

Date of Committee: 4<sup>th</sup> October 2023

<p><b>Application Number and Address:</b></p> <p><b>DC/23/00225/FUL</b>  Land To West of Long Rigg Road and South Of  J R Adams Newcastle Ltd  Unit 5  Hannington Works  Long Rigg  Swalwell  NE16 3AS</p>	<p><b>Applicant:</b></p> <p>J R Adams Transport</p>				
<p><b>Proposal:</b></p> <p>Erection of a building for storage and distribution use (Use Class B8) with associated car parking and office welfare building (amended 27/07/23).</p>					
<p><b>Declarations of Interest:</b></p> <table border="1"> <thead> <tr> <th data-bbox="113 987 774 1032">Name</th> <th data-bbox="774 987 1525 1032">Nature of Interest</th> </tr> </thead> <tbody> <tr> <td data-bbox="113 1055 774 1099">None</td> <td data-bbox="774 1055 1525 1099">None</td> </tr> </tbody> </table>		Name	Nature of Interest	None	None
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None	None				
<p><b>List of speakers and details of any additional information submitted:</b></p> <p>None.</p>					
<p><b>Decision(s) and any conditions attached:</b></p> <p>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</p> <p>1  The development shall be carried out in complete accordance with the approved plan(s) as detailed below -  0002985-1111-Proposed Site Plan-P09  0002985-1120-Proposed Landscaping Plan-P09  0002985-1110-P02-Proposed Floor Plan &amp; Roof Plan-P02  0002985-1110-Proposed Floor Plans-P04  0002985-1150-Proposed Elevations-P05  7102 Swalwell BNG R03  JCC22_185_C_01_01_Flood Risk Assessment  JCC22_185_C_02_03_Drainage Strategy  Tree Survey - Arboricultural Implications Assessment</p>					

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

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

4

The development hereby approved shall be undertaken in accordance with the materials schedule approved at condition 4.

5

Notwithstanding the approved plans, the development hereby approved shall not be occupied until the final details of the proposed cycle link, including surface materials, gate specifications, access control measures, and an implementation timeline have been submitted to and approved in writing by the Local Planning Authority.

6

The cycle access approved as part of Condition 5 shall be completed in full accordance with the approved details and timetable for implementation and shall be retained in accordance with the approved details.

7

Notwithstanding the approved plans, the development hereby approved shall not be occupied until the final details, including a timetable for implementation, of the proposed cycle storage and facilities for staff cyclists within the building i.e. showers, changing rooms, and lockers have been submitted to and approved in writing by the Local Planning Authority.

8

The cycle storage and cycle facilities approved as part of Condition 7 shall be completed in full accordance with the approved details and timetable for implementation and shall be retained in accordance with the approved details.

9

Notwithstanding the approved plans, the development hereby approved shall not be occupied until the final details of the proposed electric vehicle charging facilities, including passive infrastructure and a timetable for implementation, have been submitted to and approved in writing by the Local Planning Authority.

10

The electric vehicle charging facilities approved as part of Condition 9 shall be completed in full accordance with the approved details and timetable for implementation and shall be retained in accordance with the approved details.

11

No development (including demolition) shall commence until a Construction Management Plan (DCMP) has been submitted to and approved in writing by the Local Planning Authority.

The CMP shall include:

- a) a dust and air quality management plan
- b) a noise and vibration management plan
- c) contractor parking
- d) method(s) for limiting debris/dust spill on the highway.

All external works and ancillary operations in connection with the demolition and/or 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, unless otherwise approved in writing by the Local Planning Authority.

Any temporary alteration to the working hours set out in this condition shall be submitted as part of the DCMP and approved in writing by the Local Planning Authority.

Reason for Pre-commencement Condition

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

12

The development shall be implemented in accordance with the Demolition and Construction Management Plan measures approved at condition 11.

13

Prior to the commencement of development, a Site Investigation with a Phase II Detailed Risk Assessment specific to the development hereby approved shall be 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 Pre-Commencement Condition

This pre commencement condition is required as it may not be possible to carry out the site investigations works after development has commenced.

14

Prior to the commencement of development hereby approved, where remediation is identified under condition 13 a detailed Remediation Strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment shall be submitted to and approved in writing by the Local Planning Authority.

The Remediation Strategy (including timescales for implementation) shall detail objectives, methodology and procedures of the proposed remediation works.

#### Reason For Pre-Commencement Condition

This pre commencement condition is required as it may not be possible to carry out the site investigations and remediation works after development has commenced.

15

The remediation works detailed in the Remediation Strategy approved under Condition shall be wholly undertaken within the timescales set out within the approved strategy.

16

Following completion of the remediation measures approved under condition 14 a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority, prior to the occupation of the new buildings hereby approved.

17

Prior to commencement of any drainage works a final detailed drainage scheme shall be submitted to and approved by the Local Planning Authority. The drainage scheme shall include;

- a) a final drainage plan;
- b) supporting drainage calculations;
- c) site specific cross sections through all key drainage components (sewers, permeable paving);
- d) details demonstrating how runoff from all areas will receive an appropriate level of treatment in line with the Simple Index Approach of The SuDS Manual;
- e) details of drainage outfalls with evidence of agreement / consent from appropriate stakeholders (NWL, EA, Adjacent Landowners);
- f) Updated Biodiversity Net Gain Assessment including completed Watercourse Metric for the development, incorporating final detailed drainage scheme, and demonstrating the proposed delivery of a net gain in biodiversity as a result of the development (including drainage proposals); and
- g) a timetable for implementation.

