



South Tyneside Council

Reference:	250586
Location:	1-12, 14-33 Colliery Approach Whitburn Former Whitburn Lodge Public House Mill Lane Whitburn SR6 7BF
Ward:	Whitburn and Marsden
Description:	Discharge of Conditions 3 - Archaeology, Condition 4 - Badger checking survey and Precautionary Method Statement, Condition 5 - Demolition / Construction Method Statement, Condition 8 - Drainage Scheme, Condition 9 - External facing materials, roofing materials and hard surface treatment details, and Condition 10 - Boundary treatment and means of enclosure relating to Planning Application ST/0712/23/FUL, allowed at Appeal [PINS Appeal Ref. APP/A4520/W/25/3365110].
Recommendation:	Approve Details of Condition
Case Officer:	Helen Lynch
Case Officer Contact No.:	0191 4247408 or 07741106225

Assessment

This discharge of condition request application relates to the Former Whitburn Lodge Public House, Mill Lane, Whitburn SR6 7BF, for which an appeal was allowed and planning permission granted for the demolition of existing Whitburn Lodge Public House, vacant structures and associated car park and erection of up to 32 dwellings including vehicular access from Mill Lane, associated infrastructure and landscaping. Permission was granted subject to conditions.

This discharge of condition request application seeks to approve the details required by condition 3 – archaeology, condition 4 – badger checking survey and precautionary method statement, condition 5 - demolition / construction method statement , condition 8 – drainage scheme, condition 9 - external facing materials, roofing materials and hard surface treatment details, and condition 10 - boundary treatments and means of enclosure relating to previously approved Planning Application ST/0712/23/FUL, approved at Appeal Ref APP/A4520/W/25/3365110. The application submission originally included a discharge of

condition request for conditions 6 and 7, however these were subsequently withdrawn from this application.

An application for a Non-Material Amendment in relation to previously approved Planning Application ST/0712/23/FUL, approved at Appeal (Ref: APP/A4520/W/25/3365110) was received (reference 250700) to amend Condition 6 - Ground Investigation and Assessment and Condition 7 – Remediation scheme. This application sought to amend Conditions 6 and 7 to alter the trigger for these conditions so that the required details were to be submitted prior to the commencement of housing development, rather than prior to commencement of development (which would include demolition works). A subsequent discharge of condition application (reference 260187) was approved for conditions 6 and 7.

In respect of this current discharge of condition application, as set out above, the following conditions and respective details have been submitted:

Condition 3 stated:

No groundworks or development shall commence until the developer has appointed an archaeologist to undertake the following:

- a) Historic building recording (Historic England Level 2/3, Understanding Historic Buildings: A Guide to Good Recording Practice (2016)) of Hope House, in accordance with a specification to be provided by the Local Planning Authority.
- b) Historic building recording (Historic England Level 1/2, Understanding Historic Buildings: A Guide to Good Recording Practice (2016)) of the gate piers along with any other surviving extant features associated with the colliery, comprising a basic rectified photographic survey and a written description.

No dwelling shall be occupied until the Historic Building Recordings have been submitted to and approved in writing by the local planning authority.

Details submitted in respect of condition 3:

- Historic Building Recording – Whitburn Lodge received 17/09/2025

Condition 4 stated:

No development shall commence (including, demolition, ground works, site clearance) until the following details have been submitted to and approved in writing by the local planning authority:

- a) A pre-commencement badger checking survey within 3 months prior to the commencement of development and a pre-works check immediately before works commence on site to be undertaken by a suitably qualified ecologist.
- b) A precautionary method statement to address risk of harm to amphibians, hedgehogs and reptiles from demolition, site clearance and construction works. The method statement shall include:
 - i.) Purpose and objectives of the method statements.
 - ii.) Details to clarify that any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°.
 - iii.) Detailed design(s) and/or working method(s) necessary to achieve the stated objectives.
 - iv.) Extent and location of relevant works shown on appropriate scale maps and plans.
 - v.) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction.

vi.) Persons responsible for implementing the method statements and clearly stating when/if an Ecological Clerk of Works is required to oversee works.

The development shall be implemented in accordance with the approved details.

