



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

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**Contact Name and Address:**

Quod  
FAO Mr Tim Rainbird  
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17 Broadwick Street  
London  
W1F 0AX

**Application No:** ST/0955/15/FUL

**Date of Issue:** 13/05/2016

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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:** Change of use of existing industrial building to provide the following commercial uses: builder's merchant for the display, sale, storage of building, timber and plumbing supplies, plant and tool hire including outside display and storage - sui generis (Unit 1); storage and distribution - Use Class B8 (Units 2, 3 and 4); tile merchant - sui generis (Unit 5); light industrial, industrial or storage and distribution uses - Use Classes B1, B2 and B8 (Units 6, and 7). External alterations including replacement cladding, revised car parking layout and servicing arrangements and associated works.

**LOCATION:** Former Be Modern Premises, Western Approach, South Shields, NE33 5QU

In accordance with your application dated 04 September 2015

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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. 6962P-21 Rev P12 received 19/04/2016

Drg no. 6962P-22 Rev P7 received 19/04/2016

Drg no. 6962P-23 Rev P5 received 19/04/2016

Drg 04 Rev I received 13/04/2016

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 external surfaces of the development hereby permitted shall be as specified on Drg No. 6962P-23 Rev P5 received on 19/04/2016, unless otherwise agreed in writing by the Local Planning Authority.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with South Tyneside LDF Development Management Policy DM1.

- 4 The 2.4 metre high paladin boundary fence enclosing the perimeter of the service yard to unit 1 and the turning head hereby permitted shall be colour treated dark green (RAL 6005) and the entrance gates hereby permitted shall be colour treated RAL 1033, unless otherwise agreed in writing by the Local Planning Authority.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with South Tyneside LDF Development Management Policy DM1.

- 5 The protective tree barrier as shown on Drg 0007697/P1 received 04/05/2016, Drg 0007697/P2 received 03/09/2015 and 0007697/P6 received 17/02/2016 shall be erected to British Standard 5837:7&8 (or other fencing approved in writing by the Local Planning Authority prior to its use) before the development hereby approved is commenced. The protective tree barrier shall be maintained in position and in good order during the whole period of construction works on site.

In order to provide adequate protection to existing trees to be retained during the construction phase, in accordance with Policy DM1 of the South Tyneside Local Development Framework.

- 6 Any work carried out within the Tree Root Protection Areas as detailed on Drg 0007697/P1 received 04/05/2016, Drg 0007697/P2 received 03/09/2015 and 0007697/P6 received 17/02/2016 shall be carried out in complete accordance with the special construction measures as detailed within 'Method Statement 'No-Dig' Construction within Root Protection Areas, prepared by Batson Landscape and Tree Care Ltd' received 17/02/2016, to be read in conjunction with 'Arboricultural Impact Assessment Tree Report, Former Be Modern Site, Western Approach, South Shields, Prepared by Batson Landscape and Tree Care Ltd,' received on 23/09/2015.

In order to provide adequate protection to existing trees to be retained during the construction phase, in accordance with Policy DM1 of the South Tyneside Local Development Framework.

- 7 Prior to the first occupation of the development details of soft landscaping and replacement tree planting 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. The approved landscape scheme shall be completed not later than 12 months after the first occupation of the development.

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 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.

In order to soften the visual appearance of the development and to mitigate against any adverse impact on the bird and bat habitat in accordance with Core Strategy Policy EA3 and Development Management Policies DM1 and DM7 of the 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 ensure that the site is suitable for the proposed end use in accordance with Core Strategy Policy EA5 and Development Management Policy DM1 of the South Tyneside Local Development Framework.

- 9 The cycle storage details submitted as part of this application, as shown on Drg No. 6962P-21 Rev P12 received on 19/04/2016, shall be completed on site prior to the first occupation of the hereby approved development and thereafter retained. Sheffield stands (or similar) shall be installed within the cycle storage area.

To provide adequate on-site cycle provision and ensure a satisfactory standard of development in accordance with adopted South Tyneside LDF Core Strategy Policy A1 and LDF Development Management Policy DM1 and Annex B of SPD6 - Parking Standards.

- 10 The development hereby permitted shall not be brought into use until the areas for car parking, turning, loading and unloading of vehicles as detailed on No. 6962P-21 Rev P12 received on 19/04/2016, have been completed and marked out in full on site. These areas shall thereafter be kept clear and maintained at all times for their designated purposes.

