

Date of Committee: 13 July 2022

**Application Number and Address:**

DC/21/00851/FUL  
Land at South Shore Road  
Gateshead

**Applicant:**

E S Gateshead Limited

**Proposal:**

Demolition of existing buildings and erection of residential development of up to 12 storeys with associated hard and soft landscaping, car parking, servicing and access works (amended 01/10/2021, 05/11/2021 and 11/05/2022)

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

None

None

**List of speakers and details of any additional information submitted:**

None

**Reason for Minor Update – list of plan references to accompany condition 1 and amendment to trigger point of condition 38**

The following list of plans to be added to condition 1 of the main agenda report:

- U213-P001-P1 Site location plan
- U213-P002-P1 Existing site plan
- U213-P003-P2 Proposed site plan
- U213-P004-P1 Existing site sections
- U213-P005-P2 Proposed site sections
- U213-P006-P3 Proposed ground floor plan
- U213-P007-P2 Proposed 1st floor plan
- U213-P008-P2 Proposed 2nd floor plan
- U213-P009-P2 Proposed 3rd floor plan
- U213-P010-P2 Proposed 4th floor plan
- U213-P011-P2 Proposed 5th floor plan
- U213-P012-P2 Proposed 6th floor plan
- U213-P013-P2 Proposed 7th floor plan
- U213-P014-P2 Proposed 8th floor plan
- U213-P015-P2 Proposed 9th floor plan
- U213-P016-P2 Proposed 10th floor plan
- U213-P017-P2 Proposed 11th floor plan

- U213-P018-P2 Proposed roof plan
- U213-P019-P2 Proposed north and south contextual elevations
- U213-P020-P2 Proposed north & south elevations
- U213-P021-P2 Proposed west & east elevations
- U213-P022-P2 Proposed typical section
- U213-P023-P1 Proposed External Cycle Storage
- 6800-L-100 REV D

Amend the trigger point of condition 38 (Materials to be submitted for approval) of the main agenda report from... *“construction of the development hereby approved shall not proceed above foundation level until”*,

to the following:

*“construction of the development hereby approved shall not proceed beyond completion of the superstructure until”*

**Any additional comments on application/decision:**

That permission be GRANTED subject to the conditions below:

1

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

Plan numbers to follow as an update.

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

Prior to commencement of the development hereby approved (including vegetation clearance works, erection of site security hoardings and demolition), a Demolition and Construction Environment Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for:

- i. the parking of vehicles of site operatives, contractors and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during demolition and construction
- vii. a scheme for the recycling/disposing of waste arising from demolition and construction works.

- viii. the sequencing of the implementation of the development
- ix. measures to minimise noise during the demolition and construction phases including:
  - a. Selection of appropriate equipment for the demolition and construction methods;
  - b. Plant to be located as far away as is reasonably practicable from noise-sensitive receptors;
  - c. Static plant/equipment fitted with suitable enclosures or screening where practicable;
  - d. Temporary hoardings/screens around the site boundary or specific activities as appropriate;
  - e. Site personnel instructed on Best Practicable Means to reduce noise and vibration as part of their induction training and as required prior to specific work activities;
  - f. Appropriate management of working hours for noisier tasks; and
  - g. Liaison with neighbouring occupiers and businesses in advance of works commencing to provide information regarding the programme.
- x. protection of and mitigation to river species such as otter and fish species, wading birds and associated mudflats.
- xi. management of Invasive Non Native Species.
- xii. preventing pollution upon sensitive receptors including the River Tyne.
- xiii. measures to control/minimise disruption to the highway network during peak periods.
- xiv. management of lighting during demolition and construction so as to not impact features such as the River Tyne.

In addition, all works and ancillary operations in connection with the remediation of the site, demolition and the construction of the new development, including the use of any equipment or deliveries to the site shall be carried out only between 0700 hours and 1900 hours Monday to Friday, between 0800 hours and 1700 hours Saturday and at no time on Sundays or Bank Holidays unless otherwise approved in writing by the Local Planning Authority.

Reason for prior to commencement condition

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.

4

The development shall be carried out in accordance with the Demolition and Construction Environment Management Plan approved under condition 3 at all times during demolition and construction.

5

Prior to commencement of the development hereby approved (including any vegetation clearance works, erection of site security hoardings and demolition) a Biodiversity Net Gain Metric 3.0 shall be submitted to the Local Planning Authority for written approval.

The submitted information shall include a completed copy of the DEFRA metric and the ArcGIS shapefiles or AutoCAD files used to measure the onsite baseline and onsite post enhancement habitat parcels.

Reason for prior to commencement condition

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

Prior to commencement of the development hereby approved (except vegetation clearance works, erection of site security hoardings and demolition) a scour impact assessment and mitigation scheme, including long-term design objectives of the proposed outfall, management responsibilities and maintenance schedules has been submitted to and approved in writing by the Local Planning Authority.