Details submitted in respect of condition 4:

- Badger Checking Survey received 17/09/2025
- Additional Details - Report reference: 6939 Whitburn Lodge Badger Letter L02 received 25/11/2025
- Ecological Method Statement received 17/09/2025

Condition 5 stated:

No development shall commence until a Demolition/Construction Method Statement (DCMS), together with a supporting plan, has been submitted to and approved in writing by the local planning authority. The approved DCMS shall be adhered to throughout the demolition and construction period. The DCMS and supporting plan shall, where applicable provide for:

- a) highway dilapidation / condition survey of the site frontage area of carriageway and cycleway/footway of Mill Lane (with a highway representative present at survey);
- b) details of temporary traffic management measures, temporary boundary treatments, vehicular/pedestrian gates, visibility splays, temporary access routes and vehicles;
- c) vehicle cleaning facilities and/or measures to ensure that the public highway is cleansed of debris from the construction vehicles;
- d) the parking of vehicles of site operatives and visitors;
- e) the loading and unloading of plant and materials, including turning area facilities (or one-way routing);
- f) storage of plant and materials used in constructing the development;
- g) details of temporary south-bound bus stop arrangements on Mill Lane for the duration of the construction phase of the development;
- h) temporary measures to be put in place to safeguard the permissive right of way or alternative route between Mill Lane and the recreational land to the east of the development site, including associated temporary signage, to replace the existing route lost during construction;
- i) phasing arrangements;
- j) mitigation measures; and
- k) Assessment of any potential risk of noise and air quality impacting on the existing residential receptors in proximity of the application site, including but not limited to, restricting times that noisy works can take place and a complaint management protocol.

Details submitted in respect of condition 5:

- Phase Plan Drg no. 800-A received 17/09/2025
- Whitburn Highway Dilapidations report received 17/09/2025
- Swept path analysis Drg no. ATR-001 received 17/09/2025
- Project Management Plan (PMP) and Construction Environmental Management Plan (CEMP) – amended received 15/06/2026
- Additional Details - Stagecoach correspondence 18.11.25 received 25/11/2025
- Additional Information – Proposed Bus Stop Layout Drg no. J100103-201 received 11/12/2025
- Additional Information – Air Quality Assessment Report received 15/06/2026

Condition 8 stated:

No development shall 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 documents entitled 29128-HYD-XX-XX-RP-C-001 FRA and Drainage P05, received 30/01/2024, Drg. No. 29128-HYD-XX-XX-DR-C-2000 Rev P04, received 29/01/24 and include tanked permeable paving to all parking bays, offline detention basin and downstream defender. The drainage scheme shall ensure that foul flows discharge to the existing NWL 300mm combined sewer on Mill Lane via manhole 6402 and ensure that surface water discharges to the existing NWL combined sewer on Mill Lane via manhole 6402. The surface water discharge rate shall not exceed a flow rate of 3.2l/sec that has been identified in Proposed Drainage Layout Drg. No. 29128-HYD-XX-XX-DR-C-1000 Rev P06 received 30/01/2024.

The drainage scheme shall include a detailed development layout, civil engineering details (including details of the SuDS features including permeable paving and offline detention basin - long and cross sections), maintenance requirements, maintenance programme and maintenance responsibilities for all SuDS features, detailed drainage drawings and hydraulic calculations highlighting how exceedance flows are to be managed. The development shall be constructed in accordance with the approved details.

Details submitted in respect of condition 8:

- Typical Drainage Details Drg no. 29128-HYD-XX-XX-DR-C-1001 Rev P01 received 17/09/2025
- Drainage Maintenance Plan Drg no. 29128-HYD-XX-XX-DR-C-0002 Rev P06 received 17/09/2025
- Proposed Drainage Layout Plan Drg no. 29128-HYD-XX-XX-DR-C-1000 Rev P07 received 17/09/2025
- Proposed Basin details Drg no. 29128-HYP-XX-XX-DR-C-1002 rev P05 received 17/09/2025
- Private Drainage Details Drg no.29128-HYD-XX-XX-DR-C-1005 RevP01 received 17/09/2025
- Manhole Details S06HB Drg no. 29128-HYD-XX-XX-DR-C-1006 Rev P02 received 17/09/2025
- Manhole Details S07DD Drg no. 29128-HYD-XX-XX-DR-C-1007 Rev P02 received 17/09/2025
- Private Drainage Layout Drg no. 29128-HY-XX-XX-DR-C-1004 Rev P04 received 17/09/2025
- Road and sewer Sections – Outfalls Drg no. 29128-HYD-XX-XX-DR-C-5001 Rev P03 received 17/09/2025
- Road and sewer sections – Roads 1-3 Drg no. 29128-HYD-XX-XX-DR-C-5000 Rev P03 received 17/09/2025
- Additional Details - App E1 - 29128 - Surface Water Calcs - Rev 4 received 25/11/2025.
- Additional Details – Drg no. C6 - 29128-HYD-XX-XX-DR-C-0003 - Rev P06 - Exceedance overland flood flow routes received 25/11/2025.
- Additional Information Proposed Construction Build Ups and Kerb layout Drg. no. 29128-HYD-XX-XX-DR-C-4000 Rev P09 received 04/03/2026

Condition 9 stated:

Notwithstanding the indicative information included within Drg. no. 004 rev H - Proposed Boundary and Materials Plan received 26/01/2024, prior to commencement of development above damp course level, full details (including samples, drawings and / or specifications) of the proposed external facing and roofing materials of the dwellings hereby approved, and hard surface treatments shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Details submitted in respect of condition 9:

- Whitburn Lodge Proposed Materials 28.05.24 received 17/09/2025
- Proposed boundary treatment and hard landscape plan Drg no.004 Rev.L received 17/09/2025
- Proposed Boundary Treatment Details Drg no. 009 received 17/09/2025
- Ibstock Morpeth Blend – product specification received 17/09/2025
- Ibstock Grainger Gold – product specification received 17/09/2025
- Russell Grampian tile Slate Grey received 17/09/2025
- IG Doors (Black) Information received 17/09/2025
- Stormking Leven Style Door canopy Drg. no. 9423 Rev B2 received 17/09/2025
- Stormking Apex Trussed Door Canopy Drg. no. 2008045 Rev A3 received 17/09/2025
- Garador Up Over Garage Doors (Ascot) Information received 17/09/2025
- Garador Up Over Garage Doors (Ascot) Information Booklet received 17/09/2025
- Tobermore riven flags – paving flags received 17/09/2025
- Tobermore Pedesta – block paving received 17/09/2025
- Tobermore Hydropave Pedesta – block paving details received 17/09/2025
- EV charging Points posts (1) Information received 17/09/2025
- EV Charger eDock (1) Information received 17/09/2025
- Additional Information Proposed Construction Build Ups and Kerb layout Drg. no. 29128-HYD-XX-XX-DR-C-4000 Rev P09 received 04/03/2026

Condition 10 stated:

Notwithstanding the details submitted, and prior to development above damp course level, full details for all boundary treatments and means of enclosure shall be submitted to and approved in writing by the local planning authority. This shall include details for an acoustic barrier (solid, continuous to the ground and have a density of 10kg/m² or greater), as detailed within Noise Assessment report ref: P6276-R1-V3 received 21/12/2023. The details shall include gaps with dimensions of 13cm x 13cm in fences between gardens and landscaped areas [if not an acoustic barrier] to allow hedgehog movement and foraging. No dwelling shall be occupied until the means of enclosure in respect of that dwelling have been provided in accordance with the approved details.

Details submitted in respect of condition 10:

- Proposed Boundary Treatment Details Drg. no. 009 received 17/09/2025
- Proposed Boundary Treatment and hard landscape plan Drg. no.004 Rev.L received 17/09/2025
- Additional Details – Hedgehog Highway Plan Drg. no. 750 received 25/11/25
- Additional Details - Summary of levels surrounding proposed bus stop received 25/11/2025

Consultations

Historic Environment Officer -

I am satisfied with the level of detail provided in the archaeological building recording that has been submitted under Condition 3, application ref. 250586.

