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GATESHEAD METROPOLITAN BOROUGH COUNCIL

PLANNING AND DEVELOPMENT COMMITTEE MEETING

Wednesday, 26 October 2022

PRESENT: Councillor B Goldsworthy (Chair)

Councillor(s): V Anderson, D Burnett, L Caffrey, A Geddes, M Hall, L Kirton, K McCartney, E McMaster, C Ord, I Patterson, K Wood, J Green, J Turner, H Weatherley, J Mohammed, P Burns, L Moir, S Potts, D Welsh and T Graham

APOLOGIES: Councillor(s): S Dickie and R Waugh

PD743 MINUTES

The minutes of the meeting held on 28 September 2022 were approved as a correct record and signed by the Chair.

PD744 DECLARATIONS OF INTEREST

There were no declarations of interest.

PD745 PLANNING APPLICATIONS

- RESOLVED:**
- i) That the full planning applications and outline applications specified in the appendix to these minutes be granted, refused or referred to the Department for Communities and Local Government or deferred as indicated subject to the conditions, if any, as specified therein and to any other appropriate conditions of a routine or standard nature.
 - ii) That the applications granted in accordance with delegated powers be noted.

PD746 ENFORCEMENT TEAM ACTIVITY

The Committee received a report advising them of Enforcement Team Activity between 15.09.22 and 12.10.22.

The Enforcement Team has received 110 new service requests and currently have 639 cases under investigation, with 97 cases resolved and 2 pending prosecutions.

RESOLVED- That the information be noted.

PD747 ENFORCEMENT ACTION

Consideration was given to a report that informed of the progress of enforcement action previously authorised by the Committee.

RESOLVED: That the information be noted.

PD748 PLANNING APPEALS

The Committee received a report advising them of new appeals received and to report the decisions of the Secretary of State received during the period.

Since the last Committee there has been one new appeal lodged.

Since the last Committee there has been two new appeal decisions received.

Since the last Committee there has been no appeal cost decisions.

RESOLVED – that the information be noted.

PD749 PLANNING OBLIGATIONS

The Committee received a report advising them of completion of Planning Obligations which have previously been authorised.

Since the last Committee there has been one new planning obligation.

Since the last Committee there has been no new payments received in respect of planning obligations.

RESOLVED – that the information be noted.

Chair.....

Date of Committee: 26 October 2022

<p>Application Number and Address:</p> <p>DC/19/01250/FUL Land South of Blackwell Way North Side Birtley</p>	<p>Applicant:</p> <p>Persimmon Homes (North East)</p>				
<p>Proposal:</p> <p>Erection of 22 residential dwellings with associated infrastructure and landscaping (amended plans and additional information received 14/05/20, 01/07/20, 16/07/20, 11/10/20, 11/08/21, 15/09/21, 29/09/21, 15/12/21, 26/01/22, 21/03/22, 26/05/22, 16/06/22, 29/07/22, 22/08/22, 01/09/22, 12/10/22 and 13/10/22)</p>					
<p>Declarations of Interest:</p> <table border="1"> <thead> <tr> <th data-bbox="95 846 805 880">Name</th> <th data-bbox="805 846 1519 880">Nature of Interest</th> </tr> </thead> <tbody> <tr> <td data-bbox="95 913 805 947">None</td> <td data-bbox="805 913 1519 947"></td> </tr> </tbody> </table>		Name	Nature of Interest	None	
Name	Nature of Interest				
None					
<p>List of speakers and details of any additional information submitted:</p> <p>Reason for Minor Update</p> <p>Condition(s) added/deleted/amended</p> <p>Firstly, for clarification in the report, Paragraph 1.11 should read that the following house types are proposed:</p> <p style="padding-left: 40px;">16no. 3 bed 4 person (4no. and 12no. of two different house types) 2no. 4 bed 5 person 4no. 4 bed 6 person</p> <p>Additionally, conditions are recommended to be amended as below:</p> <p style="padding-left: 40px;">1 Unless otherwise required by condition, the development shall be carried out in complete accordance with the approved plan(s) as detailed below -</p> <p style="padding-left: 40px;">CellC/A/LP/001 - Location Plan CellC/A/GA/001 Rev K - Proposed Site Layout CellC/A/SS/001 Rev A - Indicative Site Section <u>19080 - 95 - P2 - Cross Section through Plot 6 and 10 - A1L</u></p> <p style="padding-left: 40px;">BN-WD11 Rev A - Braunton Planning and Feature Planning DB-WD11 Rev B - Dalby Planning GB-WD11 Rev A - Gisburn Planning GW-WD11 Rev B - Greenwood Planning and Feature Planning</p>					