Reason for prior to commencement condition

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.

7

The scour protection and mitigation scheme shall be implemented in accordance with the details approved under condition 6 and retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

8

Prior to commencement of the development hereby approved (except vegetation clearance works, erection of site security hoardings and demolition) an intrusive land contamination assessment, to assess the nature and extent of any contamination on the site and whether or not it originates on the site has been submitted to and approved in writing of the Local Planning Authority. The report of the findings must include-

(i) a survey of the extent, scale and nature of contamination and coal mining legacy.

(ii) an assessment of the potential risks to,

- human health,
- property (existing or proposed) including buildings, service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,

(iii) an appraisal of remedial options, and proposal of the preferred option(s) including a timeline and phasing for the implementation of the remediation scheme.

This must be conducted in accordance with the Environment Agency's Land contamination risk management (LCRM)".

Reason for prior to commencement condition

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.<sup>9</sup>

The remediation and mitigation schemes must be carried out in accordance with the details approved under condition 8. The Local Planning Authority must be given two

weeks written notification of commencement of the remediation scheme works.

9

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

10

The results of the implemented remediation approved under condition 9 shall be submitted to an approved in writing by the Local Planning Authority prior to the first occupation of the development.

11

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 (LPA).

An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the LPA prior to the remediation being commenced.

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

12

Prior to commencement of the development hereby approved (except vegetation clearance works, erection of site security hoardings and demolition) further intrusive site investigations shall be carried out on site to establish the exact situation in respect of coal mining legacy features and the findings of these site investigations submitted to and approved in writing by the Local Planning Authority. The intrusive site investigations shall be carried out in accordance with the Construction Industry Research and Information Association (CIRIA) publication "PUB C758D Abandoned mine workings manual".

Reason for prior to commencement condition

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.

13

Where the findings of intrusive site investigations required by condition 12 above identify that coal mining legacy on the site poses a risk to surface stability, a detailed remediation scheme to protect the development from the effects of such land instability shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any construction operations in those affected areas.

14

The remediation details approved under condition 13 shall be implemented on site prior to commencement of any construction operations in the areas where such remediation works are required, and a validation report confirming the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary

to address the risks posed by past coal mining activity shall be submitted to and approved in writing by the Local Planning Authority.

15

Prior to commencement of the development hereby approved (except for vegetation clearance works, erection of site security hoardings, demolition and ground preparation and enabling works) a Drainage Construction Method Statement (DCMS) relating to the proposed drainage system which will serve the completed development shall be submitted to and approved in writing by the Local Planning Authority. The content of the DCMS shall be in accordance with Appendix B6 of the CIRIA SuDS Manual, and Gateshead Interim SuDS Guidelines (Version 2 - March 2016) or as updated at the time of development commencing, for best practice.

16

The Drainage Construction Method Statement approved under condition 15 shall be wholly implemented prior to first occupation of the development hereby approved in accordance with the approved details and retained for the full life of the development unless otherwise approved in writing by the Local Planning Authority.

17

Prior to first occupation of the development hereby approved a SuDS and drainage maintenance plan, including maintenance details of all hard and soft SuDS features, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall set out details of the arrangements for the ongoing maintenance of the SuDS and the drainage system over the lifetime of the development and set out clearly where responsibility lies for the maintenance of all drainage features.

18

The SuDS and drainage maintenance plan approved under condition 17 shall be implemented prior the first occupation of the development and maintained as such for the life of the development unless otherwise approved in writing by the Local Planning Authority.

19

Prior to the first occupation of the development, fully detailed schemes for hard and soft landscaping and areas of habitat creation, to ensure that the development delivers a biodiversity net gain, as determined by the baseline figure identified in condition 5 shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall include details and proposed timing of hard and soft landscaping, proposed trees and shrubs, ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting.

20

The landscaping and habitat creation schemes shall be implemented in accordance with the timescale and details approved under condition 19 and retained/maintained for the life of the development thereafter.

21

The approved landscaping scheme shall be maintained in accordance with British Standard 4428 (1989) Code of Practice for General Landscape Operations commencing on the date of Practical Completion and during this period any trees or planting which die, become diseased or are removed shall be replaced in the first available planting seasons

(October to March) with others of a similar size and species and any grass which fails to establish shall be re-established.

22

A scheme detailing a comprehensive external lighting strategy shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. The scheme shall include a full street lighting scheme to adoptable standards and avoid/minimise adverse impacts on light sensitive species and created and retained habitats/features, including those out with the red line boundary of the application site.

23

The external lighting strategy shall be implemented in accordance with the details approved under condition 22 prior to the first occupation of the development and retained thereafter.

24

Prior to the first occupation of the development final details of the highway design and layout, and the timescale for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:  
Final details for the cycle merge onto the South Shore Road carriageway.  
Final details of the service layby on South Shore Road.