Tyne and Wear Archaeology Service -

The applicant has submitted the report for a programme of archaeological building recording for Hope House and the gate piers carried out by Archaeological Services Durham University in 2024. I have reviewed the report, and I can recommend the discharge of condition 3 (archaeology) attached to ST/0712/23/FUL.

Northumbrian Water -

Thank you for consulting Northumbrian Water on the discharge of condition no. 8 to the original application ref. ST/0712/23/FUL and the subsequent appeal decision by the Planning Inspectorate.

In making our response Northumbrian Water assesses the impact of the proposed development on our assets and assesses the capacity within our network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

I can confirm that the drainage plan reference: "Proposed Drainage Layout Plan revision P07 dated 23/05/24" that has been submitted is satisfactory to Northumbrian Water, as the details are in line with our pre-planning enquiry advice to the applicant. Therefore, we consider that condition no.8 can be released.

It should be noted that the Lead Local Flood Authority, as statutory consultee on flood risk and drainage matters, should also be consulted regarding the discharge of any drainage conditions, as the requirements of the Lead Local Flood Authority may differ to those of Northumbrian Water.

Lead Local Flood Authority -

Initial comments:

In order to discharge Condition 8, we will require the following:

- Named management company who will undertake maintenance of the proposed SuDS basin.
- Hydraulic calculations highlighting how exceedance flows are to be managed

Following receipt of the above requested details, further comments were received which clarified that the applicant has provided sufficient information for the full discharge of Condition 8.

Environmental Protection -

Initial comments relating to condition 5 (noise considerations):

The submission appears to contain inconsistencies regarding the proposed construction methodology, specifically in respect of piling activities. The document initially states that piling and vibro pile foundations will be undertaken; however, the vibration section later refers to the “removal of piling within this scheme.” These statements are contradictory and create uncertainty as to whether piling will form part of the development. This ambiguity is material, as piling has the potential to give rise to significantly greater noise and vibration impacts compared to other foundation methods. As such, I am unable to fully assess the likely impacts of the development based on the information provided. Clarification is therefore required, and the CEMP should be updated to consistently reflect the final construction methodology and associated mitigation measures

I also believe the air quality aspect could be improved. The document identifies the key sources of dust and general mitigation measures; however, it does not follow recognised best practice such as IAQM guidance for construction dust assessment and management. The proposed “daily monitoring” is not defined, and no trigger levels or formal recording procedures are provided.

Given the proximity of residential receptors, further detail is required to demonstrate how dust emissions will be assessed, controlled, and recorded, including clear arrangements for site inspections, road cleaning, and response to adverse weather or complaints.

Following receipt of additional information, including air quality assessment and revised CEMP, the following further comments were received:

The information provided is satisfactory for the condition to be discharged.

Condition 10:

I have assessed the information provided in support of a condition discharge for the above application, my response relates to condition 10, the barrier specifications. The information provided is sufficient to discharge condition 10.

Countryside Officer (final consolidated comments following receipt of requested additional information) -

Condition 4 –

For part a) A Badger Checking Survey was completed in 14th February 2024. The site was surveyed for badger field signs and this confirmed the absence of badger and setts.

Trees and scrub cleared in February 2024 may have regrown. Recommendation that a second check for badger be undertaken prior to the works commencing and as recommended in the ‘Badger Checking Survey Report’.

A second check for Badger was completed on the 20th October 2025.

The Second check for Badger reported the following, ‘

The areas surveyed are considered free from badger setts and site clearance (with the implementation of the Ecological Method Statement) may continue without constraint in relation to badger. If works are delayed beyond 3 months of this assessment, an updating badger walkover will be required.

This part of the condition is met.

For part b) section i, ii, iii iv, & v - the information has been provided within the Ecological Method Statement. I am satisfied that the information is adequate to discharge these elements of the condition.

For part b) section vi, the submitted information states that ecological supervision is not required unless certain circumstances occur - as detailed in the Ecological Method Statement

'If potential setts/holes suitable for badger are discovered at any time during the works, works should cease and the project ecologist should be contacted immediately. Works will only commence in that area once the issue is addressed (i.e., working methods and impacts reviewed).

'Ecological supervision for other stages of works or relating to other species is not currently anticipated. However, this would need to be reviewed if the presence of species detailed herein or evidence of these species is discovered during the works'.

