrian and cyclist access shall be submitted to and approved in writing by the LPA.

Reason for Pre-commencement Condition

This pre-commencement condition is required to satisfy the Local Planning Authority that the proposed link road is deliverable up to the site boundary and would provide a continuous link from Woodside Lane to the boundary with 285. This information is

fundamental to the development and requires approval prior to development starting on the site.

32

The vehicular link-road approved at condition 31 shall be implemented in accordance with the approved details and made available for the use by all vehicles (including buses and construction), pedestrians and cyclists before the occupation of any dwellinghouse within phase 3. Thereafter the road shall remain open for use for vehicles, pedestrians and cycles to access 285 at all times. No barriers or other physical impediments to the use of this road by vehicles, pedestrians and cyclists to access to 285 shall be put in place without the prior written consent of the Local Planning Authority.

33

Notwithstanding the submitted details, prior to the commencement of development (except for the site set up, site hoardings, installation of tree protection measures, site investigations and remediation works) details of a traffic calming scheme for the housing layout to maintain a self-enforcing 20 MPH zone and a timetable for its delivery shall be submitted to and approved in writing by the Local Planning Authority.

34

The traffic calming measures approved at condition 33 shall be provided in accordance with the approved details and approved timetable for delivery.

35

Notwithstanding the submitted details, prior to the first occupation of any dwelling hereby approved final details of cycle storage for each house to include details of the locking mechanism and anchor point to be located in each garage or shed to Secured by Design standards shall be submitted to and approved in writing by the Local Planning Authority.

36

The cycle storage provision approved at condition 35 shall be provided for each house prior to each house being occupied.

37

Notwithstanding the submitted details, prior to the first occupation of any dwelling hereby approved final details of visitor parking within the site shall be submitted to and approved in writing by the Local Planning Authority.

38

The visitor approved at condition 37 shall be provided prior to the completion of each phase of the development.

39

Notwithstanding the submitted details, prior to the first occupation of any dwelling hereby approved final details of bin storage areas for each house within private shared drives shall be submitted to and approved in writing by the Local Planning Authority.

40

The bin storage areas approved at condition 39 shall be provided for each house prior to each house being occupied.

41

Prior to the first occupation of any dwelling hereby approved details confirming the provision of an electric vehicle charging unit in all affordable units and a spur for charging points for all remaining dwellings shall be submitted to and approved in writing by the Local Planning Authority.

42

The electric vehicle charging units/points approved at condition 41 shall be provided for each house prior to each house being occupied.

43

No dwelling hereby approved shall be occupied until a final Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include:

- An assessment of the site, including the transport links to the site, on-site facilities, any transport issues and problems, barriers to non-car use and possible improvements to encourage walking, cycling and bus use.
- Clearly defined objectives, targets and indicators.
- Details of proposed measures.
- Appointment of a travel plan co-ordinator and their allocated budget
- Detailed timetable for implementing measures.
- Proposals for maintaining momentum and publicising success.
- A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.

Evidence of the implementation of the approved Travel Plan 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.

44

The Travel Plan approved under condition 43 shall be wholly implemented in accordance with the approved details for the life of the development

45

No development shall commence on each phase of the development (except for the installation of tree protection measures) 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
- contractor parking
- details of delivery arrangements
- the hours of construction

All external works and ancillary operations in connection with the construction of the development, including deliveries to the site, shall be carried out only between 0800 hours and 1700 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.

Reason for Pre-commencement Condition

This pre commencement condition is required to satisfy the Local Planning Authority that the construction phases of the development can be carried out in a manner which minimises nuisance to surrounding residents and businesses. This information is fundamental to the development and requires approval prior to development starting on the site as the commencement of construction works and the manner in which they are undertaken could affect adjacent occupiers.

46

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 45.

47

No development shall commence on any dwellings within a phase of the development until noise mitigation measures for those dwellings in that phase to protect the occupiers of the dwellings from road traffic noise in accordance with the Noise Assessment (Wardell Armstrong (NT12153 September 2018)) have been submitted to and approved in writing by the Local Planning Authority.

48

The noise mitigation measures approved under condition 47 shall be provided in accordance with the approved details prior to each dwelling being occupied.