WL-WD11 Rev A - Whiteleaf Planning

19080 - 61 - P5 - SUDs Details - A1 L

19080 - 11 - P3 - Proposed Surface Finishes and Kerb Layout - A1L

19080 - 01 - P13 - Proposed Engineering Layout - A1L

134247/8001 Rev C

134247-PL-8002-A1LV

134247-PL-8003-A1LV

Flood Risk and Drainage Strategy 19080 - 01 Rev **B**

SUDs Maintenance Plan 19080-01

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

Reason

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

4

The details approved under condition 3 shall be implemented in full accordance with the approved details and retained as such for the lifetime of the development.

~~The final boundary treatment/enclosure details approved under condition 3 shall be implemented in accordance with the approved details before the respective dwelling(s) hereby approved are occupied and retained as such for the lifetime of the development.~~

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 thereafter.

Reason

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the street scene, and to ensure the proposal would provide an appropriate level of privacy for future occupiers, in accordance with the NPPF and policies CS14, CS15, MSGP17, and MSGP24 of the Local Plan.

20

Notwithstanding the approved plans, no boundary treatments shall be installed on site until final details of these (including appearance and siting) have been submitted to an approved in writing by the Local Planning Authority. The details shall also include the following:

(a) Removal of excess fencing/railings around landscaping to the north of plot 19 (as a minimum, removal of the 500mm High 'Race course' style timber fencing around that landscaping area)

(b) Provision of improved access to the play area for plots 19-22 (eg. a gate/gap at the north west corner of the footpath around these plots)

(c) Measures to provide a more secure environment for the toddler play area in relation to the detention basin/SuDS feature

(d) Timescales for implementation

Reason

To ensure appropriate access to different parts of the site, and to ensure that the proposed development does not have an adverse effect upon the appearance of the street scene or residential amenity in accordance with the NPPF and policies CS14, CS15, MSGP17 and MSGP24 of the Local Plan.

21

The details approved under condition 20 shall be implemented in full accordance with the approved details **and timescales before units 19-22 (as shown on plan CellC/A/GA/001 revK) are occupied**, and retained and maintained as such for the lifetime of the development.

Reason

To ensure appropriate access to different parts of the site, and to ensure that the proposed development does not have an adverse effect upon the appearance of the street scene or residential amenity in accordance with the NPPF and policies CS14, CS15, MSGP17 and MSGP24 of the Local Plan.

40

No construction works associated with the installation of kerbing on site shall commence until final details of the raised table/plateau (within the site and extending north towards the junction with Blackfell Way), demonstrating the calming feature would be 100mm high with 1:10 on/off ramps, and including timescales for implementation, have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate traffic calming can be adequately and effectively provided on site before the development **in accordance with the NPPF and policies CS13 and MSGP15 of the Local Plan.**

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 -

CellC/A/LP/001 - Location Plan
CellC/A/GA/001 Rev K - Proposed Site Layout
CellC/A/SS/001 Rev A - Indicative Site Section

BN-WD11 Rev A - Braunton Planning and Feature Planning
DB-WD11 Rev B - Dalby Planning
GB-WD11 Rev A - Gisburn Planning
GW-WD11 Rev B - Greenwood Planning and Feature Planning
WL-WD11 Rev A - Whiteleaf Planning

19080 - 61 - P5 - SUDs Details - A1 L
19080 - 11 - P3 - Proposed Surface Finishes and Kerb Layout - A1L
19080 - 01 - P13 - Proposed Engineering Layout - A1L
134247/8001 Rev C
134247-PL-8002-A1LV
134247-PL-8003-A1LV
Flood Risk and Drainage Strategy 19080 - 01 Rev A
SUDs Maintenance Plan 19080-01

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, no new external materials shall be used on site until final details of these have been submitted to an approved in writing by the Local Planning Authority.

4

The details approved under condition 3 shall be implemented in full accordance with the approved details and retained as such for the lifetime of the development.

The final boundary treatment/enclosure details approved under condition 3 shall be implemented in accordance with the approved details before the respective dwelling(s) hereby approved are occupied and retained as such for the lifetime of the development.

