



## NOTICE OF GRANT OF PLANNING PERMISSION

Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) Order 2010

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**Contact Name and Address:**

Ms J Massey  
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St Judes  
Barker Street  
Shieldfield  
Newcastle upon Tyne  
NE2 1AS

**Application No:** ST/0081/13/FUL

**Date of Issue:** 29/04/2013

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In pursuance of their powers under the above mentioned Acts, South Tyneside Council as Local Planning Authority hereby **GRANT** planning permission for the following:

**PROPOSAL:** Proposed residential development comprising 222no. dwellings and associated infrastructure, landscaping and boundary treatments, together with new and revised public car parking facilities and car parking for the Trinity Medical Centre and St George's Medical Centre, and proposed new bus lay-by on Western Approach.

**LOCATION:** Land bordered by Laygate, Eldon Street, Reed Street, Western Approach and including southern section of Frederick Street and part of New George Street,, South Shields, (Trinity South)

In accordance with your application dated 23 January 2013

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**SUBJECT TO THE FOLLOWING CONDITION(S) AND REASON(S):**

- 1 The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

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

Drg no. SL002S received 25-04-2013 (Proposed Site Layout)

Drg no. PL005D received 05-04-2013 (Proposed Affordable Layout)

Drg no. BT001C received 04-04-2013 (Boundary Treatment Key Plan)

Drg no. BT002 received 23-01-2013 (Boundary Treatment Details)

House type booklet received 23-01-2013

Drg no. C0001 Rev P3 received 04-04-2013 (Proposed Road Layout 1 of 3)

Drg no. C0002 Rev P3 received 04-04-2013 (Proposed Road Layout 2 of 3)

Drg no. C0003 Rev P3 received 04-04-2013 (Proposed Road Layout 3 of 3)

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

- 3 Development shall not commence until a detailed scheme for the accurate location, protection of and access to its apparatus during construction and afterwards of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

To ensure the protection of and access to apparatus and prevent the risk of flooding both on and off site in accordance with the South Tyneside Local Development Framework Policy DM1(k).

- 4 All works shall be carried out in complete accordance with the 'Flood Risk Assessment' (report ref:11547) prepared by 3E Consulting Engineers Ltd dated 23-01-2013.

To prevent the risk of flooding both on and off site in accordance with the South Tyneside Local Development Framework Policy DM1(k).

- 5 Prior to the laying of the sub-base within any carriageway the drainage overland flow plans shall be submitted to and approved in writing by the local planning authority. All works shall be carried out in accordance with the approved details.

To contain flooding within the site in accordance with the South Tyneside Local Development Framework Policy DM1(k).

- 6 All development shall be carried out in accordance with the approved Materials Schedule received 04-04-2013, Facing Materials and Colours received 23-01-2013, Proposed Facing Materials received 23-01-2013, samples received 04-04-2013, Facing Materials Key Plan Rev B received 5-4-2013 and Roofing Strategy Plan Rev B received 05-04-2013, additional information - e-mail from IDP received 05-04-2013, unless otherwise agreed in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with the South Tyneside Council Local Development Framework policy DM1(A).

- 7 Notwithstanding the information already submitted as part of these proposals, no dwelling shall be occupied until full details of the children's play area and incidental play features, (to include the layout, means of enclosure / location of gate entrance(s) hard surfacing and play equipment to be installed), together with a schedule for the completion of these works on site, have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

To ensure a satisfactory standard and appropriately designed and equipped play area in accordance with the South Tyneside Council Local Development Framework policy DM1.

- 8 Notwithstanding the information already submitted as part of these proposals, the development of the children's play area shall not be commenced until a schedule of maintenance of the play area, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the management responsibility for maintenance, the duration, frequency, and operations to be undertaken and arrangements for its implementation and details of the replacement policy. The approved play area (in pursuance of condition no. 7) shall be maintained in accordance with the approved schedule.

To ensure a satisfactory standard of development, in accordance with South Tyneside Local Development Framework Policy DM1.

- 9 Notwithstanding the details submitted as part of these proposals, no dwelling shall be occupied until details and specifications for all proposed street furniture, including sculptural timber gateway and entrance features, seating, bins, and tree grilles, and walls, fences and other means of enclosure not detailed on Drg no. BT001C have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

To ensure a satisfactory standard and appropriately designed and equipped play area in accordance with the South Tyneside Council Local Development Framework policy DM1.