49

No development shall commence until an intrusive site investigation is undertaken, and a Phase 2 Risk Assessment report of the findings submitted to the Local Authority for written approval.

The site investigation will consist of a series of boreholes / trial pits, soil sampling, chemical laboratory testing, to assess potential contamination issues.

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 the environment, 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.

The site investigation and Phase 2 report should also include, where applicable, permeability tests and an assessment of potential contamination issues in relation to any proposed / required SUDS features.

Reason for Pre-commencement Condition

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that an appropriate remediation suitable for the sensitive end use is identified and approved prior to the commencement of the development.

50

The recommendations of the intrusive site investigation and the Phase 2 Risk Assessment Report approved under condition 49 shall be implemented insofar as it relates to each individual phase prior to commencement of each phase of the development hereby permitted.

Reason for Pre-commencement Condition

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that an appropriate remediation suitable for the sensitive end use is identified and approved prior to the commencement of the development.

51

Prior to commencement of the development hereby permitted, where required, a detailed remediation scheme 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.

Reason for Pre-commencement Condition

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that an appropriate remediation suitable for the sensitive end use is identified and approved prior to the commencement of the development.

52

The details of remediation measures approved under condition 51 shall be implemented insofar as it related to each individual phase prior to commencement of the development on each phase of the development hereby permitted and maintained for the life of the development.

Reason for Pre-commencement Condition

The site investigation and assessment of the risks of the site must be undertaken before the development commences in order to ensure that an appropriate remediation suitable for the sensitive end use is identified and approved prior to the commencement of the development.

53

Following completion of the remediation measures approved under condition 52 for each individual phase 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 the development hereby permitted.

54

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

Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by 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.

55

No development shall commence until a scheme for intrusive site investigations in order to establish the location of mine entries, the opencast high wall and shallow mine workings has been submitted to and approved in writing by the LPA.

Reason for Pre-commencement Condition

This pre-commencement condition is required due to the presence of workings below the site and to satisfy the Local Planning Authority that the development can be carried out in a safe and stable manner. This information is fundamental to the development and requires approval prior to development starting on the site as it may not be possible to carry out the investigations and remediation works once development has started.

56

No development shall commence until the intrusive site investigations approved at condition 55 have been undertaken in full.

Reason for Pre-commencement Condition

This pre-commencement condition is required due to the presence of workings below the site and to satisfy the Local Planning Authority that the development can be carried out in a safe and stable manner. This information is fundamental to the development and requires approval prior to development starting on the site as it may not be possible to carry out the investigations and remediation works once development has started.

57

No development shall commence on each phase of the development (except for the installation of tree protection measures and site investigation) until a detailed scheme of remediation works for shallow coal mining workings and mine entries in that phase including a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority.

Reason for Pre-commencement Condition

This pre-commencement condition is required due to the presence of shallow mine workings below the site and to satisfy the Local Planning Authority that the development can be carried out in a safe and stable manner. This information is fundamental to the development and requires approval prior to development starting on the site as it may not be possible to carry out the investigations and remediation works once development has started.

58

The scheme of coal mining remediation works on each phase of the development shall be carried out in accordance with the details approved for that phase under condition 57 including the approved timetable of implementation.

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Date of Committee: 13 March 2019

Application Number and Address: DC/16/00698/OUT Former Wardley Colliery Wardley Lane Gateshead NE10 8AA	Applicant: Persimmon Homes
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Proposal:

Outline application for no more than 144 new residential dwellings (C3 use) with associated new highway access, landscaping, infrastructure and all site remediation works. All matters reserved (additional information and amended 07/02/18, additional information 29.05/18 and amended 10/09/18)

Declarations of Interest:

Name	Nature of Interest
None	None

List of speakers and details of any additional information submitted:

Any additional comments on application/decision:

To GRANT permission and subject to the following conditions and a SECTION 106 AGREEMENT

1) The agreement shall include the following obligations:

- A Welcome Pack containing a 2 x £50 preloaded POP cards per dwelling
- 5% Affordable housing
- Local Workforce Commitments
- Contribution of £1,500 to Archaeological Interpretation Boards
- Contribution of £30,000 for Ecological Management of the Proposed Wardley Manor Country Park

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

3) That the Service Director of Development, Transport and Public Protection be authorised to add, delete, vary and amend the planning conditions as necessary.