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 thereafter.

5

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

6

No development hereby approved shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The Plan shall provide for:

- (a) The parking of vehicles of site operatives and visitors
- (b) A Construction Traffic Management Plan which includes further details of the management of vehicles arriving at and leaving the site during construction;
- (c) Storage of plant and materials to be used in constructing the development
- (d) The erection and maintenance of security hoarding
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) Measures to control noise and vibration during construction
- (h) A scheme for recycling/disposing of waste resulting from construction works.
- (i) Measures to control surface water run-off, to ensure there is no off-site flooding during construction

Reason for pre-commencement condition

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.

7

The development hereby approved shall be implemented wholly in accordance with Construction Management Plan measures approved under condition 6 at all times during construction.

8

No dwelling hereby approved shall be occupied until a plan clearly identifying at least 6 dwellings that are to be constructed to meet the Building Regulation M4(2) Category 2: Accessible and Adaptable Dwellings standard or equivalent successor standards has been submitted to and approved in writing by the Local Planning Authority.

The identified dwellings shall be constructed as such and retained and maintained as such for the lifetime of the development.

9

No dwelling hereby approved shall be occupied until a statement explaining the outcome of engagement with more than one digital infrastructure provider to explore how digital communication networks can be integrated into the development has been submitted to and approved in writing by the Local Planning Authority.

10

No dwelling hereby approved shall be occupied until final details of the play area, including precise location and extent, play facilities, timescales for its laying out and long term maintenance, have been submitted to and approved in writing by the Local Planning Authority.

11

The play area approved under condition 10 shall be implemented in accordance with the approved details and maintained as such for the lifetime of the development.

12

No development or other operations shall commence on site in connection with the development hereby approved, (including, soil moving or any operations involving the use of motorised vehicles or construction machinery) until a Tree Protection Scheme and Arboricultural Method Statement relating to trees outside the site, on its western, northern and eastern boundaries, have been submitted to and approved in writing by the Local Planning Authority.

Reason for pre-commencement condition

To ensure that trees are appropriately protected at all times during works and construction.

13

The details approved under condition 12 shall be implemented at all times during construction 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.

14

No dwellings hereby approved shall be occupied until a scheme relating to electric vehicle charging infrastructure has been submitted to and approved in writing by the Local Planning Authority.

15

The scheme approved under condition 14 shall be implemented in accordance with the approved details before the respective dwelling is occupied and the electric vehicle infrastructure shall be retained and maintained as such for the lifetime of the development.

16

No dwellings hereby approved shall be occupied until final details of secure and weatherproof cycle storage for each dwelling have been submitted to and approved in writing by the Local Planning Authority.

17

The details approved under condition 16 shall be implemented in accordance with the approved details before the respective dwelling is occupied and retained and maintained as such for the lifetime of the development.

18

Notwithstanding the approved plans, the construction of the dwelling house on plot 19 (as shown on plan CellC/A/GA/001 rev K) shall not progress above damp proof course level until final details of northern elevation of plot 19, showing enhanced active design and visual interest, have been submitted to and approved in writing by the Local Planning Authority.

19

The dwelling house on plot 19 (as shown on plan CellC/A/GA/001 rev K) shall be constructed wholly in accordance with the details approved under condition 18 and retained as such for the lifetime of the development.

20

Notwithstanding the approved plans, no boundary treatments shall be installed on site until final details of these (including appearance and siting) have been submitted to and approved in writing by the Local Planning Authority. The details shall also include the following:

- (a) Removal of excess fencing/railings around landscaping to the north of plot 19 (as a minimum, removal of the 500mm High 'Race course' style timber fencing around that landscaping area)
- (b) Provision of improved access to the play area for plots 19-22 (eg. a gate/gap at the north west corner of the footpath around these plots)
- (c) Measures to provide a more secure environment for the toddler play area in relation to the detention basin/SuDS feature

21

The details approved under condition 20 shall be implemented in full accordance with the approved details before units 19-22 (as shown on plan CellC/A/GA/001 revK) are occupied, and retained and maintained as such for the lifetime of the development.

22

No new hard landscaping shall be used on site until final details of the appearance of the hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timescale for its implementation.

23

The hard landscaping details approved under condition 22 shall be implemented in accordance with the approved details, including the approved timescale, and retained as such for the lifetime of the development.