25

The final highway design and layout shall be constructed in accordance with the details and timescale approved under condition 24.

26

The development hereby approved shall not progress above foundation level until the details of the multi user recreational riverside route, including through the adjoining land immediately to the west of this application site up to where it would meet the existing section of the multi user recreational riverside route, have been submitted to and approved in writing by the Local Planning Authority.

27

The multi user recreational riverside route, including through the adjoining land immediately to the west of this application site up to where it would meet the existing section of the multi user recreational riverside route, approved under condition 26 shall be installed in accordance with the approved details and maintained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

28

Notwithstanding the details on the submitted plans, a Car Park Management Plan including the dedication and operation of car club bays and provision of EV charging points, shall be submitted to and approved in writing by the Local Planning Authority, prior to the development hereby approved being first occupied.

29

The car park management/layout shall be implemented in accordance with the details

approved under condition 28 prior to the first occupation of the development and retained thereafter unless otherwise approved in writing by the Local Planning Authority.

30

Notwithstanding the submitted plans, prior to the first occupation of the development, final details of external cycle racks (of a specification and amount to accord with the Gateshead Cycling Strategy), and internal cycle storage for residents of no less than 190 cycles, shall be submitted to and approved in writing by the Local Planning Authority. The final internal cycle storage details must include: locker/unit specification inclusive of door lock and secondary internal anchor device; details of CCTV within cycle store rooms; details of security access control system on the doors that permit access into the cycle store rooms; and full details of how cycle lockers will be managed by the building management company.

31

The cycle storage provision shall be implemented in accordance with the details approved under condition 30 prior to the first occupation of the development and retained thereafter.

32

Notwithstanding the submitted plans, prior to the first occupation of the development final details of the Delivery Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include the provision of a concierge led system or suitable alternative to facilitate all forms of deliveries to the site.

33

The delivery management strategy shall be implemented in accordance with the details approved under condition 32 prior to the first occupation of the development and retained thereafter unless otherwise approved in writing by the Local Planning Authority.

34

Development hereby permitted shall not progress above foundation level, until final details of a shared cycle and pedestrian route along the eastern boundary of the site has been submitted to and approved in writing by the Local Planning Authority.

The shared route shall include details of surfacing, measures including signing to control public access, bollards to deter vehicular access and a proposed timetable for hard and soft landscaping.

35

The details approved under condition 34 shall be fully implemented in accordance with the approved specifications and timescales, with the shared path made available for the lifetime of the development unless agreed otherwise in writing with the Local Planning Authority

36

Prior to the first occupation of the development a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall detail the delivery mechanism for its implementation in order to provide for but not limited to the following measures:

- 1) Identification of challenging travel plan targets and associated initiatives to help meet those targets



- 2) Cycle purchase incentives/discounts.
- 3) Provision of pre-paid travel cards.
- 4) A clearly agreed budget within the Travel Plan. Accounts should be reviewed annually with any underspend reviewed and put back into new initiatives or incentives.
- 5) Review of cycle store facilities and how they are operating/being managed.

37

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

38

Unless otherwise agreed with the Local Planning Authority, construction of the development hereby approved shall not proceed above foundation level until samples of all materials, colours and finishes to be used on all external surfaces of the buildings hereby approved, have been made available for inspection and are subsequently approved in writing by the Local Planning Authority.

39

The materials used shall be in accordance with the details approved under condition 38 unless otherwise approved in writing by the Local Planning Authority.

40

The glazed windows of the development shall meet or exceed the relevant noise level criteria as set out in table S19052/T5 of the submitted amended noise assessment. The glazed windows shall be installed prior to the first occupation of the development and be retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

41

No plant, machinery, mechanical ventilation or other equipment shall be installed on or attached to the exterior of the development until full details have first been submitted to and approved in writing by the Local Planning Authority. The submitted details must meet the noise level criteria at receptors as set out in table S19052/T13 of the submitted amended noise assessment.

42

Any plant, machinery, mechanical ventilation or other equipment to be installed on or attached to the exterior of the development shall be undertaken in accordance with the details approved under condition 41 prior to the first occupation of the development and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

43

Prior to first occupation of the development hereby approved, details on the final construction of the ground floor hub area demonstrating that it meets the relevant sound insulation values shown in Table S19052/T11 of the submitted amended noise assessment shall be submitted to and approved in writing by the Local Planning Authority.

44

The ground floor hub area shall be constructed in accordance with the details approved

under condition 43 and retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

45

Construction of the development hereby approved shall not proceed above foundation level until an updated Sustainability Statement, has been submitted to and approved in writing by the Local Planning Authority. The Sustainability Statement will demonstrate the measures that will be incorporated into the development both during construction and operational phases to reduce carbon emissions, and the measures to be undertaken to optimise the use of local renewable or low carbon energy in accordance with the hierarchy set out in CS16 (6) of the Local Plan for Gateshead, and the Sustainability Statement shall also include timetable(s) for the implementation of these measures.