4) And that the conditions shall include:

1. The development hereby permitted in outline shall not be carried out other than in substantial accordance with the plan(s) accompanying the application as listed below:
 - i. Access Parameter Plan received 9 Feb 2018
 - ii. 114570 1001 Rev A In Principle Highway Arrangement received 9 Feb 2018
 - iii. Maximum Building Heights Parameter Plan received 9 Feb 2018
 - iv. Land Use Parameter Plan received 9 Feb 2018
 - v. Landscape Parameter Plan received 9 Feb 2018

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

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

2. The application(s) for approval of the reserved matters referred to in condition 1 above shall be made to the Local Planning Authority within 3 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 submission of Reserved Matters and the implementation of the development hereby permitted shall be carried out in substantial accordance with the principles described and illustrated in the Design and Access Statement July 2016.
5. Notwithstanding the information submitted and avoiding duplication with any activities and mitigation subject to licencing; a Biodiversity Method Statement covering:
 - a) the protection of habitats/ecological features to be retained on and off site
 - b) protected and priority species including, but not limited to: bats, breeding birds and dingy skipper butterfly;
 - c) invasive non-native species and;
 - d) the timescale for its implementation

shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site. The content of the method statement shall include details of measures to be implemented to avoid/minimise the residual risk of harm to individual species during the construction and operations of the development; and to ensure, where possible, local populations are maintained at or above their current levels.

Reason for pre- commencement condition

The proposed Biodiversity Method Statement must demonstrate that the design will ensure habitats and ecological features are retained and protected and priority species will be protected before the development commences.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

6. The Biodiversity Method Statement approved under condition 5 shall be implemented in full and in accordance with the approved timescale and shall be retained thereafter for the life of the development.

7. The development hereby permitted (except for the erection of tree protection measures, site security hoardings and site investigations) shall not be commenced until an updated Flood Risk Assessment in accordance with NPPG and local policy requirements has been submitted for approval to the Local Planning Authority. This should consider the impact of climate change. It shall include a detailed hydrogeological assessment which shall consider the current and future risks of groundwater and mine water flooding, the risk of the drainage and SuDS mobilising pollutants, and the impact upon the Coal Authority's infrastructure and mine water pathways, e.g. fractures, shafts, workings, boreholes.

Reason for pre commencement condition

The updated FRA must demonstrate that there are no risks of current and future risks of groundwater and mine water flooding

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

8. No development shall commence on the development hereby permitted until a Demolition and Construction Management Plan (DCMP) has been submitted to and approved in writing by the Local Planning Authority.

The DCMP shall include:

- a) an asbestos survey and mitigation measures for disposal of asbestos;
- b) construction haul routes
- c) a dust management plan
- d) a noise management plan
- e) pollution prevention measures
- f) contractor parking
- g) details of delivery arrangements including hours and routing

h) measures to limit and manage transfer of debris on to the highway

i) a drainage construction method statement containing:

- 1) Consideration of any construction phasing, demonstrating that adequate interim drainage and surface water pollution protection measures are in place.
- 2) Description of any construction methodologies to protect the SuDS functionality including the provision of any required temporary drainage systems, and methods for temporary protection of infiltration features, permeable surfaces, erosion prevention, pollution control, and de-silting prior to completion of works.

Reason for pre commencement condition

The proposed CMP must demonstrate that the construction operations will not harm residential amenities, highway safety, the drainage network or watercourses before the development commences.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

9. The development hereby permitted shall be implemented wholly in accordance with Demolition and Construction Management Plan (DCMP) measures approved at condition 8.

