



NOTICE OF GRANT OF PLANNING PERMISSION
Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure)
(England) Order 2015

Contact Name and Address:

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Application No: ST/0108/15/FUL

Date of Issue: 20/07/2015

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: Construction of 5no. contemporary executive townhouses with associated vehicle access/egress, car ports, garden waste and refuse stores, boundary treatments and landscaping.

LOCATION: Site of Church Lane House, Church Lane, Whitburn, SR6 7JL

In accordance with your application dated 09 February 2015

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 Accordance with approved plans

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

Drawing Number: AL (00) 0010 Rev A Received 20/03/2015

Drawing Number: AL (00) 0011 Received 20/03/2015

Drawing Number: AL (00) 0020 Rev A Received 20/03/2015

Drawing Number: AL (00) 0025 Received 13/05/2015

Drawing Number: AL (00) 0100 Rev A Received 20/03/2015

Drawing Number: AL (00) 0110 Rev A Received 20/03/2015

Drawing Number: AL (00) 0210 Rev A Received 20/03/2015

Drawing Number: AL (00) 0310 Rev A Received 20/03/2015

Drawing Number: AL (90) 0200 Rev C Received 13/05/2015

Drawing Number: AL (27) 0100 Received 09/02/2015

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 Materials and detailing

Notwithstanding the details hereby approved, prior to the commencement of works in connection with each of the architectural features referred to in this condition, samples and details for that feature shall be submitted to the local planning authority and approved in writing. Architectural features include, samples and details of all external materials, sample panel of stone cladding, proposed windows, roof lights, glass balustrades, large scale joinery details of front entrance doors and site entry gates, external decoration scheme, ventilation grilles and boiler flues, external bin stores and sample panel with methodology for the repair, rebuilding and repointing of the existing boundary walls enclosing the site as shown on Drawing Number AL (90) 0200 Rev C (Received 13/05/2015).

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

In the interests of safeguarding both the character and appearance of the area, in accordance with Policies DM1(A) and DM6 of the South Tyneside Local Development Framework.

- 4 The 'Rumble Strip' traffic calming measure that is proposed at the entrance to the site, as identified on Drawing Number AL (90) 0200 Rev C (Received 13/05/2015), shall not be installed until details have been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall then be completed on site prior to the first occupation of the development and retained thereafter.

In the interests of highway safety in accordance with Policies DM1(G) of the South Tyneside Local Development Framework

5 Removal of permitted development rights

Notwithstanding the provisions of Article 3 and Class A, B, C, D, F, G of Part 1, and Class A and C of Part 2 of the Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) no enlargement, improvement or other alteration (including the external application of colour) shall be carried out, nor shall any gates, fences or walls be erected within or on any boundary, without an application for planning permission having first been made to and approved in writing by the Local Planning Authority.

To retain control over development in the interests of safeguarding both the character and appearance of the area in accordance with Policies DM1(A) and DM6 of the South Tyneside Local Development Framework.

6 Contaminated land

A site investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the 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 Policies EA5 and DM1(M) of the South Tyneside Local Development Framework.

- 7 A Detailed Remediation Strategy for the proposed remedial works 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 Policies EA5 and DM1(M) of the South Tyneside Local Development Framework.

- 8 Following completion of measures identified in the approved Remediation Strategy, a Verification Report demonstrating the effectiveness of the remediation carried out must be submitted to and approved in writing of the Local Planning Authority prior to the site being occupied.

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 Policies EA5 and DM1(M) of the South Tyneside Local Development Framework.

- 9 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 Policies EA5 and DM1(M) of the South Tyneside Local Development Framework.

10 Management of surface water

Notwithstanding the details already provided within the Flood Risk Assessment, prior to the commencement of the development a final drainage strategy, including drawings and calculations detailing exceedance amounts from the drainage for extreme storms including 1 in 30 year event and 1 in 100 year event plus 30% climate change, shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall identify that there will be no flooding from a 1 in 30 year event from the drainage on site. There shall be no internal flooding of any on site buildings and no off site flooding for a 1 in 100 year event plus 30% climate change; where exceedances are indicated overland flow plans shall be submitted. The agreed details shall then be implemented prior to the first occupation of any dwelling and retained thereafter.

In order to ensure surface and foul water from the site is appropriately managed in the interests of flood prevention in accordance with Policies EA5, ST2 and DM1(K) of the South Tyneside Local Development Framework.

11 Landscaping

Prior to the commencement of any works in connection with the landscaping of the site a detailed landscaping scheme, including both hard and soft landscaping, shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of top soil depths, the type, height, species and location of all new trees and shrubs, as well as any proposed seeding, turfing, hard surfacing (including paving types and pattern), and the formation of any banks or slopes, as well as the provision of any means of enclosure. Any newly planted tree, shrub or hedge 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).