46

The sustainable energy measures and use of local renewable or low carbon energy, shall be implemented in accordance with the details and timetables, submitted and approved under condition 45.

47

Prior to the first occupation of the development hereby approved a digital infrastructure statement shall be submitted to and approved in writing by the Local Planning Authority demonstrating that engagement has taken place with more than one digital infrastructure provider to explore how digital communication networks can be integrated into the development.

48

Construction of the development hereby approved shall not commence until an Employment and Training Plan which is in accordance with the principles set out in the Council's Planning Obligation SPD (Targeted Recruitment and Training) December 2016, outlining the potential creation of employment and training opportunities, especially apprenticeships for local people during the construction phases of the development is submitted to and approved in writing by the Local Planning Authority.

49

The Employment and Training Plan shall be implemented in accordance with the details submitted and approved under condition 48.

50

At least 25% of residential units shall be constructed to meet the Building Regulation M4(2) Category 2: Accessible and Adaptable Dwellings standard or equivalent successor standards and shall be retained as such unless otherwise agreed in writing by the Local Planning Authority.

<b>Application Number and Address:</b> DC/21/00938/FUL North East Concrete Ltd Longshank Lane Birtley DH3 1QZ	<b>Applicant:</b> Mr Briggs
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**Proposal:**

Relocation of concrete batching plant, installation of new tarmac plant and associated material storage areas, plant workshops, processing of recycled and secondary aggregate and creation of new office building and associated parking (additional information received 07/12/21, amended information received 22/12/21, amended plans received 31/1/22 and 15/02/22).

**Declarations of Interest:**

Name	Nature of Interest
None	

**List of speakers and details of any additional information submitted:**

The application was deferred at the meeting on 11 May 2022 to allow the Committee to visit the site. Members of the Committee visited the site on 30 June 2022.

**Any additional comments on application/decision:**

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

1  
Unless otherwise required by condition, the development shall be carried out in complete accordance with the approved plan(s) as detailed below

Areas C, D & E (drawing no. NP10190 014 Rev H)

Proposed Office (drawing no. NP10190 110)

Site Location Plan

Proposed Site Sections (drawing no. NP10190 011 Rev D)

Proposed Site Layout (drawing no. NP10190 010 Rev K)

Proposed Finishes (drawing no. NP10190 015 Rev A)

Proposed Tarmac Plant (drawing no. NP10190 013 Rev B)

Proposed Concrete Plant (drawing no. NP10190 012 Rev A)

Transport Assessment and Travel Plan Rev A (Milestone Transport Planning Ltd,

Ref: 19-223-N, 20/07/21)

Noise Assessment Report (Blue Tree Acoustics, Ref: 00133-130601, 19/07/21)

Air Quality Constraints and Opportunities Appraisal Statement (Delta Simons, Ref: 20-01560.5 Issue 1, 03/06/21)

Preliminary Ecological Survey (J L Durkin, June 2021)

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 provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the office building hereby approved shall only be used for uses falling within Class E (g)(i) as defined by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and for no other purpose.

4

The office building hereby approved shall only be used for administrative activities associated with industrial and storage activities taking place within the red line boundary on the Site Location Plan. It shall not be sublet to any third parties without there being an operational connection to the approved activities taking place on the application site.

5

No development other than construction of the relocated concrete plant, ground clearance or remediation works shall commence until a scheme for the provision of foul and surface water drainage works, including management and maintenance of drainage features and a timetable for delivery, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall be developed based on the principles set out in Flood Risk and Drainage Assessment (DAB Geotechnics Ltd, Ref: DABGeot/21006FRA/Final, 16/07/21), Supporting Information contained in letter from DAB Geotechnics Ltd to Sam Thistlethwaite, Barton Wilmore dated 03.12.21 and consultee comments from the Drainage Officer (dated 11 January 2022).

6

The development hereby approved shall be undertaken in complete accordance with the foul and surface water drainage details and timetable approved at condition 5 and maintained for the lifetime of the development.

7

No works other than construction of the relocated concrete plant, ground clearance or remediation works shall commence until a scheme for the widening of Longshank Lane from the site access to the junction with Lamesley Road, including a timetable for the delivery of these works, shall be submitted to and approved in writing by the Local Planning Authority.

Unless first agreed with the Local Planning Authority, the scheme shall include:

a consistent carriageway width of 6.75m along the main length of Longshanks Lane to the tie in points with the site access and the approach to Lamesley Road, encompassing an appropriate street lighting scheme, waiting and loading restrictions, traffic calming (minimum 1 set of features), drainage proposals, pedestrian dropped kerbs, and full consideration/mitigation of ecological impacts associated with these improvements.