24

No works associated with the development (including site/vegetation clearance and soil stripping) shall commence on site until a Biodiversity Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Method Statement shall include full details of the measures to be implemented to avoid/minimise the risk of harm to biodiversity including statutorily protected and priority species and retained habitats during the site clearance and construction phase, and to provide suitable opportunities for biodiversity, including statutorily protected and priority species (i.e. roosting bats, breeding birds and hedgehog) on site post development.

Reason for pre-commencement condition

To avoid/minimise harm to biodiversity at all times during works and construction.

25

The development hereby approved shall be implemented in full accordance with the biodiversity method statement approved under condition 24 at all times during works on site associated with the development and until final completion.

26

Notwithstanding the submitted information, the development hereby approved shall not progress beyond the damp course layer of any dwelling until full details of the soft landscaping and areas of habitat creation, including timescales for implementation, have been submitted to and approved in writing by the local planning authority.

27

The soft landscaping and habitat creation scheme approved under condition 26 shall be implemented in full accordance with the approved measures and timescales, and maintained thereafter for a minimum of 30 years.

28

No dwelling hereby approved shall be occupied until a detailed management plan, annual maintenance programme, monitoring protocol and arrangements to address any defects/issues adversely impacting the value and function of the soft landscaping and/or habitats provided on site have been submitted to and approved in writing by the Local Planning Authority.

29

The details approved under condition 28 shall be implemented in full accordance with the approved details at all times for the life of the development or a period of no less than 30 years.

30

No development hereby approved shall commence until the mitigation strategy (Geo-Environmental Assessment (12757, 07/06/13)) to address land instability arising from coal mining legacy have been implemented on site in full.

Reason for pre-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 building works commence on site.

31

The development hereby approved 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.

32

Where required, the remediation and monitoring measures approved under Condition 31 shall be implemented in accordance with the details and timescales approved and in full accordance with the approved details.

33

Any undesirable material observed during excavation of the existing ground shall be screened and removed. 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.

34

The remediation and monitoring measures approved under condition 33 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.

35

Where remediation is required (under conditions 30-34), following completion of the approved remediation and monitoring measures, no dwelling hereby approved shall occupied 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.

36

The development hereby approved shall not progress above damp proof course of any dwelling until the following details have been submitted to and approved in writing by the Local Planning Authority:

- (a) Detailed final drawings of the proposed drainage scheme
- (b) Final details and specification of the proposed downstream defender (including size and model)
- (c) Final details relating to landscaping and biodiversity aspects of the detention basin design
- (d) Final details confirming the factor of safety available when the basin is full
- (e) Confirmation of the form of headwall for adoption by Northumbrian Water

37

The development hereby approved shall be implemented in accordance with the details approved under condition 36 at all times and retained and maintained as such for the lifetime of the development.

The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 5506 and ensure that surface water discharges to the surface water sewer at manhole 5505 at a restricted rate of 3.1l/sec.

38

No dwelling hereby approved shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority:

(a) As-built information relating to the principal elements of the final drainage scheme, demonstrating that design intent has been delivered. This shall include a topographical survey of the detention basin area together with the approved sewer adoption plan.

(b) Final details of Drainage and Flooding Management and Maintenance, including timescales

39

The drainage and flooding management and maintenance measures approved under condition 38 shall be implemented in accordance with the approved details and timescales and retained and maintained as such for the lifetime of the development.

40

No construction works associated with the installation of kerbing on site shall commence until final details of the raised table/plateau (within the site and extending north towards the junction with Blackfell Way), demonstrating the calming feature would be 100mm high with 1:10 on/off ramps, and including timescales for implementation, have been submitted to and approved in writing by the Local Planning Authority.

41

The details approved under condition 40 shall be implemented in full accordance with the approved details and timescales prior to first occupation of any dwelling

house within the development, and retained and maintained as such for the lifetime of the development.

42

No dwelling hereby approved shall be occupied until the following details (including timescales for implementation) have been submitted to and approved in writing by the Local Planning Authority:

(a) 'Give way' markings at the junction with Blackfell Way

(b) Removal of the existing pedestrian refuge to the north of the site on Blackfell Way, and provision of a pinch-point/build-out on the main road that would act both as a traffic calming device and a cycle crossing point

(c) Widening of footways on north and south sides of Blackfell Way to allow an uninterrupted cycle route through the application site, across Blackfell Way at the crossing point under (b) and linking with the existing route immediately north of the crossing point.