To provide adequate space both within the application site and on Wilson Street for the parking and turning of vehicles in the interests of highway safety and in accordance with adopted South Tyneside LDF Core Strategy Policy A1 and LDF Development Management Policy DM1.

- 11 No refuse storage containers associated with units 2, 3, 4, 5, 6, and 7 shall be stored externally except when awaiting collection.

To ensure no obstruction for the parking of vehicles off the highway, associated with the hereby approved use and to ensure a satisfactory standard of development in accordance with adopted South Tyneside LDF Development Management Policy DM1.

- 12 A scheme of works to reposition the off-site street lighting columns in Wilson Street, located within the adopted highway, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed before the first occupation of the hereby approved use.

To ensure a satisfactory standard of development and in the interests of highway safety in accordance with South Tyneside LDF Development Management Policy DM1.

- 13 No construction or associated works or deliveries of materials in association with the development works to facilitate the hereby permitted change of use, shall take place outside the hours of 7.30am - 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 South Tyneside LDF Development Management Policy DM1.

- 14 The recessed loading doors, as specified on Drg no. 6962P-22 Rev P7 received 19/04/2016, shall be installed prior to the first occupation of the herby approved development and retained thereafter.

To provide adequate on-site parking for large service delivery vehicles and ensure a satisfactory standard of development in accordance with adopted South Tyneside LDF Development Management Policy DM1.

- 15 The trade counter areas and any other associated ancillary internal showroom areas serving Units 1, 2, 3, 4, 6 and 7 (the units as identified on drawing no. 6962P-22 revision P7 received 19 April 2016) shall not exceed 25% of the total gross floor area of each unit.

In the interests of safeguarding both the vitality and viability of the Predominantly Industrial Area (to which the application site forms part) and the nearby South Shields Town Centre in accordance with South Tyneside LDF Core Strategy policy SC2, Site Specific Allocations policy SA3 and Development Management Policy DM2.

- 16 Unit 1 (the unit as identified on drawing no. 6962P-22 revision P7 received 19 April 2016) shall only be used as a builders' merchant and shall not be used as a retail store.

In the interests of safeguarding both the vitality and viability of the Predominantly Industrial Area (to which the application site forms part) and the nearby South Shields Town Centre in accordance with South Tyneside LDF Core Strategy policy SC2, Site Specific Allocations policy SA3 and Development Management Policy DM2.

- 17 The use of units 6 and 7 (the units as identified on drawing no. 6962P-22 revision P7 received 19 April 2016) shall be restricted to use classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order[s] revoking and re-enacting either order with or without modification).

The Local Planning Authority would wish to carefully examine any alternative use of the building to assess whether the development would be acceptable in terms of the vitality and viability of the Predominantly Industrial Area (to which the application site forms part) and the nearby South Shields Town Centre, highway safety and amenity, in accordance with South Tyneside LDF Core Strategy policy SC2, Site Specific Allocations policy SA3 and Development Management Policy DM1 and DM2.

- 18 The use of units 2, 3 and 4 (the units as identified on drawing no. 6962P-22 revision P7 received 19 April 2016) shall be restricted to use class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order[s] revoking and re-enacting either order with or without modification).

The Local Planning Authority would wish to carefully examine any alternative use of the building to assess whether the development would be acceptable in terms of the vitality and viability of the Predominantly Industrial Area (to which the application site forms part) and the nearby South Shields Town Centre, highway safety and amenity, in accordance with South Tyneside LDF Core Strategy policy SC2, Site Specific Allocations policy SA3 and Development Management Policy DM1 and DM2.

## 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](http://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](http://www.groundstability.com)

## 3 NOTE TO APPLICANT

A Section 278 (Highways Act 1980) agreement would be required in order to perform works on the highway network. A Section 38 Agreement for the new highway works to become adopted would also be required. Both these agreements would need to be progressed by Contacting South Tyneside Council - Highways and Infrastructure prior to development taking place.

## 4 NOTE TO APPLICANT

The proposed drawings identify Totem and Fascia signage, which do not form part of the planning application and have not been approved as part of this planning permission. It should be noted that the proposed signage may require separate advertisement consent.

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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.