8

The development hereby approved shall be undertaken in complete accordance with the widening works to Longshank Lane and timetable for delivery approved at condition 7.

9

At no time shall the number of HGV vehicles accessing and egressing the operational development hereby approved exceed 320 HGV vehicle movements inbound and 320 HGV vehicle movements outbound between 00.01 to 00.00 on any day.

10

Where the use hereby approved is operational between 20.00 hours and 06.00 hours the number of HGV vehicles accessing and egressing the operational development between 20.00 and hours and 06.00 hours shall not exceed 40 HGV vehicle movements in total.

11

All HGVs associated with the tarmac and concrete manufacturing process shall access and egress the site via the Longshank Lane entrance at all times, except for emergencies or circumstances outside of the applicant's control, when Longshank Lane is blocked or unpassable.

12

Prior to first use of the additional tarmac plant or relocated concrete plant hereby approved, whichever is brought into use first, a Heavy Goods Vehicle (HGV) Routing Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include a clear diagram identifying the routes used by HGVs accessing and leaving the site and monitoring procedures demonstrated.

13

The HGV routing strategy and monitoring procedures approved under condition 12 shall be implemented in full accordance with the approved details prior to first use of the additional tarmac plant or relocated concrete plant hereby approved, whichever is brought into use first, and adhered to for the lifetime of the development.

The Strategy shall be implemented and monitored in accordance with the approved details. In the event of failing to meet the requirements of the Strategy, a revised Strategy shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls and, where necessary, make provision for and identify mitigation for the impacted communities. The Strategy thereafter shall be implemented and may be updated in accordance with schemes to be submitted to and approved in writing by the Local Planning Authority.

14

Prior to first use of the additional tarmac plant or relocated concrete plant, whichever is brought into use first, a scheme to provide adequate sight visibility at the junction of Longshank Lane and Lamesley Road shall be submitted to and approved in writing by the Local Planning Authority. The vegetation should be removed back to the existing fence line on the northern side of Lamesley Road for a distance of 75 m from the centre line of the junction with Longshank Lane heading in a westerly direction to the northern kerb line of Lamesley Lane, unless otherwise agreed with the Local Planning Authority.

15

The sight visibility improvements approved at condition 14, shall be implemented in full, prior to the first use of the new tarmac plant or relocated concrete plant hereby approved..

16

Prior to the commencement of any construction works to form the new office building or the new Mary Avenue access, precise details of the new Mary Avenue access, including a timetable for delivery of the new access, updated swept path analysis, amended junction radii and pedestrian crossing facilities, shall be submitted to and approved in writing by the Local Planning Authority.

17

The construction and timescale for the delivery of the new Mary Avenue access shall be undertaken in complete accordance with the details approved at condition 16. For the avoidance of doubt, unless it has been incorporated into the approved timescale for delivery of the new access, the new office building shall not be brought into use until all works relating to the new access have been completed.

18

Prior to first use of the additional tarmac plant, relocated concrete plant or office building hereby approved a Full Travel Plan, based on the principles set out in the Interim Travel Plan within the Transport Assessment (Milestone Transport Planning Ltd, Rev A, dated: 17/12/2021) shall be submitted to and approved in writing by the Local Planning Authority.

The Travel Full Plan shall include:

a. An assessment of the site, including the transport links to the site, on site facilities, any transport issues and problems, barriers to non-car use and possible improvements to encourage walking, cycling and bus use.

b. Appointment of a travel plan co-ordinator and identification of associated budget

- c. Clearly defined objectives, targets and indicators
- d. Details of proposed measures
- e. Detailed timetable for implementing measures
- f. Proposals for maintaining momentum and publicising success
- g. A programme of continuous review of the approved details of the Travel Plan and the implementation of any approved changes to the plan.
- h. Commitment to the use of the Council's preferred monitoring database (Modeshift)
- i. Details of any complementary or discounted travel tickets for employees

19

Within 18 months of the date of discharge of condition 18, evidence of the implementation of the Travel Plan approved under condition 18 over a minimum period of 12 months, and any revisions, shall be submitted to the Local Planning Authority for consideration.

20

The Full Travel Plan approved under condition 18 shall be implemented on commencement of the use of the additional tarmac plant, relocated concrete plant or new office building hereby approved, whichever is implemented first. The Full Travel Plan and any revisions approved under conditions 18 and 19 shall be wholly implemented in accordance with the approved details for the lifetime of the development.

21

Notwithstanding the submitted details, prior to the construction of any new car parking or cycle parking areas on the site, precise details of the layout of car parks and cycle parking adjacent to the new office building and in Area C as depicted on the Proposed Site Layout (drawing no. NP10190 010 Rev K), including the number and specification of electric vehicle charging points, accessible parking bays, motorcycle parking, cycle parking and a timetable for delivery of the car and cycle parking, shall be submitted to and approved in writing by the Local Planning Authority.