43

The details approved under condition 42 shall be implemented in full accordance with the approved details and timescales.

44

No dwelling hereby approved shall be occupied until the following highways details (including timescales for implementation) have been submitted to and approved in writing by the Local Planning Authority:

(a) Final engineering details for the cycle route (including final levels and connection with the route from the south)

(b) Formal marking-out of the private parking bays for plots 19 to 22, within the off-street private forecourt area.

45

The details approved under condition 44 shall be implemented in full accordance with the approved details and timescales prior to first occupation of the development, and retained and maintained as such for the lifetime of the development.

46

No dwelling hereby approved shall be occupied until final details of the cycle route signage and markings, including timescales for implementation, have been submitted to and approved in writing by the Local Planning Authority.

47

The details approved under condition 46 shall be implemented in full accordance with the approved details and timescales and retained as such for the lifetime of the development.

48

All kerbing throughout the development shall have a face/upstand of 100mm, only reducing to near flush at driveways and pedestrian crossing points and there shall be channel drains where any driveway falls towards a public footway or carriageway.

Additionally, a 2m x 2m visibility splay shall be provided to both sides of all driveways (where a double driveway or two combined single driveways with a buffer exist, the splay requirement will be to the sides of the overall driveway dimension)

49

No dwelling hereby approved shall be occupied until final details of a welcome pack (including timescales for implementation) to be provided to new residents have been submitted to and approved in writing by the Local Planning Authority. The welcome pack shall include details of:

- (a) Local public transport information
- (b) Cycle parking provision
- (c) EV charging provision
- (d) Local amenities within walking/cycling distance
- (e) A pre-loaded travel 'POP' card to every new dwelling

50

The details approved under condition 49 shall be implemented in accordance with the approved details and timescales.

51

Internal noise levels in habitable rooms at each dwelling shall meet the sound level values shown in Table 4 of the standard BS8233:2014 - Guidance for sound reduction and noise insulation in buildings.

Date of Committee: 26/10/2022

Application Number and Address:

DC/21/01247/FUL
Land North of Charlton Walk
Gateshead

Applicant:

Big Local Gateshead c/o Sharon Lake

Proposal:

Construction of 16no. new residential dwellings, plus associated highways access and landscaping (revised application) (amended plans received 10/06/22 and 08/09/22 and amended and additional information received 05/08/22 and 08/09/22)

Declarations of Interest:

Name

Nature of Interest

None

List of speakers and details of any additional information submitted:

None

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 -

4003-10-100 rev P5 Site Location Plan
4003-10-102 revP14 Proposed Site Block Plan16 Units
4003-10-101 revP17 Proposed Site Plan16 Units
4003-20-01 revP4 House Type A
House Type B 4003-20-02-P4
House Type C 4003-20-03-P4
003-01 -J- External Works
4003-10-103 revP2 Noise and Ecology 16 Units

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 dwellings hereby approved shall not be occupied until final details of the appearance and siting of boundary treatments have been submitted to and approved in writing by the Local Planning Authority.

4

The boundary treatment details approved under condition 3 shall be implemented in accordance with the approved details before the dwellings hereby approved are occupied and retained as such for the lifetime of the development.

The development hereby permitted shall also be constructed entirely of the materials detailed below:

Red facing brick (Ibstock Glenallen)
Marley Modern Smooth Grey roof tiles
White UPVC windows
Feature panels of timber effect fibre cement cladding

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 dwellings hereby approved and retained as such for the lifetime of the development.

5

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

6

No development hereby approved shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The Plan shall provide for:

- (a) The parking of vehicles of site operatives and visitors
- (b) A Construction Traffic Management Plan which includes further details of the management of vehicles arriving at and leaving the site during construction;
- (c) Storage of plant and materials to be used in constructing the development
- (d) The erection and maintenance of security hoarding
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) Measures to control noise and vibration during construction
- (h) A scheme for recycling/disposing of waste resulting from construction works.

(i) Measures to control surface water run-off, to ensure there is no off-site flooding during construction

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.

7

The development hereby approved shall be implemented wholly in accordance with Construction Management Plan measures approved under condition 6 at all times during construction.