18

The detailed drainage scheme approved under condition 17 shall be constructed in full accordance with the approved details and timescales for implementation.

19

Prior to first occupation of the development hereby approved a Drainage Maintenance Plan (DMP) shall be submitted to and approved in writing by the Local Planning Authority. The DMP shall include a site plan identifying ownership and

responsibility for all drainage components including permeable paving, separator, river outfall structure and non-return valve 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.

20

The approved drainage scheme shall be maintained in full accordance with DMP approved under condition 19 for the lifetime of the development.

21

No development shall take place until a construction environmental management plan (CEMP: Biodiversity) (prepared in consultation with a Suitably Qualified Ecologist (SQE)) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following;

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones" e.g. tree protection zones in accordance with BS5837-2012 'Trees in relation to construction';
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements e.g. invasive species method statement, amphibian method statement, measures to protect hedgehog and nesting birds during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features e.g. avoidance of vegetation clearance/works during the nesting bird season (March to September inclusive).
- e) Any times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs where appropriate.

#### Reason For Pre-Commencement Condition

This pre commencement condition is required as all development works need to be undertaken with an approved CEMP.

22

All site clearance and construction work shall take place in strict accordance with the CEMP approved under Condition 21, unless otherwise approved in writing by the LPA.

23

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

- a) Identify those areas/features on site or adjacent to site that are particularly sensitive for bats and that are likely to cause disturbance in or around their resting places (including any bat roost features installed as part of the

proposals) or along important routes used to access key areas of their territory, for example, for foraging; and

- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

24

All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy at condition 23.

25

Notwithstanding the approved details, the development shall not progress beyond the damp course until full details of the soft landscaping and areas of habitat creation/enhancement listed in the onsite and offsite habitat creation/enhancement sections of the submitted biodiversity net gain assessment (as updated to discharge Condition 17, including a completed Watercourse Metric), including planting specifications, timescales for implementation and a maintenance schedule, have been submitted to and approved in writing by the local planning authority.

26

The soft landscaping and habitat creation scheme, approved under condition 25, shall be implemented, and maintained in full accordance with the approved details and timetable for implementation.

27

Prior to the first use of the development hereby approved, a detailed Ecological and Landscape Management, Maintenance and Monitoring Plan, which includes arrangements to address any defects/issues adversely impacting the biodiversity value and function of the soft landscaping and/or habitats provided on/off site, shall be submitted to and approved in writing by the Local Planning Authority.

28

The Ecological and Landscape Management, Maintenance and Monitoring Plan, approved under Conditions 27, shall be implemented in full for the lifetime of the development.

29

Prior to the first occupation of the development hereby approved, a timetable for the closure and making good of the easternmost existing vehicular site access shown on submitted plan Site Layout Plan - Existing (0002985-1011-P01), shall be submitted to and approved in writing by the Local Planning Authority.

30

The closure and making good of the easternmost existing vehicular access shall be undertaken in accordance with approved plan 0002985-1111-Proposed Site Plan-P09 and the timetable for implementation approved under Condition 29.

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

The application was Granted.

**Appendix**

**Date of Committee: 4<sup>th</sup> October 2023**

**Application Number and Address:**

DC/23/00420/FUL  
Land To The North Of Team Valley Retail  
World  
Junction Of Dukesway And Tenth Avenue  
West  
Gateshead  
NE11 0BD

**Applicant:**

EG Group Limited

**Proposal:**

Demolition of building and the erection of 1no. Petrol Filling Station and ancillary unit, 1no. Drive-Thru Coffee Shop, circulatory routes, associated car parking, landscaping, and other works (resubmission) (additional information received 01.09.2023).

**Declarations of Interest:**

**Name**

**Nature of Interest**

None

None

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

Mr Bruce Risk was due to speak as Agent in Favour of the application, however, he was unable to attend the Committee meeting and instead submitted a written statement which was read to members of the Committee by a Council Officer.

**Decision(s) and any conditions attached:**

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

The proposal fails to accord with the requirements of specific Team Valley Key Employment Area policies, and it is considered that, in principle, the proposal would

prejudice and cause harm to the designated Key Employment Area, contrary to the aims and requirements of the NPPF and policies CS6, MSGP2 and MSGP4 of the Local Plan.

2

The development proposed would result in an unacceptable impact on ecology. The proposal is not in accordance with the mitigation hierarchy and would result in an unacceptable residual adverse impact on national and local priority habitat and species and would not result in a net gain of biodiversity. This is contrary to the aims and requirements of the NPPF and policies CS18 and MSGP36 and MSGP37 of the Local Plan.

3

The proposal for major development does not incorporate sustainable drainage systems and there is no clear evidence submitted with the application to demonstrate that this would be inappropriate. The application also fails to clearly demonstrate that that flood risk would not be increased elsewhere, nor can the Local Planning Authority be satisfied that the proposed development would not have an unacceptable impact on flood risk, contrary to the National Planning Policy Framework, and policies CS17, MSGP29 and MSGP30 of the Local Plan.

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

The application was refused.