22

The car, motorbike and cycle parking shall be undertaken in complete accordance with the parking details and timetable for implementation, approved at condition 21. The car parking spaces depicted on the Proposed Site Layout (drawing no. NP10190 010 Rev K) shall thereafter be used solely for the parking of employee and visitor parking and not for any external storage or loading.

23

The development hereby approved, other than the relocated concrete plant already

constructed, shall not commence until a report of findings arising from further intrusive site investigations and a Phase II Detailed Risk Assessment (to assess potential contamination at the site) have been submitted to and approved in writing by the Local Planning Authority. Where required, the Assessment shall include measures and timescales for Remediation, Monitoring and Verification Reports.

Reason for prior to 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 scheme suitable for the sensitive end use is identified and approved prior to commencement of the development, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, from the beginning of the works.

24

Where required, the remediation and monitoring measures approved under Condition 23 shall be implemented in accordance with the details and timescales approved and in full accordance with the approved details.

25

If any areas of odorous, abnormally coloured or suspected contaminated ground are encountered during development works, then operations shall cease and the exposed material shall be chemically tested. The works shall not continue until a Risk Assessment and, if required, remediation and monitoring measures have been and submitted to and approved in writing by the Local Planning Authority.

26

The remediation and monitoring measures approved under condition 25 shall be implemented in accordance with the approved details prior to any further works (other than those required for remediation) and maintained for the life of the development.

27

Where remediation is required (under conditions 23-26) following completion of the approved remediation and monitoring measures, use of the development hereby approved shall not commence until a verification report that demonstrates the effectiveness of the remediation carried out has been submitted to and approved in writing by the Local Planning Authority. Where this is carried out in phases, use of the buildings, structures or plant within the relevant phase shall not commence until a verification report that demonstrates the effectiveness of the remediation carried out for that phase has been submitted to and approved in writing by the Local Planning Authority. The Verification report(s) shall also include cross sectional diagrams of the foundations and details of the approved gas protection measures, details of integrity testing of gas membranes and any test certificates produced.

28

No development within Areas A and C as identified on the Proposed Site Layout - drawing no. NP10190 010 Rev K shall commence until:

a. a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;



b. any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason for prior to commencement condition

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before buildings works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the NPPF.

29

Prior to occupation of the development within Areas A and C as identified on the Proposed Site Layout - drawing no. NP10190 010 Rev K, a signed statement or declaration prepared by a suitable competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

30

Within one month of the first use of the relocated Concrete Batching Plant and new Tarmac Plant hereby approved details of a post construction noise assessment shall be submitted for the consideration and written approval of the Local Planning Authority. The post completion noise assessment shall demonstrate that noise levels from all plant and equipment detailed in Noise Assessment (Blue Tree Acoustics, Ref: 00133-130601, 19/07/21) at points 3, 4 and 6 indicated in the Noise Assessment does not exceed 42dB(A) LAeq,1h (free field) as set out in Policy MSGP45 Part 3 or measured existing background noise levels if higher between 22.00 and 07.00. Where these levels are exceeded, operation of the equipment resulting in a breach of noise levels in Policy MSGP45 Part 3 or measured existing background noise levels if higher shall stop until a mitigation scheme has been submitted to and approved in writing by the Local Planning Authority. The assessment methodology and precise noise monitoring locations shall be discussed and agreed in advance with the Local Planning Authority prior to noise testing.

31

The development hereby approved shall be undertaken in complete accordance with the post construction noise monitoring scheme approved at condition 30. Where mitigation is required this shall be implemented in accordance with approved details prior to the use of the related plant or equipment re-commencing.

32

Prior to first use of the relocated Concrete Batching Plant and new Tarmac Plant,

details of noise enclosures and barriers, including their acoustic specifications, location and appearance for each of these plants shall be submitted to and approved in writing by the Local Planning Authority.

33

The development hereby approved shall be undertaken in complete accordance with the noise enclosure and barriers approved at condition 32. The respective noise enclosures and barriers shall be installed prior to the first use of either the relocated Concrete Batching Plant or new Tarmac Plant, as appropriate.

34

No more than 1 crusher shall operate on the site at any time. The crusher shall only operate between the hours 08:00 hours to 17:00 hours Monday to Friday, 08:00 hours to 13:00 hours Saturdays, and at no time on Sundays and Bank Holidays.

35

The development hereby approved shall be implemented in complete accordance with the Avoidance, Mitigation and Compensation in Sections 4 and 5 of the Preliminary Ecological Survey (J L Durkin, June 2021), including but not limited to checking of debris for great crested newts, timing of works to avoid nesting bird season (March - August) and/or checking of buildings/vegetation for nests by an ecologist and provision of bird and bat boxes.