8

The development hereby approved shall be implemented in accordance with the noise mitigation measures as detailed in section 4 of the 'Residential Noise and Vibration Assessment' by Nova Acoustics dated 30.08.2022 (project no. 7359SR - Rev A), and with boundary treatment types as shown on plan 4003-10-101 revP17. No dwelling shall be occupied until the respective measures relating to that unit have been fully implemented and post-construction noise testing has demonstrated that the relevant internal noise levels have been achieved. Thereafter, the measures shall be maintained in accordance with the approved details for the lifetime of the development.

Any dwelling not passing the post-construction noise test shall not be occupied until the internal noise levels, at that property, have been re tested and have been shown to have achieved the relevant internal noise levels.

9

The details of the mechanism for securing and delivering the affordable housing provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, this provision will be implemented prior to the occupation of any of the dwellings approved.

10

No dwelling hereby approved shall be occupied until a plan clearly identifying at least 4 dwellings that are to be constructed to meet the Building Regulation M4(2) Category 2: Accessible and Adaptable Dwellings standard or equivalent successor standards has been submitted to and approved in writing by the Local Planning Authority.

The identified dwellings shall be constructed as such and retained and maintained as such for the lifetime of the development.

11

No dwelling hereby approved shall be occupied until a statement explaining the outcome of engagement with more than one digital infrastructure provider to explore how digital communication networks can be integrated into the development has been submitted to and approved in writing by the Local Planning Authority.

12

No development or other operations shall commence on site in connection with the development hereby approved, (including, soil moving or any operations involving the use of motorised vehicles or construction machinery) until a Tree Protection Scheme and Arboricultural Method Statement have been submitted to and approved in writing by the Local Planning Authority.

Reason for pre-commencement condition

To ensure that trees are appropriately protected at all times during works and construction.

13

The details approved under condition 12 shall be implemented at all times during construction 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.

14

No dwellings hereby approved shall be occupied until a scheme relating to electric vehicle charging infrastructure has been submitted to and approved in writing by the Local Planning Authority.

15

The scheme approved under condition 14 shall be implemented in accordance with the approved details before the respective dwelling is occupied and the electric vehicle infrastructure shall be retained and maintained as such for the lifetime of the development.

16

No dwellings hereby approved shall be occupied until final details of secure and weatherproof cycle storage for each dwelling have been submitted to and approved in writing by the Local Planning Authority.

17

The details approved under condition 16 shall be implemented in accordance with the approved details before the respective dwelling is occupied and retained and maintained as such for the lifetime of the development.

18

No dwellings hereby approved shall be occupied until the following details and timescales for their implementation, have been submitted to and approved in writing by the Local Planning Authority:

a) A detailed highways design, including for the extension of the 20mph zone into the new cul-de-sac; any necessary upgrade work deemed necessary on the existing carriageway of Charlton Walk (between Derwentwater Road and the development access), inclusive of all signs, lines and any new traffic calming devices; dropped kerbs across the new access; any signs, lines or features deemed necessary to protect the existing cycle route along Charlton Walk; any amendment deemed necessary to the existing 20mph Traffic Regulation Order (TRO) and/or a new TRO

b) Details of all areas of public highway to be stopped-up or improved

c) A street lighting scheme to adoptable standards (showing relocation of the existing lighting column on Charlton Walk and a new street lighting scheme for the development, including the specifications and locations of the street lights.)

19

The details approved under condition 18 shall be implemented in accordance with the approved details and timescales and retained and maintained as such thereafter.

20

The remediation and monitoring measures hereby approved (including measures to address land stability), as detailed in the Phase 2: Ground Investigation Report (15 April 2020) and the Supplementary Investigation Works (14 May 2020) (both reference 20-024) shall be implemented in full accordance with the approved details before the development progresses above damp proof course.

21

Any undesirable material observed during excavation of the existing ground shall be screened and removed. 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 an amended Risk Assessment and, if required, amended remediation and monitoring measures have been and submitted to and approved in writing by the Local Planning Authority.

22

The amended remediation and monitoring measures approved under condition 21 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.

23

Where remediation is required (under conditions 20-22), following completion of the approved remediation and monitoring measures, no dwelling hereby approved shall not be occupied 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.

24

The development hereby approved shall not commence until a final detailed drainage scheme for the development has been submitted to and approved in writing by the Local Planning Authority.

The drainage scheme shall include:

(a) a final drainage plan and supporting drainage calculations together with site specific cross sections through all key drainage components (sewers, attenuation tank, flow control chamber, permeable paving).

