



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
FAO Mr Craig Fitzakerly
6 Pier Point
Sunderland
SR6 0PP

Application No: ST/0863/15/FUL

Date of Issue: 11/02/2016

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: Demolition of existing dwelling on site and erection of one new dwelling.
New front driveway and vehicle access crossing.

LOCATION: 6 Whitburn Road, Cleadon, SR6 7QL

In accordance with your application dated 26 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

Drawing Number: AL (90) 0200 Revision A received 09/12/2015

Drawing Number: AL (0) 0055 Revision A received 09/12/2015

Drawing Number: AL (0) 0010 received 27/08/2015

Drawing Number: AL (0) 0011 received 27/08/2015

Drawing Number: AL (0) 0012 received 27/08/2015

Drawing Number: AL (0) 0013 received 27/08/2015

Drawing Number: AL (0) 0014 received 27/08/2015

Drawing Number: AL (0) 0015 received 27/08/2015

Drawing Number: AL (0) 0016 received 27/08/2015

Drawing Number: AL (0) 0017 received 27/08/2015

Drawing Number: AL (0) 0100 received 27/08/2015

Drawing Number: AL (0) 0110 received 27/08/2015

Drawing Number: AL (0) 0120 received 27/08/2015

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 Prior to the commencement of the development samples and details of all external materials shall be submitted to the local planning authority and approved in writing. 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 Policy DM1(A) of the South Tyneside Local Development Framework.

- 4 No demolition or construction works shall commence and no materials, plant or machinery shall be brought to the site until tree protection measures have been implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The details required shall include a plan of the site accurately showing the location and crown spread of the protected Sycamore tree to the front of Number 4 Whitburn Road (identified as TPO tree 1 in the amended Tree Survey Report by Wearside Tree Services Ltd that was received 20 October 2015), along with the protective fencing, root protection area, any ground protection measures, and the site access for construction vehicles proposed. The approved tree protection measures shall remain in place throughout the duration of works on site.

To ensure that the Sycamore tree in question, which is the subject of a Tree Preservation Order, is adequately protected during the period of works on site in accordance with Policy DM1(C) of the South Tyneside Local Development Framework.

- 5 Any excavation works for the formation of a foundation, or for any other purpose which proves to be necessary, that fall within 5 metres of the outer edge of the crown spread of the protected Sycamore tree to the front of Number 4 Whitburn Road (identified as TPO tree 1 in the amended Tree Survey Report by Wearside Tree Services Ltd that was received 20 October 2015), will be undertaken by hand with extreme care to British Standard 5837:6.4 & 11 and in accordance with the NJUG guidelines.

To ensure that the Sycamore tree in question, which is the subject of a Tree Preservation Order, is adequately protected during the period of construction in accordance with Policy DM1(C) of the South Tyneside Local Development Framework.

- 6 Backfilling of excavations around roots or within 5 metres of the outer edge of the crown spread of trees shall use inert granular material (not limestone) or good quality topsoil, and be lightly consolidated by hand.

To protect the health and amenity value of trees by ensuring that they are not affected by the approved works in accordance with Policy DM1(C) of the South Tyneside Local Development Framework.

- 7 The new driveway / hardstanding to the southeast / front of the new dwelling hereby approved shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

In order to ensure that water run-off from any new hard surfacing does not increase the risk flooding in the locality in accordance with Policy DM1(K) of South Tyneside Local Development Framework.

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

- 9 No demolition, construction or associated works or deliveries of materials shall take place outside the hours of 8am - 6pm Monday to Saturday and no such works or deliveries shall be carried out at any time on Sundays or Bank Holidays.

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

- 10 Prior to the first occupation of the development hereby permitted, all first floor side windows of the development facing the common boundary with 4 Whitburn Road, and the first floor window shown serving a bedroom in the side gable facing the common boundary with 8 Whitburn Road, shall be glazed with obscure glass to a level sufficient to protect the privacy of neighbouring occupiers. The form of windows and obscure glazing shall be retained thereafter.

To ensure the protection of privacy for neighbouring occupiers, and in the interests of residential amenity, in accordance with Policy DM1(B) 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 A precautionary approach to demolition works should be adopted in accordance with the bat survey submitted in support of the application.
The applicant and all those working on site should be aware that, although there were no bats or signs of bats found within the Bat Survey that was submitted, all 16 species of bats in the UK are protected by both UK and European legislation. This legal protection extends to any place that a bat uses for shelter or protection whether bats are present or not. Therefore should bats, or signs of bats, be found during the course of these redevelopment works, work must stop immediately and advice sought from English Nature (tel: 0845 1300 228). Failure to do this may result in the law being broken and in England and Wales, the CRoW Act makes bat offences arrestable and can result in the imposition of fines and / or a prison sentence.
- 4 This approval does not give consent for any works to the protected trees in the vicinity of the site and as such separate written consent for any such works is likely to be required from the Council.



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.