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

Reason for pre commencement condition

The proposed tree protection measures must demonstrate that the construction operations will not fall within root protection areas of existing trees and hedges that would result in harm to trees that are to be retained before the development commences.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

11. The tree protective fencing for the development approved at condition 10 must be installed prior to the commencement of development and thereafter retained intact for the full duration of the construction works 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 for pre commencement condition

To ensure the approved tree protection measures are installed prior to commencement of the development hereby permitted and retained for the duration of the construction to prevent harm to trees that are to be retained.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

12. All vegetation and site clearance work, including demolition of the buildings, will be undertaken outside the breeding bird season (March to August inclusive) or following the inspection by a suitably qualified ecologist who has declared the area free of birds nesting activity. Any works happening during the breeding season must be first reported to the Local Planning Authority prior to the commencement of works on site.
13. No development approved by this Planning Permission shall be commenced until further site investigations (based on the findings of the Patrick Parsons Phase 2 Preliminary Ground Investigations report prepared by Simon Jones and dated November 2012) are undertaken and a Phase 2 Risk Assessment report of the findings submitted to the Local Authority for written approval.

The site investigation will consist of a series of trial pits, and boreholes, in situ 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. A suitable suite of chemical soil analysis should be undertaken on soil samples and should include asbestos analysis (presence, type and quantity). The investigation should delineate the extent of asbestos previously identified on site.

Further investigation is required into the main body of the perimeter mound to assess the potential risk of combustion of materials in the mound, the extent of any existing capping to the mound and to assess the potential 'spread of fire' risk to the adjacent proposed development.

The site investigation and Phase 2 Risk Assessment report shall include a summary of the findings of the Patrick Parsons Preliminary Site Investigation and 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. Ground gas monitoring shall be undertaken at the site and a Gas Risk Assessment report produced and submitted to the Local Planning Authority with recommendations for ground gas mitigation measures.

Reason for pre commencement condition

To ensure that contamination and remediation measures are identified prior to commencement of the development hereby permitted to ensure risks to future users of the land are minimised.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

14. The recommendations of the intrusive site investigation and the Phase 2 Risk Assessment

Report approved by the Local Planning Authority under condition 13 shall be implemented prior to commencement of the development hereby permitted.

Reason for pre commencement condition

To ensure risks to future users of the land are minimised.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

15. Prior to commencement of the development hereby permitted, a detailed remediation scheme 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, site management procedures and proposed validation strategy. 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. NB The Local Authority requires that a minimum of 1.15m of 'proven' uncontaminated 'clean cover' is provided in all soft landscape / garden areas.

Reason for pre commencement condition

To ensure risks to future users of the land are minimised.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

16. The details of remediation measures approved under condition 15 shall be implemented prior to commencement of the development hereby permitted and maintained for the life of the development.

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

Reason for pre commencement condition

To ensure risks to future users of the land are minimised.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

17. Following completion of the remediation measures approved under condition 15 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 the development hereby permitted

18. During development works, any contaminated material observed during excavation of the

existing ground should be screened and removed. If any areas of contaminated ground, that had not previously been identified, are encountered during development works, then operations should cease in that area, and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

19. Prior to the commencement of the development hereby permitted, details of remediation measures to remove risks associated with coal mining legacy in the development area shall be submitted to and approved in writing by the Local Planning Authority.

Reason for pre commencement condition

To ensure risks to future users of the land are minimised.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

20. The remediation measures approved under condition 19 shall be implemented wholly in accordance with the approved scheme prior to the commencement of the development hereby permitted.

Reason for Pre commencement condition

To ensure risks to future users of the land are minimised.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

21. The development hereby permitted (except for the erection of tree protection measures, site security hoardings and site investigations) shall not be commenced until a detailed drainage strategy and assessment. The assessment shall be in full accordance with the Gateshead Council Interim Surface Water (SuDS) Guidelines for New Development and shall include all relevant information set out in the guidelines, plus:

- a. Demonstration of conformity to the discharge hierarchy including confirmation of the surface water discharge route. If discharge is via the watercourse, a condition survey and ecological survey of the existing watercourse up to the point where it passes beneath the railway line will be required, plus agreement with Gateshead and South Tyneside Lead Local Flood Authorities, and Northumbrian Water.
- b. Demonstration of conformity to national and local SuDS and flood risk policy and DEFRA Non-Statutory Technical Standards for SuDS.
- c. Water quality assessment to ensure no adverse impact upon ground and surface water quality during construction and for the lifetime of the development. This shall include detailed evidence of how the SuDS system will provide treatment to surface water runoff in accordance with all relevant planning policy.