- 10 Notwithstanding the details already submitted as part of these proposals, no dwelling shall be occupied until a landscaping scheme for the site in its entirety, including details of soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include the type, height, species and location of all new trees and shrubs as well as any proposed seeding, turfing, hard surfacing materials and the formation of any contours, banks or slopes etc.

Any newly planted tree or shrub that is removed, dies or becomes seriously damaged or diseased within a period of 5 years from the completion of the total scheme shall be replaced not later than the next planting season after the loss or damage has been identified, by others of similar size and species (unless otherwise agreed in writing by the Local Planning Authority).

All works shall be carried out in accordance with the approved details.

To ensure a satisfactory standard of development, mitigate adverse impacts on biodiversity and to provide any appropriate screening in accordance with South Tyneside Local Development Framework Policy DM1(A, and D).

- 11 Notwithstanding the details submitted as part of these proposals, no dwelling shall be occupied until a schedule of maintenance of the landscaping scheme, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the management responsibility for maintenance, the duration, frequency, and operations to be undertaken and arrangements for its implementation and details of the replacement policy for damaged or diseased plants. The approved landscape scheme (in pursuance of condition no. 10) shall be maintained in accordance with the approved schedule.

To ensure a satisfactory standard of development, mitigate adverse impacts on biodiversity and to provide any appropriate screening in accordance with South Tyneside Local Development Framework Policy DM1(A, and D).

- 12 Where works to clear any vegetation or fell trees are to be carried out within the breeding season (March to August) a pre-works checking survey for bird breeding activity (conducted by a trained ornithologist) to demonstrate there is no breeding activity shall be submitted to and approved in writing by the local planning authority before the commencement of development.

To ensure the protection and enhancement of the important environmental assets of the borough in accordance with Policy DM7 of the South Tyneside Local Development Framework.

- 13 Notwithstanding the information already submitted as part of these proposals, prior to the commencement of development to the east of the site (as identified on plan 'Site location plan - Contamination'. Drg. no. CONDA ' received 11-04-2013) an investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the east of the site (as identified on in plan 'Site location plan - Contamination'. Drg. no. CONDA' received 11-04-2013). 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 'Model Procedures for the Management of Land Contamination, CLR 11'.

To protect the future occupiers of the development from any potential contaminants that may exist on site in the interests of environmental safety and residential amenity in accordance with South Tyneside Local Development Framework Policy DM1(m).

- 14 Notwithstanding the information already submitted as part of these proposals, prior to the commencement of development to the west of the site (as identified on plan 'Site location plan - Contamination'. Drg. no. CONDA received 11-04-2013) further gas monitoring shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the west of the site (as identified on plan 'Site location plan - Contamination'. Drg. no. CONDA received 11-04-2013) site. 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 'Model Procedures for the Management of Land Contamination, CLR 11'.

To protect the future occupiers of the development from any potential contaminants that may exist on site in the interests of environmental safety and residential amenity in accordance with South Tyneside Local Development Framework Policy DM1(m).

- 15 A Detailed Remediation Strategy(s) for the proposed remedial works for both the east and west of the site (as identified on plan 'Site location plan - Contamination' Drg no. CONDA' received 11-0402013) shall be submitted to, and approved in writing by the Local Planning Authority prior to commencing 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.

To protect the future occupiers of the development from any potential contaminants that may exist on site in the interests of environmental safety and residential amenity in accordance with South Tyneside Local Development Framework Policy DM1(m).

- 16 Following completion of measures identified in the approved Remediation Strategy(s), a Verification Report (also known as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced for both the east and west of the site (as identified on plan 'Site location plan - Contamination' Drg no. CONDA' received 11-0402013), and is subject to the approval in writing of the Local Planning Authority prior to the site being occupied. Unless otherwise agreed in writing by the Local Planning Authority.

To protect the future occupiers of the development from any potential contaminants that may exist on site in the interests of environmental safety and residential amenity in accordance with South Tyneside Local Development Framework Policy DM1(m).

- 17 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. Sufficient detail should be provided identifying how the unexpected contamination will be dealt with.

To protect the future occupiers of the development from any potential contaminants that may exist on site in the interests of environmental safety and residential amenity in accordance with South Tyneside Local Development Framework Policy DM1(m).

- 18 Development shall not commence within the northern half of the site (as identified on plan 'Suggested location of archaeological trenches' received 10-04-2013) until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with Development Management Policy DM6.

