South Tyneside Council

Reference:	ST/0055/24/COND
Location:	1-4 Claypath Lane South Shields Land South West of Telephone Exchange Claypath Lane Crossgate South Shields NE33 4PG
Ward:	Beacon and Bents
Description:	Discharge of conditions 5 - Investigation and Risk Assessment, 6 - Remediation, 11 - Drainage Scheme, 14 - Construction Method Statement & 18 - Car and Cycle Parking Layout - relating to previously approved planning application ST/0746/22/FUL
Recommendation:	Approve Details of Condition
Case Officer:	Helen Lynch
Case Officer Contact No.:	0191 4247408 or 07741106225

Assessment

Planning permission ref: ST/0746/22/FUL was granted for a proposed coffee shop with drive-thru, 3 no. commercial units (Use Class E) together with 35 new parking spaces (across the overall site), 3 cycle racks, new boundary treatments and landscaping on 09/08/2023.

This application seeks to approve the details required by a number of conditions, condition 5 (contamination), condition 6 (remediation)11 (drainage), 14 (construction method statement) and 18 (car and cycle parking layout). The application has been amended following its initial submission due to a subsequent application for a non-material amendment in relation to previously approved planning application (ST/0746/22/FUL) being submitted to relocate the bin store to the opposite end of the parking bays (to the west), extend the landscape area, and remove the existing brick wall and replace with a timber knee rail fence (ref: ST/0701/24/NMA).

Condition 5 stated:
Prior to the commencement of development an investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The

investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval 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, (ii) an assessment of the potential risks to human health, property (existing or proposed) and (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination: Risk Management'.

To ensure that risks from land contamination to the future users of the land are minimised, and to ensure that development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with South Tyneside LDF Development Management Policies DM1 and EA5 and the NPPF

Condition 6 stated:
A Detailed Remediation Strategy for the proposed remedial works shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of any remedial works. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Where remediation of gas has been identified as necessary by the site investigation a gas verification plan shall be submitted for the proposed gas protection measures. The works shall thereafter take place in accordance with the approved details.

To ensure that risks from land contamination to the future users of the land are minimised, and to ensure that development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with South Tyneside LDF Development Management Policies DM1 and EA5 and the NPPF.

Condition 11 stated:
Development shall not commence until a detailed drainage scheme for the disposal of foul and surface water from the development has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be in accordance with the submitted document entitled 'RAB_2957_FRD. Claypath-Crossgate - Drainage Strategy received 21/10/2023 and include permeable paving to all parking bays, The drainage scheme shall include a detailed development layout, civil engineering details (including details of the SuDS features including permeable paving and geocellular attenuation - long and cross sections), maintenance requirements, programme and maintenance responsibilities for all SuDS features, detailed drainage drawings and hydraulic calculations highlighting how exceedance flows are to be managed.

To ensure that the discharge of surface / foul water from the site does not increase the risk of flooding in accordance with Policies ST2 and DM1 of the South Tyneside Local Development Framework and the NPPF.

Condition 14 stated:
Development shall not commence until a Construction Method Statement, together with a supporting plan, has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement and plan shall, where applicable, provide for:

i. details of restricting times for deliveries / HGV movements to avoid conflicts at school drop off / pick up times at the nearby school.
ii. details of temporary traffic management measures, temporary boundary treatments, vehicular/pedestrian gates, visibility splays;

iii. method of preventing mud or other materials spilling out onto the highway from the site and/or cleaning the highway of such materials;
iv. the loading and unloading of plant and materials, including a turning area within the site;
v. the storage of plant and materials used in constructing the development;
vi. Temporary Traffic Regulation Order (TRO) requirements to suspend the use of certain parking areas on Claypath Lane carriageway during the construction phase of the development and until the permanent TRO has been secured.

To prevent nuisance, highways safety problems (including safety of school children at the nearby school), and residential amenity, in accordance with the Local Development Framework policies DM1 and the NPPF.

Condition 18 stated:
Notwithstanding the details already provided as part of this approved planning application, as shown on Drg. no. 222008-IMA-ST-XX-DR-A-050102 rev P05 received 10/05/2023 and Drg. no. 222008-IMA-ST-XX-DR-A-050103 rev P05 received 10/05/2023, and before development hereby permitted commences, full details for the car and cycle parking layout, shall be submitted to and approved in writing to the Local Planning Authority.

The development shall not be brought into use until the approved cycle parking has been implemented and the approved car parking, including any disabled and electric vehicle charging parking spaces contained therein, have been hard surfaced, sealed and marked out in parking bays in accordance with the approved plans. Thereafter, the car parking areas and cycle parking shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles and cycles associated with the development.

To ensure vehicle parking is accommodated within the site, in the interests of highway safety, in accordance with the Local Development Framework policies DM1 (G), SPD6 and the NPPF.

To accompany this application, the applicant has submitted a number of documents and plans, as listed below.

The Council's Environmental Protection Team, Lead Local Flood Authority and Local Highway Authority have been consulted on the application and following amendments (specifically in relation to highway details) the details are considered to be acceptable.

Therefore, it is considered that the information required by conditions 5, 6, 11, 14 and 18 are acceptable, having regard to the amended information submitted, and that the proposal would accord with the NPPF and LDF Policy DM1, ST2, EA5 and SPD6. Consequently, this application is recommended for approval.

Recommendations

Approve Details of Condition

List of plans etc. for standard note on decision

Condition 5

- Combined Phase I and II Geoenvironmental Ground Investigation Report received 26/01/2024

Condition 6

- Remediation Statement received 26/01/2024

Condition 11

- Dwg no. 22123 D200 Rev 8 – Drainage Plan received 10/4/2025
- Drainage maintenance plan received 27/02/2024
- Dwg no. 22123 D1004 rev 3 - Drainage layout and details received 10/4/2025
- Dwg no. 22123 D201 rev 5 – Drainage manholes received 10/4/2025

Condition 14

- Highways and Site Management Method Statement Version 3 received 13/06/24
- Amended Proposed Compound Locations Drg no. 224020-IMA-ST-XX-DR-A-061005 rev C02 received 11/06/24
- Dwg – 22123 -D1000 rev 6 – S278 Agreement received 03/07/25
- Dwg – 22123 -D1002 rev 5 – Road markings and signage received 03/07/25
- Dwg – 22123 -D1006 rev 3 – Road construction details received 03/07/25
- Dwg – 22123 -D1001 rev 4 – Site clearance received 17/4/25
- Dwg – 22123 -D1003 rev 4 – Road surfacing and kerbing received 03/07/25
- Dwg – 22123 -D1005 rev 4 – Road levels and cross sections received 03/07/25
- Dwg – 22123 -D1007 rev 4 – S278 General Arrangement received 03/07/25

Condition 18

- Dwg – 22123 -D1000 rev 6 – S278 Agreement received 03/07/25
- Dwg – 22123 -D1007 rev 4 – S278 General Arrangement received 03/07/25

Case officer: Helen Lynch
Signed: HL
Date: 03/07/2025

Authorised Signatory: *G. Simmonette*
Date: 03/07/2025