Reason for pre commencement condition

To demonstrate that the SuDS scheme will prevent the risk of flooding prior to commencement of the construction of the SuDS scheme.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

22. The details of SuDS measures approved under condition 21 shall be implemented wholly in accordance with the approved details prior to first occupation of any of the dwellings of the development hereby permitted in accordance with the approved details and retained thereafter for the life of the development.

23. Prior to the development hereby permitted commencing a drainage maintenance and maintenance plan in perpetuity, in full accordance with the Gateshead Council Interim Surface Water (SuDS) Guidelines for New Development, shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason for pre commencement condition

To demonstrate that the SuDS scheme will be maintained to prevent the risk of flooding prior to commencement of the construction of the SuDS scheme.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

24. The details approved under condition 23 shall be substantially implemented prior to first occupation of any of the dwellings hereby permitted in accordance with the approved details and retained thereafter for the life of the development

25. Prior to commencement of the development any development of SuDS must be subject to a Drainage Construction Method Statement, and SuDS Health and Safety Risk Assessment in accordance with the CIRIA SuDS Manual (C753) that shall be submitted for the consideration and written approval of the Local Planning Authority.

Reason for pre commencement condition

To demonstrate that the SuDS scheme will be maintained to prevent the risk of flooding prior to commencement of the construction of the SuDS scheme.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

26. The details approved under condition 25 shall be wholly adhered to for the duration of the construction of the drainage approved under condition 21 and retained thereafter for the life of the development

27. Unless otherwise approved in writing by the Local Planning Authority, all external works,

demolition and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between:

07:00 hours to allow deliveries to come off the main highway;
07:30 hours construction start on site;

and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

28. As part of any reserved matters submission, pursuant to condition 1 above, the details of the relevant off-site highway works, including, the new access road, junction with Shields Road, works to the railway bridge, and improvements to the existing lane shall be included. The submitted details shall include a timescale for their implementation.
29. As part of any reserved matters made pursuant to condition 1 above, full details shall be submitted for the consideration and written approval of the Local Planning Authority of the retained landscaped bund running along the southern part of the development site, such details to include existing and retained bund heights, details of any remediation requirements and landscape management proposals for ecological purposes. The details shall demonstrate that no part of the bund is to be included in any areas of private gardens or as publicly accessible open space. The approved details shall be implemented wholly in accordance with the approved details and retained for the life of the development thereafter.
30. No development shall commence on the development hereby permitted until details of the existing and proposed site levels, and any retaining features required, has been submitted to and approved in writing by the Local Planning Authority.

Reason for pre commencement condition

The proposed finished ground levels must demonstrate that the design will ensure no harm to visual or residential amenity.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

31. The details approved under condition 30 shall be implemented wholly in accordance with the approved details and retained thereafter
32. As part of any reserved matters made pursuant to condition 1 above, full details shall be submitted for the consideration and written approval of the Local Planning Authority of the layout, such details to demonstrate that the development can achieve a self enforcing 20mph zone. The details shall be implemented wholly in accordance with the approved details and retained for the life of the development thereafter.
33. Each driveway shall have a minimum visibility splay of 2m x 2m with no obstruction above 600mm
34. No dwelling hereby permitted shall be first occupied until final details of the cycle parking

provision for each dwelling is submitted to and approved in writing by the Local Planning Authority.