- 19 No development shall take place within the northern half of the site (as identified on in plan 'Suggested location of archaeological trenches' received 10-04-2013) until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition no. 18 has been submitted to and approved in writing by the Local Planning Authority.

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with Development Management Policy DM6.

- 20 No demolition of properties within Frederick Street shall commence until a programme of archaeological building recording has been completed on these properties in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any demolition work taking place.

To provide an archive record of the buildings in accordance with Development Management Policy DM6.

- 21 Prior to the commencement of development of plots 153-167 and 194-222 an assessment of road traffic noise associated with Western Approach (A194) affecting plots 153-167 and 194-222 and details of the proposed mitigation measures shall be submitted to and approved in writing by the local planning authority.

Prior to the commencement of development of plots 26, 55-59, and 80-91 an assessment of road levels associated with the commercial activity to the rear of Frederick Street and details of the proposed mitigation measures shall be submitted to and approved in writing by the local planning authority.

To safeguard the occupiers of the new dwellings from potential undue noise disturbance generated by road traffic noise (and having regard to the submitted noise assessment) in accordance with Local Development Framework policies EA5 and DM1.

- 22 No construction or associated works or deliveries of materials shall take place outside the hours of 7:30am - 6pm Monday to Friday and 8am - 1pm Saturdays and no such works or deliveries shall be carried out at any time on Sundays or Bank Holidays.

To safeguard the amenity of the nearby residents, in accordance with South Tyneside Local Development Framework Policy DM1.

- 23 Vehicle wheel washing facilities shall be installed and used on the construction access point(s) into the site and kept in full working order at all times during construction and demolition works. All vehicles involved in the transport of materials from the site shall be thoroughly cleaned before leaving the site.

To ensure that the constructional activities associated with the proposed development are taken into account and their affects on the surrounding area and the amenity of the nearby residents, in accordance with South Tyneside Local Development Framework Policy DM1.

- 24 The development hereby approved shall implement the measures and monitoring strategy as set out in the Travel Plan dated 22-03-2013 (prepared by SAJ Transport Consultants) to ensure that the Travel Plan targets are being met.

In the interests of securing sustainable travel patterns in accordance with South Tyneside Local Development Framework Policies DM1 and A1.

- 25 Prior to the first use of the revised medical centre and public car parking facilities, the relocated public footpath adjacent to the medical centre linking Western Approach to New George Street shall be completed.

To maintain pedestrian access to Frederick Street from Western Approach in accordance with South Tyneside Local Development Framework Policy DM1.

- 26 Before any demolition commences, a demolition method statement shall be submitted to and approved in writing by the Local Planning Authority and the demolition thereafter implemented in accordance with the approved details. The method statement shall include details to secure the site during and after demolition and other measures to minimise disturbance to nearby residential properties during the demolition process.

To minimise disturbance to occupiers of nearby residential and commercial properties in accordance with South Tyneside Local development Framework Policy DM1.

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## **NOTES TO APPLICANT:**

- 1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework (paragraphs 186 & 187) to seek to approve applications for sustainable development where possible.

### **2 ALL DEVELOPMENTS WITHIN COALFIELD STANDING ADVICE AREAS**

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

### **3 NOTE TO APPLICANT**

The grant of planning permission does not authorise the carrying out of any works to existing highways. Prior to starting works on this development you are advised that the areas of adopted highway and relevant rights of way within your development required to be extinguished must be formally stopped up.

### **4 NOTE TO APPLICANT**

A Section 278 (Highways Act 1980) agreement would be required in order to perform works on the highway network. Also a s38 agreement for the new highway works to become adopted would be required. Both these agreements would need to be progressed by contacting South Tyneside Council - Highways Design prior to development taking place.

5 NOTE TO APPLICANT

The proposed traffic regulation orders on (rear)Frederick Street, Eldon Street and Reed Street should be proposed in line with 'Traffic Signs Regulation and General Directions' 2002 and relevant chapters within the 'Traffic Signs Manual'.

Vertical deflection should be constructed in line with the current road humps and traffic calming regulations in accordance with the Highways Act 1980.

The cost of the proposed traffic regulation orders on (rear) Frederick Street, Eldon Street and Reed Street above shall be paid for by the developer

6 NOTE TO APPLICANT

Private street lighting cannot be attached to the public street lighting columns and a separate connection will be required.

7 NOTE TO APPLICANT

No street furniture or planting within the hard and soft landscaped 'arc' to the south of Frederick Street shall exceed a maximum height of 900mm.