(b) information demonstrating how runoff from all areas will receive an appropriate level of treatment in line with the Simple Index Approach of The SuDS Manual

(c) confirmation of foul flows discharging to the foul sewer at manhole 4309 and that surface water discharges to the surface water sewer at manhole 4310, and that the surface water discharge rate would not exceed the available capacity of 2.6 l/sec

Reason for pre-commencement condition

To ensure an appropriate and adequate drainage scheme can be achieved on site before the development commences.

25

The development hereby approved shall be implemented in accordance with the details approved under condition 24 at all times and retained and maintained as such for the lifetime of the development.

26

No dwelling hereby approved shall be occupied until a Drainage Maintenance Plan (DMP) has been submitted to and approved in writing by the Local Planning Authority.

The DMP shall include a site plan identifying ownership and responsibility for plot level, shared and site wide drainage components together with a maintenance schedule and inspection checklist. The DMP shall identify any drainage components that may require replacement within the lifetime of development and a strategy for their renewal.

27

The details approved under condition 26 shall be implemented at all times for the lifetime of the development.

28

No development hereby approved shall not commence (including site clearance works) until an updated Biodiversity Net Gain (BNG) Assessment has been submitted to and approved in writing by the Local Planning Authority.

The assessment shall be based on the updated Biodiversity Area Plan (Drawing No. 4003 10 200 P2) and Noise and Ecological Mitigation Plan (Drawing No. 4003 10 103 P2) and shall include:

(a) Updated BNG Metric (completed metric Excel document to be submitted) with information directly related to the Habitat Baseline Plan and the Proposed Habitats Plan

(b) Proposed Habitats Plan showing different habitat parcels individually referenced and identifiable in order that these can be cross-referenced within the metric

(c) Confirmation that the proposed development will deliver Biodiversity Net Gain

Reason for pre-commencement condition

To ensure Biodiversity Net Gain can be achieved on site before the development commences.

29

The development hereby approved shall not progress beyond damp proof course level until a Landscape and Ecological Design Strategy (LEDS) has been submitted to and approved in writing by the Local Planning Authority (LPA). The LEDS shall include full details of the habitat creation/enhancement and landscaping measures to be delivered on site, and which will deliver a Biodiversity Net Gain in accordance with the updated BNG Assessment and updated Biodiversity Area Plan approved under condition 28, and details as follows:

- (a) Purpose and conservation objectives
- (b) Review of site potential and constraints
- (c) Detailed design(s) and working methods, including site preparation, to achieve stated objectives
- (d) Extent and location/area of proposed works on appropriate scale maps and plans
- (e) Type and source of materials to be used e.g. native species of local provenance
- (f) Timetable for implementation demonstrating that works align with the proposed phasing of the development
- (g) Persons responsible for implementing the works
- (h) Details of initial aftercare, maintenance, monitoring and remedial measures

30

The development hereby approved shall not progress beyond damp proof course level until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority.

The LEMP shall include full details of the management of the landscaping and habitats to be created/enhanced on site, as part of the Landscape and Ecological Design Strategy (LEDS) approved under condition 29, for a period of no less than 30 years, and shall include the following details:

- (a) Description and evaluation of features to be managed
- (b) Ecological trends and constraints on site that might influence management
- (c) Aims and objectives of management
- (d) Appropriate options for achieving aims and objectives
- (e) Prescriptions for management actions
- (f) Preparation of work schedule (including annual work plan capable of being rolled forward over a five-year period)
- (g) Details of the body or organisation responsible for implementation of the plan
- (h) Ongoing monitoring and remedial measures
- (i) Details of legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery
- (j) Measures for how contingencies and/or remedial measures will be identified, agreed and implemented, where the results for monitoring show that the conservation aims of the LEMP are not being met.

31

The Landscape and Ecological Management Plan (LEMP) approved under condition 30 shall be implemented at all times in accordance with the approved details for a period of no less than 30 years.