In order to soften the visual appearance of the development and replace some of the trees lost as a consequence of the development in accordance with Policies DM1(D), DM6 and EA1 of the South Tyneside Local Development Framework.

12 Tree protection

Before the commencement of the hereby approved development the tree protection barriers and the tree root ground protection measures shall be erected in the positions marked on All About Trees Ltd drawing 'AMS TPP- Rev E' (received 20/03/2015) to British Standard 5837:7&8 (or other fencing approved in writing by the Local Planning Authority prior to its use). The protective barriers and ground protection shall be maintained in position and in good order during the whole period of construction works on site.

To ensure that existing trees within and adjacent to the site, several of which are the subject of a Tree Preservation Order, are adequately protected during the period of construction works in accordance with Policies DM1, DM6 and EA1 of the South Tyneside Local Development Framework.

- 13 Prior to the commencement of works in connection with the repair, rebuilding and repointing of the stone boundary walls around the perimeter of the application site, details of the tree protection barriers and the tree root ground protection measures shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall then be carried out on site prior to the commencement of works and maintained in position and in good order during the whole period of these works.

To ensure that existing trees within and adjacent to the site, several of which are the subject of a Tree Preservation Order, are adequately protected during the period of construction works in accordance with Policies DM1, DM6 and EA1 of the South Tyneside Local Development Framework.

- 14 No trenching or underground cabling shall be undertaken within the tree Root Protection Areas, as identified on All About Trees Ltd drawing 'AMS TPP- Rev E' received 20/03/2015, without the prior written approval of the Local Planning Authority.

To ensure that existing trees within and adjacent to the site, several of which are the subject of a Tree Preservation Order, are adequately protected during the period of construction works in accordance with Paragraph 7.7.2 of BS5837 and Policies DM1, DM6 and EA1 of South Tyneside Local Development Framework.

- 15 Archaeology

The hereby approved development shall not commence until 1) A programme of archaeological building recording has been completed of the site including the boundary walling (which includes the remains of a late medieval tithe barn), in accordance with a specification provided by the Local Planning Authority and 2) A report of the results shall be submitted to and approved in writing by the Local Planning Authority.

To provide an archive record of the site in accordance with Policy DM6 of the South Tyneside Local Development Framework.

- 16 The hereby approved development shall not commence 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 and the investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with Policy DM6 of the South Tyneside Local Development Framework.

- 17 The development hereby approved shall not be occupied until the final report of the results of the archaeological fieldwork undertaken in pursuance of Condition 16 above 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 and the investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with Policy DM6 of the South Tyneside Local Development Framework.

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 coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

- 3 The Council requires the developer to provide to each unit before first occupation a 240l refuse bin and a 240l recycling bin to the Council's specification in order that the council can fulfil its obligation to collect and dispose of household waste. Details of the Council's specifications can be obtained from Waste Services at South Tyneside Council

4 NOTE TO APPLICANT

Work to clear vegetation from the site must only take place between September and February inclusive to avoid the bird breeding season to ensure compliance with the Wildlife and Countryside Act 1981.

5 NOTE TO APPLICANT

The additional information submitted outlining the potential future plans for 'The Goose Run' area does not form part of the planning application and this approval does not confer any permission to carry out any works to the trees within this area of land. Further, as no specifics of any works / removal of any trees within this area is included, neither does the information submitted constitute notice under Section 211 of the Town and Country Planning Act.

6 NOTE TO APPLICANT

The Arboricultural Report submitted in support of the application notes the presence of Japanese knotweed and giant hogweed in the vicinity of the site. These species are listed in Schedule 9 of the Wildlife and Countryside Act 1981 as invasive non-native species. As such, any earth moving risks spreading these species and could cause them to grow elsewhere, which would be illegal. Whilst they have not been noted within the development site, vigilance for their presence should be maintained and suitable control measures applied to ensure that they are dealt with correctly should they occur on any ground to be disturbed.

7 NOTE TO APPLICANT

Northern Gas Networks have stated that they may have apparatus in the area that may be at risk during construction and that the promoter of the works will need to contact them directly to discuss their requirements in detail.

8 NOTE TO APPLICANT

During any site works consideration should be given to the procedural guidance of the HSE guidance: Protection of Workers and the General Public during the Development of Contaminated Land. HMSO. 1991, or other appropriate guidance.



George Mansbridge
Head of Development Services

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 <http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal>. 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 or telephone 0303 4440000. 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.