8 NOTE TO APPLICANT

Northumbrian Water's apparatus is located in/near to the development site.

Northumbrian water require unrestricted access to this apparatus at all times and will not permit the erection of the buildings or other structures over or close to it. Any proposed crossings, landscaping, parking areas or tree planting must comply with the standard Northumbrian Water guidelines. Diversion or relocation of the apparatus may be possible at the applicant's full cost. The Developer should contact Niki Mather (tel: 0191 419 6603) to agree the detailed scheme for the accurate location, protection of and access to its apparatus in accordance with Northumbrian water's standard easement conditions.

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Gordon Atkinson  
Planning Manager

**Your attention is drawn to the attached schedule of notes which form part of this notice**



## NOTES

- 1 This certificate is issued under the Town and Country Planning Acts, Regulations and Orders and does not constitute a permission, approval or consent by South Tyneside Council for any other purpose whatsoever. Applications must therefore be made to the appropriate Departments of the Council for any other permission, approval or consent (including Building Regulations approval or approval of South Tyneside Council as ground landlord where appropriate) which may be necessary in connection with the proposed development or anything incidental thereto, or the use to be made of the premises which form the subject of such development.
- 2 You may also require permissions, approvals or consents under other legislation, or from bodies other than South Tyneside Council. This could include works affecting a public sewer, gas main, or electricity line, works within the adopted highway, works affecting a public right of way, property covenants, legislation relating to disabled persons, land drainage consent, waste management consent, scheduled monument consent or works affecting protected habitats or species.
3. Any non-material change to the approved plan(s) that form part of this permission would require the submission of an application for a non-material change under section 96A of the Town and Country Planning Act 1990. Whether changes to a proposed development are considered non-material is a matter for Planning Authority discretion.
- 4 The approved development should be implemented in strict compliance with all of the planning conditions, and in particular any which require details to be approved prior to the commencement of the development. Failure to do so may result in any commencement of development being unauthorised, which could be liable to enforcement action.
- 5 If you wish to change, or not comply with, any of the planning conditions attached to the permission, then you will need to submit a new application for planning permission under section 73 of the Town and Country Planning Act 1990. This does not affect your statutory rights of appeal against any of the planning conditions. This includes if you wish to not comply with a condition attached to a permission which details the approved plan(s), so as to make a minor material change to the approved plan(s). A minor material change is defined as one whose scale and nature results in a development that is not substantially different from that which has been approved.
- 6 Your attention is drawn to your responsibilities under the Chronically Sick and Disabled Persons Act 1970 and the Disability Discrimination Act 1995 relating to disabled persons, to ensure that adequate attention has been paid to their needs. If the proposed development involves new or existing buildings to which the public are to be admitted, or offices, shops, railway premises, factories or educational buildings, provision should be made for the means of access, parking and sanitary conveniences to meet the needs of disabled people. In addition, appropriate signposting of the facilities should be provided. In carrying out these statutory obligations your attention is drawn to the "Code of Practice for Access for the Disabled to Buildings" (BS5810:1979). You are advised to seek professional advice to ensure that you meet your legal obligations under the Disability Discrimination Act 1995, especially with regard to Part III thereof.

## **APPEALS TO THE SECRETARY OF STATE**

### **7 Only the applicant possesses the right of appeal.**

If you are aggrieved by the decision of the Local Planning Authority to grant permission subject to conditions, then you may appeal to the Secretary of State for Communities and Local Government in accordance of section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances, which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority without the conditions they imposed, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.

Appeals can be made online using the Planning Inspectorates planning appeal service through the Planning Portal at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). You must use a standard Planning Appeal Form when making your appeal. Please be aware that details of planning appeals are available on the internet and may include a copy of the original planning application form and relevant supporting documents supplied to ourselves, either by you, or your agent, together with the completed appeal form, and information that you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More information about data protection and privacy matters is available on the planning portal website.

Alternatively if you do not wish to submit your appeal electronically, a form is obtainable from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. email: [enquiries@planning-inspectorate.gsi.gov.uk](mailto:enquiries@planning-inspectorate.gsi.gov.uk)). Please note that you must state the appeal form that you require.

## **PURCHASE NOTICES**

- 8 If permission to develop land is granted subject to conditions, whether by South Tyneside Council as local planning authority or by the Secretary of State for Communities and Local Government, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances the owner may serve a purchase notice on the Council, requiring the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.