32

The development hereby approved shall not progress beyond damp proof course level until a Biodiversity Net Gain (BNG) Monitoring Strategy has been submitted to and approved in writing by the Local Planning Authority. The BNG Monitoring Strategy shall include details of the monitoring of BNG measures to be delivered on site, and include the following:

- (a) Aims and objectives of monitoring to match the stated purpose
- (b) Identification of adequate baseline conditions prior to the start of development
- (c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged
- (d) Methods of data gathering and analysis
- (e) Location of monitoring
- (f) Timing and duration of monitoring
- (g) Responsible persons and lines of communication
- (h) Review, and where required by the Local Planning Authority, publication of results and outcomes
- (i) Measures for reporting the results of monitoring to the Local Planning Authority

33

The Biodiversity Net Gain (BNG) Monitoring Strategy approved under condition 32 shall be implemented at all times in accordance with the approved details for a period of no less than 30 years.

34

No works associated with the development (including site/vegetation clearance and soil stripping) shall commence on site until a Biodiversity Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Method Statement shall include full details of the measures to be implemented to avoid/minimise the risk of harm to biodiversity including statutorily protected and priority species and retained habitats during the site clearance and construction phase, and to provide suitable opportunities for biodiversity, including statutorily protected and priority species (i.e. roosting bats, breeding birds and hedgehog) on site post development.

Reason for pre-commencement condition

To avoid/minimise harm to biodiversity at all times during works and construction.

35

The development hereby approved shall be implemented in full accordance with the Biodiversity Method Statement approved under condition 34 at all times during works on site associated with the development and until final completion.

36

The dwellings hereby approved shall not be occupied until the following features have been implemented on site, and they shall be retained as such for the lifetime of the development:

- (a) Integral potential bat roost features within at least four of the new dwellings
- (b) A total of eight bird nesting boxes (a mix of integral and tree mounted) for an appropriate suite of species
- (c) Hedgehog highways (13cm x 13cm gaps) to all 1.8m high fencing as shown on plan 4003-10-101 revP17

37

Installation of temporary works compounds located adjacent the operational railway, excavations and earthworks carried out near the railway undertaker's boundary fence, and use of machinery where vibro-compaction machinery is to be used in development shall each not commence until final details and method statements relating to the respective works have been submitted to and approved in writing by the Local Planning Authority (in consultation with Network Rail).

Additionally, where excavations/piling/buildings would be located within 10m of the railway boundary, no works within that area shall commence until method statements relating to the method of construction, risk assessment in relation to the railway and construction traffic management plan have been submitted to and approved in writing by the Local Planning Authority (in consultation with Network Rail).

38

Where required, the details approved under condition 37 shall be implemented in full accordance with the approved details at all times until final completion of the development.

Date of Committee: 26/10/2022

Application Number and Address:

DC/21/01368/FUL
Land to the west of Sainsbury's Supermarket
Eleventh Avenue
Team Valley
Gateshead

Applicant:

Location 3 Properties Ltd

Proposal:

Construction of a building for flexible employment - based development for B8 (Storage and Distribution) or as a Builder's Merchant (Sui Generis), with associated hardstanding, parking and landscaping (amended/additional information received 25 May 2022, 1 August 2022, 31 August 2022, 8 September 2022, 15 September 2022, 30 September 2022 and 14 October 2022 and amended description 19 August 2022).

Declarations of Interest:

Name

Nature of Interest

None

List of speakers and details of any additional information submitted:

The Committee were advised that Councillors (not officers) had received an email from the Agent which therefore did not form part of the application, and Committee were advised to bear this in mind when considering the application.

Members given a verbal update following the receipt of a joint representation from Lamesley Ward Councillors Gallagher and McCoid. Their comments were read out in full.

Any additional comments on application/decision:

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

1

Loss of visually important trees and fronting of a blank rear elevation in a prominent roadside frontage would result in significant adverse impacts on the character, appearance and visual amenity of the site and its surroundings, in conflict with policies MSGP24, MSGP36 and CS15 and Part 12 of the NPPF.

2

The development would not mitigate the additional vehicle movements it would generate in an existing heavily trafficked area, or maximise access to the site by sustainable modes of travel or provide direct, safe, secure and continuous pedestrian and cycling links. This would result in unacceptable impacts on the efficient operation of the road network and

adding to existing congestion, in conflict with policies MSGP15, CS13 and paras. 104, 110 and 112 of part 9 of the NPPF.

3

Failure to provide adequate turning and access arrangements for flat bed HGVs would be hazardous to all users of the site and public highway, resulting in adverse and unacceptable impacts upon highway safety, in conflict with policies CS13 and MSGP15 and paras. 110 (b) and (d), 111 and 112 (c) of the NPPF.

