



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:

Fitz Architects Limited
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Marine Walk
Roker
Sunderland
SR6 0PP

Application No: ST/0611/15/FUL

Date of Issue: 08/03/2016

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: Conversion and extension of existing public toilets and former bandstand into bar/restaurant development with take away element.

LOCATION: Bandstand, Sea Road, South Shields

In accordance with your application dated 26 June 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 The development shall be carried out in accordance with the approved plan(s) as detailed below

Drg No. AL (00) 0400 received 30/07/2015
Drg No. R2100-20B received 28/01/2016
Drg No. AL (00) 0500 received 30/07/015
Drg No. AL (00) 0330 Rev A received 05/08/2015
Drg No. AL (00) 0320 rev A received 05/08/2015
Drg No. AL (00) 0310 Rev A received 05/08/2015
Drg No. AL (00) 0301rev A received 05/08/2015
Drg No. AL (00) 0210 received 29/06/2015
Drg No. AL (00) 0200 received 29/06/2015

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 Notwithstanding the details already provided, prior to the first use / installation of any external materials the following details shall be submitted to and approved in writing by the local planning authority:
- a) All external materials including hard surfacing.
 - b) Details of the proposed aluminium glazing system including large scale elevational drawings, sections and plans showing aluminium glazing system and the existing columns.
 - c) Plant louvres and external plant and equipment shroud housing.
 - d) Structural report and analysis relating to the restoration of the structure (columns and roof structure based on conservation principles to include all methodologies for repair and restoration).
 - e) Paint section analysis of the paint finish to the columns to establish original paint colour, texture and finish and details for the proposed paint to be used within restoration works of the structure.
 - f) Masonry cleaning including specification.
 - g) Large scale drawings for the proposed elevations to include details for the mechanical ventilation grilles, flues, external lights and signage.

All works shall be carried out in accordance with the approved details unless alternatives have been previously submitted to and agreed in writing by the Local Planning Authority pursuant to this condition.

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).

- 4 Prior to the commencement of development details for surface water and drainage shall be submitted to and approved in writing by the local planning authority. All works shall be carried out in accordance with these details unless otherwise agreed in writing by the local planning authority.

To minimise and mitigate localised flood risk, in accordance with the South Tyneside Local Development Framework Policy DM1(k).

- 5 Notwithstanding the Ground investigation (Arc environmental April 2015) already submitted. A ground gas 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 (including ground gas), 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).

- 6 A Detailed Remediation Strategy for the proposed remedial works shall be submitted to, and approved 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).

- 7 Following completion of measures identified in the approved Remediation Strategy, a Verification Report (also known as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, 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).

- 8 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).

- 9 Prior to installation and before the use hereby permitted begins, details for odour extraction and ventilation shall be submitted to and approved in writing by the Local Planning Authority. Details shall include information regarding any roof top shroud, including elevation and roof plans detailing the roof profile. The installed kitchen extraction and ventilation system shall thereafter be maintained in accordance with the manufacturers instructions, for so long as the use hereby permitted continues.

To secure an acceptable standard of development and to minimise odour pollution in the interests of residential amenity in accordance with South Tyneside Local Development Framework policies DM1 and DM3.

- 10 Construction works must be timed to avoid the overwintering period for qualifying species within the Northumbria Coast Special Protection Area. No construction activity shall take place outside the period April - October.

To avoid noise disturbance to protected species in accordance with Local Development Framework, Core Strategy policy EA3 and Development Management policy DM7.

- 11 The loading bay, as shown on drawing R2100-20B received 28 January 2016, shall be completed and made available for use for its designated purpose prior to the first occupation of the hereby approved development. The loading bay shall then be retained henceforth.

In the interests of highway safety in accordance with South Tyneside Local Development Framework Policy DM1.

- 12 No refuse associated with the use hereby permitted shall be stored outside the curtilage of the premises at any time other than within 24 hours of its collection.

To ensure adequate refuse storage arrangements and to safeguard amenity in accordance with South Tyneside Local Development Framework policy DM1.

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 NOTE TO APPLICANT

Notwithstanding this planning decision, no works within the adopted highway may be undertaken without the prior written approval of the Council as Highway Authority. Given the nature of these proposed highway works, it is likely that agreement under Section 278 of the Highway Act would be required.

4 NOTE TO APPLICANT

If you wish to carry out any external alterations to this property then planning permission may be required by virtue of the Town and Country Planning Act 1990 (as amended). Similarly, the installation of signage at the premises may require express consent under the Town and Country Planning (Control of Advertisements) Regulations 2007. Further information is provided on the government's Planning Portal webpage.



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 your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice unless:

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference no. if applicable], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice; or
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

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.