I am comfortable with this approach and consider the condition requirements to have been met.

Condition 10 –

Regarding the Hedgehog Highway Plan, the design of the hedgehog highway gap is acceptable.

Nineteen gaps between gardens and nine leading to external areas have been detailed. I would have preferred it if there had been more hedgehog highways to external areas to the eastern and southern boundaries of the site. The applicant has provided the following response in the Additional Details Response to Consultee Comments of the 28 October *'We have tried to include as many ... Hedgehog Highways ... as possible while considering the location of proposed retaining walls where we have significant changes in levels.'*

On that basis I accept that this condition is met.

Local Highway Authority –

Condition 5 -

a) Details are considered acceptable to discharge the part condition 15(a) in respect of the details submitted.

b) Details are considered acceptable to discharge the part condition 15(b) in respect of the details submitted.

c) Details are considered acceptable to discharge the part condition 15(c) in respect of the details submitted.

d) Details are considered acceptable to discharge the part condition 15(d) in respect of the details submitted.

e) Details are considered acceptable to discharge the part condition 15(e) in respect of the details submitted.

f) Details are considered acceptable to discharge the part condition 15(f) in respect of the details submitted.

g) Amended details have been provided by Nexus and Stagecoach bus operators stating that there is no requirement for a temporary bus stop during the demolition or construction phases of the development, and that existing bus stops either side will be used in the interim period until the final new shelter and bus stop are created. This is considered acceptable given the agreement of the bus operators. - Details considered acceptable to discharge this condition.

- h) Details are considered acceptable to discharge the part condition 15(h) in respect of the details submitted.
- i) Details are considered acceptable to discharge the part condition 15(i) in respect of the details submitted.
- j) Details are considered acceptable to discharge the part condition 15(j) in respect of the details submitted.
- k) Details are considered acceptable to discharge the part condition 15(k) in respect of the details submitted.

An amended Project Management Plan (PMP) and Construction Environmental Management Plan (CEMP) was received on 15/06/2026 and following further consultation the LHA confirmed that In respect of the CEMP, we have no objection to the amended document received.

Condition 8 (Drainage Scheme) –

Confirmation of highways acceptance of drawings for s278 purposes, and therefore have no objection to the discharge of the condition.

Condition 9 (External materials, and hard surface treatment details) –

Details considered acceptable in respect of Highway Authority matters. Note - related s38/s278 adoptable highway works, including surface treatments will be approved separately. - Condition 9 is recommended for discharge in respect of the details submitted.

Condition 10 (Boundary treatment and means of enclosure) –

Following initial comments in respect of the area adjacent to plot 22 and intended location of the bus stop (being reset into the area to the rear of the footway/cycleway) and this impacting on levels, retaining elements, boundary treatments, additional details were submitted. Confirmed that have no objection to the discharge of the condition.

Conclusions

Therefore, it is considered that the information required by conditions 3, 4, 5, 8, 9 and 10 are acceptable, having regard to the information submitted, including additional details, the consultee responses (as summarised above) and would therefore accord with the NPPF and relevant local policies that the Inspector took into account when allowing the appeal. Consequently, this application is recommended for approval.

Recommendations

Approve Details of Condition

List of plans etc. for standard note on decision

Condition 3:

- Historic Building Recording – Whitburn Lodge received 17/09/2025

Condition 4:

- Badger Checking Survey received 17/09/2025

- Additional Details - Report reference: 6939 Whitburn Lodge Badger Letter L02 received 25/11/2025
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- Additional Details - App E1 - 29128 - Surface Water Calcs - Rev 4 received 25/11/2025.
- Additional Details – Drg no. C6 - 29128-HYD-XX-XX-DR-C-0003 - Rev P06 - Exceedance overland flood flow routes received 25/11/2025.
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- Additional Details – Hedgehog Highway Plan Drg. no. 750 received 25/11/2025
- Additional Details - Summary of levels surrounding proposed bus stop received 25/11/2025

Case officer: Helen Lynch

Signed: *Helen Lynch*

Date: 04/09/2026

Authorised Signatory: *G. Simonette*

Date: 04/09/2026