36

Prior to the commencement of any part of the development with the exception of the relocated concrete plant already constructed, an on site biodiversity and habitat creation scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

Trees, hedges and shrubs scheduled for retention

Details of soft landscaping including planting species, sizes, layout, densities, numbers, demonstrating a 10m buffer for new tree planting from the gas pipeline on Mary Avenue

Details of planting procedures or specification

The establishment regime, including watering, rabbit protection, tree stakes, guards etc

Details of the location, size and specification of any ponds or water based habitats

Locations, specifications and total number of bird and bat boxes

A revised DEFRA Metric assessment confirming the precise number of biodiversity units to be achieved following finalised landscaping proposals

A timetable for implementation of the biodiversity and habitat creation scheme

Targets for biodiversity and habitat creation

A scheme for the management and maintenance of biodiversity and habitat creation features for a minimum of 30 years, including details of a monitoring regime to ensure features are achieving desired outcomes and procedures to be implemented if features are damaged or are not meeting identified targets

37

The development hereby approved shall be undertaken in complete accordance with the on site biodiversity and habitat creation scheme and timetable approved at condition 36 and maintained in accordance with the approved details thereafter for a period of at least 30 years.

38

No development, other than the relocated concrete plant which has already been constructed, shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

- a. A Dust Action Plan including measures to control the emission of dust and dirt during construction.
- b. Details of methods and means of noise reduction/suppression.
- c. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration.
- d. Details of measures to prevent mud and other such material migrating onto the highway from all vehicles entering and leaving the site.
- e. Designation, layout and design of construction access and egress points.
- f. Details for the provision of directional signage (on and off site).
- g. Details of contractors' compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure.
- h. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials.
- i. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period.
- j. Routing agreements for construction traffic.
- k. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- l. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

m. Management measures for the control of pest species as a result of demolition and/or construction works.

n. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

Pre-commencement reason

To ensure that construction details can be approved prior to on-site works thereby avoiding any abortive work and preventing harm to nearby sensitive receptors due to uncontrolled construction and harm to highway safety which could otherwise occur.

39

The development hereby approved shall be implemented wholly in accordance with Construction Management Plan measures approved under condition 38 at all times during construction.

40

In undertaking the development that is hereby approved: No external construction works, works of demolition, construction related deliveries, external running of plant and equipment shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0730 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

41

Prior to the first use of the new office building hereby approved final details of the location, specification and routing arrangements within the site for refuse and recycling storage and collection shall be submitted to and approved in writing by the Local Planning Authority.

42

The refuse and recycling storage and collection details approved under condition 41 shall be implemented in full accordance with the approved details prior to first use of the office development and retained as such for the lifetime of the office development.

43

No development, other than the relocated concrete plant which has already been constructed, shall commence until a scheme for the protection of the existing trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The scheme must include a plan clearly showing the location and specification of the protective fencing to be used.

Reason for pre-commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the trees to be retained by ensuring the trees are retained and protected before the development commences.

44

The approved tree protection measures under condition 43 must be installed prior to the commencement of the development and thereafter retained intact for the full duration of the construction works.

Protective fencing, must be retained intact for the full duration of all construction works and there shall be no access, storage, ground disturbance or contamination within the protected areas without the prior written approval of the local planning authority.

The approved tree protection plan shall be displayed at all times outside the site office or in a location visible to all contractors and site personnel. Once implemented the tree protection scheme shall be checked weekly throughout all construction works with a record of the weekly checks being kept on file in the site office. The record shall include the date, time and name of the person carrying out the checks together with any problems identified and action taken. If at any time tree protection is missing or deficient without the prior written approval of the Local Planning Authority being obtained, all construction operations within a 15m radius of the unprotected tree(s) shall cease until the protection is correctly in place. Details of this should also be recorded in the tree protection record file.

Reason for prior to commencement condition

To minimise the risk of harm and long-term adverse impacts of the development on the trees to be retained by ensuring the trees are retained and protected before the development commences.

45

Prior to the commencement of any development above foundation level to the new office building details of the make, colour and texture of all walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority.

46

The external materials for the new office building approved under condition 45 shall be implemented in full accordance with the approved details.

47

Prior to their installation, precise details of specification and appearance of all new hard surfacing materials in Areas C, D and around the new office building as shown on the Proposed Site Layout Plan (drawing no. NP10190 010 Rev K) shall be submitted to and approved in writing by the Local Planning Authority.

48

Hard surfacing materials approved under condition 47 shall be implemented in full accordance with the approved details.

49

A lighting scheme, including all new external lighting on the site, shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any external lights. The detail provided shall demonstrate adherence to the ILP (Institute of Lighting Professionals) guidance notes for the reduction of intrusive light.

50

External lighting approved under condition 49 shall be implemented in full accordance with the approved details.