35. The cycle parking facilities approved at condition 34 shall be provided in accordance with the approved details prior to the relevant dwelling being first occupied and be retained thereafter.
36. Prior to the construction of any dwelling, hereby permitted, above damp proof course details of external materials to be used on that dwelling shall be submitted to and approved in writing by the Local Planning Authority.
37. The materials approved under condition 36 shall be implemented wholly in accordance with the approved details and retained for the life of the development unless otherwise approved in writing by the Local Planning Authority.
38. Prior to the development hereby permitted progressing above damp proof course details of electric vehicle charging points for each of the affordable units shall be submitted for the consideration and written approval of the Local Planning Authority. For all other units, a spur shall be provided to allow future installation of charging equipment.
39. The electric vehicle charging points approved at condition 38 shall be provided for each given house in accordance with the approved details prior to the first occupation of that dwelling and be retained thereafter.
40. Prior to first occupation of any dwelling of the development hereby permitted, final details of the design of the play areas and play equipment and a timetable for its installation shall be submitted to and approved in writing by the Local Planning Authority.
41. The play equipment approved under condition 40 shall be installed wholly in accordance with the approved details and timetable.
42. Prior to first occupation of the development hereby permitted, a lighting strategy for biodiversity for the proposed development site shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for biodiversity, including bats; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can clearly be demonstrated that areas to be lit will not prevent bats and other wildlife using their territory or having access to their resting places.
43. The external lighting details approved under condition 42, shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.
44. In the event the development hereby permitted is not commenced on site within 2 years of

the date of this permission, an updating ecological survey, assessment and mitigation report (scope and method to be agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved mitigation measures detailed within the approved and updated ecological survey, assessment and mitigation report shall be implemented in full and retained for the life of the development

45. No dwelling hereby approved shall be occupied until the submission of a Final Travel Plan has been submitted to and approved in writing by the Local Planning Authority.

The Final Travel Plan shall detail the delivery mechanism for its implementation in order to provide for the following measures:

- a) Reduction in car usage and increased use of public transport, walking and cycling;
- b) Reduced traffic speeds within the site and improved road safety and personal security for pedestrians and cyclists;

Evidence of the travel plan's 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.

46. Notwithstanding the provisions of article 3 and classes A, B, C, D and E of Part 1 and Class A of Part 2 of the Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) the permitted development rights for all properties hereby approved are removed.

47. Prior to the first occupation of the development hereby permitted, full details of the revised bus stop, as detailed in the Transport Assessment, shall first be submitted to and approved in writing with the Local Planning Authority in consultation with Nexus. Thereafter the work shall be undertaken in full accordance with the approved details prior to the occupation of the 50th dwelling on site.

48. Prior to the commencement of the development hereby approved, full details of a minimum 3m wide shared use pedestrian and cycle route on Wardley Lane between the site access and Manor Gardens (including any necessary works to bridge) along with a timetable for its implementation, shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in full accordance with the approved details and timetable.

49. No demolition/development shall take place until a programme of archaeological building recording has been completed on the 1950s Fan House, in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

Reason for pre commencement condition

The programme of archaeological building recording must ensure that any archaeological remains on the site are recorded before the development commences.

The Local Planning Authority is satisfied that this information is so fundamental to the

development permitted that it would have been otherwise necessary to refuse the whole permission.

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

Reason for pre commencement condition

The programme of archaeological fieldwork must ensure that any archaeological remains on the site can be preserved wherever possible and recorded before the development commences.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

51. No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks during the removal of contaminated land in the south-east corner of the site to prevent damage to archaeology during remediation in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason for pre commencement condition

The archaeological fieldwork investigation is to ensure that any archaeological remains on the site can be preserved wherever possible and recorded before the development commences.

The Local Planning Authority is satisfied that this information is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

52. The development hereby permitted (except for the erection of tree protection measures, site security hoardings and site investigations) shall not be commenced until a programme of archaeological excavation has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

53. No dwellings shall be occupied until the final report of the results of the archaeological fieldwork undertaken in pursuance of conditions 50 and 52 has been submitted to and approved in writing by the Local Planning Authority.

54. No dwellings shall be occupied until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

55. The dwellings shall not be occupied until the intended locations and design of the interpretation boards, which assist in the understanding and appreciation of The Bowes Railway and Wardley Moated Site, have been submitted to and approved in writing by the

Local Planning Authority. The interpretation boards shall be installed in the approved locations prior to the occupation of the 50th dwelling hereby approved.

Date of Committee: 13 March 2019

Application Number and Address:

DC/18/01036/FUL
Woodmans Arms
Fellside Road
Whickham
NE16 5BB

Applicant:

Moorgate Bars Ltd

Proposal:

Construction of single storey extension to provide marriage and function room facilities, internal refurbishment and external alterations to existing building (revised application) (amended 10/01/19 and additional information received 14/01/19).

