



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:
Architectural Base Consultancy Ltd
5A Vermont House
Concord
Washington
NE37 2SQ

Application No: ST/0970/15/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: Construction of 3no. new detached houses on vacant plot with associated vehicle access, boundary treatments and landscaping.
LOCATION: Vacant site adjacent to, 29 Waterside Park, Hebburn, NE31 1RS

In accordance with your application dated 28 September 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

Drwg No 876 - 02 Rev B Received 13/01/2016
Drwg No 876 - 03 Received 28/09/2015
Drwg No 876 - 04 Received 28/09/2015
Drwg No 876 - 05 Received 28/09/2015
Drwg No 876 - 06 Received 28/09/2015
Drwg No 876 - 07 Received 28/09/2015
Drwg No 876 - 08 Received 28/09/2015
Drwg No 876 - 09 Received 28/09/2015
Drwg No 876 - 10 Received 28/09/2015
Drwg No 876 - 11 Received 28/09/2015

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 construction work being undertaken on the dwellings hereby approved, samples and details of all external materials shall be submitted to, and approved in writing by, the Local Planning Authority. 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 of the South Tyneside Local Development Framework.

- 4 Both the finished floor and site levels of the development hereby approved shall be undertaken in accordance with drawing nos. 876-03, 876-09 and 876-10 received 28 September 2015 unless otherwise agreed in writing by the Local Planning Authority.

To safeguard both neighbouring amenity and existing landscape features in accordance with Policy DM1 of the South Tyneside Local Development Framework.

- 5 Notwithstanding the Desk Study Report (April 2006) and Site Investigation Report (May 2006) received on 5 November 2015, before any work commences on site, a Site Investigation and a Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority to assess the nature and extent of any contamination on the site. 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 a 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 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.

- 6 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 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.

- 7 Following completion of measures identified in the approved Remediation Strategy, a Verification 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.

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.

- 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 Any excavations and reprofiling of levels within the Root Protection Area of the protected trees surrounding the site shall be undertaken in accordance with the special measures specified in the Arboricultural Survey and Report received on 07 December 2015 and the Arboricultural Method Statement received on 08 February 2016.

To ensure that the health of the protected trees to be retained on the adjoining land is maintained in accordance with Policy DM1 of the South Tyneside Local Development Framework.

- 10 Prior to construction work being undertaken on the dwellings hereby approved 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 details of the materials proposed for the hard surfaced areas and the type, height, species and location of all new trees and shrubs as well as any proposed seeding, turfing and the formation of any banks or slopes etc. 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.

To safeguard the visual amenity of the area in which the development would form a part in accordance with Policy DM1 of the South Tyneside Local Development Framework.

- 11 None of the dwellings hereby approved shall be occupied 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 with regard to the approved landscape scheme, other than for any areas of landscaping to be provided within rear gardens. 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(C) of the South Tyneside Local Development Framework.

- 12 The development shall not be commenced and there shall be no deliveries of plant or building materials brought to the site, until the submitted scheme of tree protective fencing has been carried out to British Standard 5837:7&8 in the positions marked on the Tree Protection Plan (MWA TPP 001) contained within the Arboricultural Survey and Report received on 07 December 2015. The protective fencing shall be maintained in position and in good order during the whole period of construction works on site. Works, including the excavation, removal or deposit of earth or other materials shall not be carried out within the area enclosed by protective fencing without the written prior consent of the Local Planning Authority.

To ensure that the health of the protected trees to be retained on the adjoining site is adequately protected during the period of construction in accordance with British Standard 5837:7&8 and Policy DM1 of the South Tyneside Local Development Framework.

- 13 No demolition, construction or associated works or deliveries of materials shall take place outside of the hours of 8am - 6pm Monday to Friday and 9am - 1pm on Saturdays and no such works or deliveries shall be carried out at any time on Sundays or public holidays.

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

- 14 Notwithstanding the provisions of Article 3 and Class A, E and F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that order with or without modification) no enlargement, improvement or other alteration shall be carried out nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved, without an application for planning permission having first been made to and approved in writing by the Local Planning Authority.

To retain control over future development given the restricted nature of the site and the proximity of a large number of protected trees in accordance with Local Development Framework Development Management 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 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 Under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

- 5 For the avoidance of doubt, no works shall be carried out to the protected trees surrounding the application site, including the proposed pruning to trees T5 - T8 as specified in the Arboricultural Impact Assessment Report received on 07 December 2015, without the consent of the land owner and the formal written consent for such tree works. The applicant should contact the Council's Tree Team on (0191) 4246519 with regard to such proposals.



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.