51

There shall be no burning of waste or other materials within the site.

52

Once the approved development is operational, all vehicles leaving the site shall be sufficiently cleaned in order to ensure that mud and dirt is not transferred onto the public highway.

53

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no further fixed plant or machinery shall be brought on to the site other than in accordance with the noise assessment Noise Assessment Report (Blue Tree Acoustics, Ref: 00133-130601, 19/07/21).

**Date of Committee: 13 July 2022**

<b>Application Number and Address:</b> DC/22/00275/OUT Site of Former Odeon Cinema and Theatre High Street Gateshead	<b>Applicant:</b> Mr Joshy Mani				
<b>Proposal:</b> OUTLINE APPLICATION for the erection of 109 residential apartments over 2-9 floors with shared amenity facilities, associated basement car parking and communal external and internal amenity spaces, with all matters reserved.					
<b>Declarations of Interest:</b> <table border="1" data-bbox="81 629 1498 786"> <thead> <tr> <th data-bbox="81 629 746 674">Name</th> <th data-bbox="746 629 1498 674">Nature of Interest</th> </tr> </thead> <tbody> <tr> <td data-bbox="81 674 746 786">None</td> <td data-bbox="746 674 1498 786"></td> </tr> </tbody> </table>		Name	Nature of Interest	None	
Name	Nature of Interest				
None					
<b>List of speakers and details of any additional information submitted:</b> None					
<b>Any additional comments on application/decision:</b> <p>That permission be REFUSED for the following reason(s) and that the Service Director of Climate Change, Compliance, Planning and Transport be authorised to add, vary and amend the refusal reasons as necessary:</p> <ol style="list-style-type: none"> <li>1 The proposal would not provide sufficient level of affordable homes in line with the policy requirements of CS11 and in the absence of any clear and convincing justification, it is contrary to the NPPF and policy CS11 of the Local Plan.</li> <li>2 Insufficient information has been submitted with the application to demonstrate that 109 dwellings could be provided on site as part of an appropriate design approach, or that the proposed development would not have an unacceptable impact on visual amenity. As such, it is contrary to the aims and requirements of the NPPF, the National Design Guide, policies CS2, SG1, SG2, UC12, CS15, MSGP24 of the Local Plan and the Exemplar Neighbourhood SPD.</li> <li>3 Insufficient information has been submitted with the application to demonstrate that 109 dwellings could be provided on site without resulting in an unacceptable loss of outlook and light, and an overbearing impact and overshadowing at existing neighbouring properties or resulting in an unacceptable impact on privacy, outlook and light for future occupiers of the proposed dwellings, or that the proposed development would not have an unacceptable impact on residential amenity, contrary to the NPPF, policies CS14 and MSGP17 of the Local Plan and the Exemplar Neighbourhood SPD.</li> </ol>					

4

Insufficient information has been submitted with the application to demonstrate that 109 dwellings could be provided on site without resulting in an unacceptable level of living conditions for future occupiers in relation to noise. Therefore, it is considered to be contrary to the aims and requirements of the NPPF, policies CS14, MSGP17 and MSGP18 of the Local Plan and the Exemplar Neighbourhood SPD.

5

Insufficient information has been submitted with the application to allow the Local Planning Authority to be satisfied that the proposed development would not have an unacceptable impact in relation to air quality. Therefore, it is considered to be contrary to the aims and requirements of the NPPF, policies CS14 and MSGP19 of the Local Plan and the Exemplar Neighbourhood SPD.

6

Insufficient information has been submitted with the application to allow the Local Planning Authority to be satisfied that the proposed development would not have an unacceptable impact on highway safety and parking, contrary to the NPPF, policies CS13, UC5, UC7, UC9, UC10, MSGP14 and MSGP15 of the Local Plan and the Exemplar Neighbourhood SPD.

7

Insufficient information has been provided to demonstrate that an acceptable scheme could be delivered in terms of flood risk/drainage, and to allow officers to be satisfied that the proposed development would not have an unacceptable impact on flood risk at outline stage, contrary to the NPPF, policies CS17, MSGP29 and MSGP30 of the Local Plan and the Exemplar Neighbourhood SPD.

8

Insufficient information has been submitted with the application to allow the Local Planning Authority to adequately determine the impacts of the development on biodiversity and ecological connectivity and to be satisfied that the proposed development would not have an unacceptable impact on ecology at outline stage, contrary to the NPPF, policies CS18, UC15, MSGP36 and MSGP37 of the Local Plan and the Exemplar Neighbourhood SPD.

9

Insufficient information has been submitted with the application to allow the Local Planning Authority to determine the impacts of the development on trees within the application site, contrary to the aims and requirements of the NPPF, policies CS18, UC15 and MSGP36 of the Local Plan and the Exemplar Neighbourhood SPD.