Declarations of Interest:

Name	Nature of Interest
None	None

List of speakers and details of any additional information submitted:

No additional information submitted.

Any additional comments on application/decision:

The Committee were minded to GRANT the application against the officer recommendation, on the basis that very special circumstances existed to clearly outweigh the harm to the Green Belt by reason of inappropriateness. The very special circumstances were that the scheme would improve the site and increase employment opportunities in the area.

The decision was subject to a delegation to officers to develop and recommend appropriate planning conditions.

Date of Committee: 13 March 2019

Application Number and Address:

DC/18/01107/FUL
The Chopwell
Derwent Street
Chopwell
NE17 7AA

Applicant:

Excell Property Developments Ltd

Proposal:

Change of use from public house to ten assisted living units (use class C3 dwellings) (revised) (Description amended 07.02.2019) (amended plans received 18.01.2019, 07.02.2019 and 04.03.19 and additional information received 04.03.19)

Declarations of Interest:

Name

Nature of Interest

None

None

List of speakers and details of any additional information submitted:

Councillor Michael McNestry spoke against the application as ward member for Chopwell and Rowlands Gill ward.

Councillor Michael McNestry also read out representations on behalf of residents who were unable to attend.

Reason for Minor Update

Further representations made

Further to representations reported in the main report. Councillor Dave Bradford has objected to the application

Any additional comments on application/decision:

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

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

3141_C-00 rev A

3141_C-01

3141_C-02 rev B
3141_C-03 rev A
3141_C04 rev E
3141_C-05 rev B
3141_C-06 rev 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

Notwithstanding the approved plans, the new entrance gate on the northern elevation shall not be installed until final details of the gate have been submitted to and approved in writing by the local planning authority.

4

The new entrance gate on the northern elevation shall be installed in full accordance with the details approved under condition 3.

5

The new window on the western elevation and the new window on the northern elevation shall be installed before the dwellings are occupied and shall be of similar appearance to the materials used in the existing building.

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

6

The dwellings hereby approved shall not be occupied until final details of secure and weatherproof cycle storage for residents have been submitted to and approved in writing by the local planning authority.

7

The details approved under condition 6 shall be implemented before the dwellings are occupied and retained in accordance with the approved details for the lifetime of the development.

8

The dwellings hereby approved shall not be occupied until the lighting scheme as shown on drawing 3141/C-02 rev B has been implemented in full accordance with the submitted details.

Date of Committee: 13 March 2019

Application Number and Address:

DC/18/01154/FUL
83 Whaggs Lane
Whickham
NE16 4PQ

Applicant:

Mr Chris Hannant

Proposal:

Construction of single storey building to rear garden and change of use from dwellinghouse (C3 Use) to a mixed use of dwellinghouse and yoga studio (sui generis) (retrospective) (description amended 12.03.19)

Declarations of Interest:

Name

Nature of Interest

Councillor Susan Craig

Non-registerable interest

List of speakers and details of any additional information submitted:

Laura Dixon spoke on behalf of local residents against the application.

Debbie Hannant spoke in favour of the application on behalf of the applicant

Any additional comments on application/decision:

Reason for Minor Update

Amended description and further representations received

The description of the development proposed has been amended from:

“Use of building in rear garden as Gym D2 (retrospective)”

To:

“Construction of single storey building in rear garden and change of use from dwellinghouse (C3 Use) to a mixed use of dwellinghouse and yoga studio (sui generis) (retrospective)”

This amended description better reflects the development proposed. The assessment and recommendation to Members, as set out in the main officer report, is not altered as a result of this amended description.

Additionally, further representations have been received on behalf of residents, commenting on the conditions recommended to be imposed in the main officer report.

- Residents find noise disturbance after 8pm unacceptable;
- The condition restricting the number of sessions each day would allow for an increase in sessions that the current situation, which would have a significant impact on the site and area, and if four classes are permitted on weekdays the length of classes should be restricted;
- There should only be two classes allowed on Saturdays, Sundays, Bank Holidays;
- Specific details relating to background noise levels when the yoga studio is not operating should be required by the noise management plan (under recommendation condition 7);
- Requested to impose condition requiring classes to only operate within the building itself and not within the rear lawn of 83 Whaggs Lane;
- The evidence required to support a commercial use in this location has not been provided or assessed.

it is considered that the conditions recommended in the main officer report would allow for an appropriate level of residential amenity at neighbouring properties.

