



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:
KLR Planning
96 Haswell Gardens
North Shields
NE30 2DR

Application No: ST/0859/15/FUL
Date of Issue: 27/11/2015

FAO Karen Read

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: Erection of an Aldi foodstore with associated vehicular, pedestrian and cycle access, car parking and landscaping and the relocation of a sub-station.
LOCATION: Corner of Glen Street/Station Road, Hebburn

In accordance with your application dated 21 August 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. 0268 - PL(0)04 Rev B received 11/11/2015
Drg no. 0268 - PL(0)05 received 24/08/2015
Drg no. 0268 - PL(0)06 received 24/08/2015
Drg no. 0268 - PL(0)07 received 24/08/2015
Drg no. 0268 - PL(0)08 received 26/08/2015
Drg no. 0268 - PL(0)10 Rev A received 06/11/2015
Drg no C993890 Rev A received 23/10/2105
Drg no. SK001 Rev Q1 received 12/11/2105

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 The premises shall only be open to the public between the hours of 08.00 and 22.00hrs Monday to Saturday and 10.00 and 18.00hrs on Sunday.

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

- 4 No construction or associated works or deliveries of materials shall take place outside the hours of 8am - 6pm Monday to Friday and 9am - 1pm Saturdays and no such works or deliveries shall be carried out at any time on Sundays or Bank Holidays, without the prior written agreement of the Local Planning Authority.

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

- 5 The external materials to be used to carry out the development hereby permitted shall be as those stated within Drg no. 0268-PL(0)07 received 24/08/2015 and Drg no. 0268_PL(0)10 Rev A received 06/11/2015 (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).

- 6 Prior to the commencement of development, a design for the gas protection measures and verification plan for the proposed measures should be submitted to and approved in writing by the local planning authority. Thereafter the development shall take place in accordance with the approved details.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy Policy EA5 and Development Management Policy DM1 of the South Tyneside Local Development Framework.

- 7 Following completion of measures identified in the approved Remediation Strategy (Report ref 13675/RS Issue 1, produced by 3e Consulting Engineers, received on 14/10/2015), 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. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be submitted, with sufficient detail provided identifying how the unexpected contamination will be dealt with, and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy Policy EA5 and Development Management Policy DM1 of the South Tyneside Local Development Framework.

- 9 Development shall not commence until a detailed scheme / final drainage strategy for the disposal of foul and surface water (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) has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. 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. Thereafter the development shall take place in accordance with the approved details.

To prevent the increased risk of flooding from any sources in accordance with the NPPF and in order to ensure surface and foul water from the site is appropriately managed in the interests of flood prevention and the amenity of neighbouring residents in accordance with policies EA5 and DM1 (K) of the South Tyneside Local Development Framework.

- 10 Unless otherwise agreed in writing by the Local Planning Authority the permeable paving within the car parking area shall be installed in accordance with Drg no. SK001 Rev Q1 received on 12/11/2015 in support of this application 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 and DM1(K) of the South Tyneside LDF.

- 11 Within six months of the commencement of the use of the foodstore, a detailed travel plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include:
- i) An assessment of site, including the transport links to the site, on site facilities (eg car parking, cycle parking) any transport issues and problems, barriers to non car use and possible improvements to encourage walking, cycling and bus etc.
 - ii) The results from a survey of how staff travel to work.
 - iii) Clearly defined objectives, targets and indicators
 - iv) Details of proposed measures.
 - v) Detailed timetable for the implementation of measures.
 - vi) Clearly defined senior management and other staff responsibilities in relation to its implementation and monitoring and, if relevant, union participation.
 - vii) A plan for monitoring and reviewing effectiveness of the travel plan and reporting the results to the Local Planning Authority.
 - viii) Proposals for maintaining momentum and promoting success.

In the interests of securing sustainable travel patterns in accordance with Core Strategy Policies ST2 and A1 and Development Management Policy DM1 of the South Tyneside Local Development Framework.

- 12 Once the travel plan has been approved by the Local Planning Authority, the travel plan shall be implemented in accordance with the approved action timetable. Thereafter, the travel plan shall continue to be monitored and updated on an annual basis in accordance with the approved details, as long as any part of the development is occupied.

In the interests of securing sustainable travel patterns in accordance with Core Strategy Policies ST2 and A1 and Development Management Policy DM1 of the South Tyneside Local Development Framework.

- 13 Prior to the building being brought into first use, the car parking areas, including marking out of bays and cycle parking shall be completed and retained thereafter.

To enable all vehicles to access the car park and operational areas and ensure a satisfactory standard of development in accordance with Development Management Policy DM1 of the South Tyneside Local Development Framework.

- 14 Prior to any works commencing on site details of the proposed boundary treatment of the edge of the proposed car park adjacent to Glen Street shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

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

- 15 Notwithstanding the details shown on Drawing Numbers 0268-PL(0)09 Rev A received 02/11/2015, and 0268-PL(0)10 Rev A received 06/11/2015, prior to the commencement of any landscaping works, a landscape scheme, including details of both hard and soft landscaping shall be 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 and/or turfing. The details shall include for the specifications of feature paving, planters, bollards and street furniture. The approved landscape scheme shall be

completed not later than 12 months after the first occupation of the development. Any trees or plants, which within a period of 5 years of planting, die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species not later than the next planting season after the loss or damage has occurred (unless otherwise agreed in writing by the Local Planning Authority).

In order to soften the appearance of the development in the interests of visual amenity in accordance with Development Management Policy DM1 of the South Tyneside Local Development Framework.

- 16 The foodstore hereby approved shall not be brought into use until a schedule of landscape maintenance, for a minimum period of 5 years, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the frequency and operations to be undertaken and arrangements for its implementation. The approved landscape scheme shall be maintained in accordance with the approved schedule, unless otherwise agreed in writing by the Local Planning Authority.

In order to ensure a satisfactory standard of development in the interests of the amenity of the area in accordance with Development Management Policy DM1 of the South Tyneside Local Development Framework.

- 17 Prior to the hereby approved loading bay / service area being brought into use, details of the acoustic barrier to the south western perimeter of the loading bay / service area, including the construction specification and location of the acoustic barrier, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

To ensure a satisfactory standard of development in accordance with Development Management policy DM1 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 **NOTE TO APPLICANT**

Prior to starting work on this development you are advised that the area of highway within your development **MUST** be formally stopped up. This process can take up to six months and it is the responsibility of the applicant to seek this stopping up. This can be achieved by contacting:

National Transport Casework Team
Tyneside House
Skinnerburn Road
Newcastle Business Park
Newcastle upon Tyne
NE4 7AR

Direct line: 0191 203 4262 / 0191 203 4272

<https://www.gov.uk/government/groups/national-transport-casework-team>

Failure to achieve the necessary Stopping Up order prior to development commencing may result in prosecution under the Highways Act 1980.

3 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

4 NOTE TO APPLICANT

An agreement under Section 278 of the Highways Act is required from the Council as Highway Authority before the proposed works on the existing adopted highway may be undertaken.



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.

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.