Condition 6 is recommended to restrict the number of sessions in the yoga studio to four on any day. As in the main officer report, this is to ensure that the level of movement through the garden would not result in an unacceptable level of disturbance or perceived loss of privacy and/or security at neighbouring properties. It is considered that it would not be necessary to restrict the length of sessions as the recommended conditions would ensure appropriate levels of noise and movements that would not have an unacceptable impact on residential amenity.

Additionally, it is considered that it would not be reasonable or necessary to restrict the number of sessions on a weekend and Bank Holiday further than weekdays.

The details of the noise management plan would be considered by the local planning authority.

Condition 3 is recommended in the main officer report to require that sessions associated with the operation of the yoga studio part of the mixed use be restricted to the single storey garden building only (i.e. not any other land, such as the garden lawn)

Furthermore, the principle of the proposed use is assessed in paragraph 5.2 – 5.8 of the main officer report.

Any additional comments on application/decision:

The application was deferred for a site visit.

Date of Committee: 13 March 2019

Application Number and Address:

DC/18/01257/COU
Unit 2
Beat N'Track Café
Former Co-op Buildings
Hookergate Lane
Rowlands Gill

Applicant:

Moxie Catering Ltd

Proposal:

Change of use from shop (use class A1) to café (use class A3) including replacement of kitchen canopy.

Declarations of Interest:

Name	Nature of Interest
None	None

List of speakers and details of any additional information submitted:

Any additional comments on application/decision:

Reason for Minor Update

Additional information received

Additional information in the form of a proposed noise management plan and details of proposed extraction/ventilation equipment have been received. However, officers consider that the information submitted would not satisfy the requirements of the relevant recommended conditions (conditions 5 and 7). Therefore, it is considered that these conditions are still necessary and no changes are recommended to the conditions in the main officer report.

Any additional comments on application/decision:

That permission be GRANTED subject to the following condition(s) and that the Service Director of Development, Transport and Public Protection be authorised to add, vary and amend the planning conditions as necessary:

1

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

'Streetwise' Location Plan received 'A Beat n Track Café' received 17.12.2018
Floor plans received 17.12.2018
Rear Elevation received 17.12.2018

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 use hereby approved shall only be open to the public between 08:00 and 22:00 on any day.

4

Deliveries to the site and external emptying of any bins associated with the use hereby approved shall be restricted to between 08:00 and 21:00 on any day.

5

No amplified sound system or similar equipment associated with the use hereby approved shall be used on site until a noise management plan (including timescales) has been submitted to and approved in writing by the Local Planning Authority.

6

The details approved under condition 5 shall be implemented and maintained in accordance with the details and timescales approved and retained as such for the lifetime of the development.

7

Notwithstanding the approved plans, no new ventilation/extraction equipment at the premises associated with the use hereby approved shall be installed until final details of the equipment (including specific details on the filters/odour mitigation, noise details for the fan and measures for maintenance) have been submitted to and approved in writing by the local planning authority.

8

The details approved under condition 7 shall be implemented and maintained in accordance with the details approved and retained as such for the lifetime of the development.

Date of Committee: 13 March 2019

Application Number and Address:

DC/19/00055/COU
Intu Metrocentre
Units 1.134 – 1.137 and 9C
Upper Qube and Cameron Walk

Applicant:

The Metrocentre Partnership

Proposal:

Change of use of restaurant (Class A3), retail (Class A1), floorspace and circulation space to leisure use (Class D2)

Declarations of Interest:

Name	Nature of Interest
None	None

List of speakers and details of any additional information submitted:

Any additional comments on application/decision:

That permission be GRANTED subject to the following condition(s) and that the Service Director of Development, Transport and Public Protection 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	N181442-D09-004
Ground Floor Site Plan	N181442-A01-011
First Floor Site Plan	N181442-A01-012
Proposed Ground Floor Plan	N181442-A02-001
Proposed First Floor Plan	N181442-A02-002

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.