



**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:**

BSBA Architects  
FAO Mr Andrew Mitton  
2nd Floor  
11 High Row  
Darlington  
Durham  
DL3 7QQ

**Application No:** ST/1002/15/VC

**Date of Issue:** 17/12/2015

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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:** Application under Section 73 of the Town and Country Planning Act 1990 to allow variation of Conditions 3 & 9 of planning consent Ref. ST/1092/14/FUL, to amend the timescale for submission of external materials details & samples to 'prior to use on the development' and to amend the timescale for submission of a final drainage strategy to 'prior to commencement of drainage works'

**LOCATION:** Public Open Space Ladys Walk Palatine Street, River Drive, South Shields, NE33 1TL

In accordance with your application dated 18 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 7th September 2018.

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 plans as detailed below

Drawing No. 13019 P100D Rev D Site Layout received 14.7.15  
Drawing No. 13019 P103C Rev C Lower Ground Floor Plan received 07.7.15  
Drawing No. 13019 P104C Rev C Ground Floor Plan received 07.7.15  
Drawing No. 13019 P105C Rev C First Floor Plan received 07.7.15  
Drawing No. 13019 P106C Rev C Second Floor Plan received 07.7.15  
Drawing No. 13019 P107C Rev C Third Floor Plan received 07.7.15  
Drawing No. 13019 P110B Rev B Roof Plan received 07.7.15  
Drawing No. 13019 P108B Rev B Typical sections received 07.7.15  
Drawing No. 13019 P102-2C Rev C South and East Elevations received 14.7.15  
Drawing No. 13019 P102-1C Rev C North and West Elevations received 14.7.15

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 use on 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 South Tyneside Local Development Framework Policy DM1

- 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.

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

- 5 An 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, 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 ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, in accordance with South Tyneside Local Development Framework Policy DM1.

- 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 ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, in accordance with South Tyneside Local Development Framework Policy DM1.

- 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 risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, in accordance with South Tyneside Local Development Framework Policy DM1.

- 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 risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, in accordance with South Tyneside Local Development Framework Policy DM1.

- 9 Notwithstanding the details already provided within the Foul Water Sewage and Surface Water Drainage Statement, prior to the commencement of the drainage works, a final drainage strategy, 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, shall be submitted to and approved in writing by the Local Planning Authority. 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. The agreed details must then be implemented on site prior to the first occupation of the development and retained henceforth.

In order to achieve a satisfactory standard of development and to protect people and property from flooding in accordance with South Tyneside Local Development Framework Policy DM1.

- 10 Notwithstanding the details already provided, a scheme to protect the retained trees

from damage during the construction period of this development, shall be agreed in writing by the Local Planning Authority. The agreed details must then be completed in full on site prior to the works commencing in relation to the approved development and they shall be retained henceforth during the entire construction period.

In the interest of visual amenity in accordance with South Tyneside Local Development Framework Policies DM1 and DM7.

- 11 No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority. The final report of the results of the archaeological fieldwork shall be submitted to and approved in writing by the Local Planning Authority before the first occupation of the development.

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF and South Tyneside Local Development Framework Policy DM6.

- 12 The development shall not be brought into use until the car park and revised access to Lady's Walk has been constructed and completed in accordance with the details shown on Drawing Number 13019 P100D Site Layout Rev D received 14th July 2015.

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

- 13 The hereby approved development shall not be occupied until a road traffic regulation order has been introduced prohibiting waiting and loading along the west side of Lady's Walk, between the car park access and the junction with Palatine Street (B1303).

To provide a satisfactory standard of development in the interests of highway safety, in accordance with Development Management Policy DM1 of the South Tyneside Local Development Framework.

- 14 The development shall not be occupied until a soft landscape scheme has been 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 seeding or turfing. The approved landscape scheme shall be completed on site before first occupation of the hereby approved development.

In the interest of visual amenity in accordance with South Tyneside Local Development Framework Policies DM1 and DM7.

- 15 The proposed site levels and finished floor levels of the hereby approved apartment block shall be completed on site in accordance with Drawing No. 13019 P111D Rev D Schematic Site Sections received 14.7.15

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

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#### **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 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

#### **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](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)

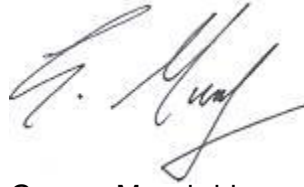
#### **4 NOTE TO APPLICANT**

British birds are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended. If any development works are carried out during the bird nesting season (between March and September) advice should be sought from an ecologist.

5 NOTE TO APPLICANT

The applicant is advised to contact the Northumbrian Police Architectural Liaison Officer to determine how best to incorporate the recommendations of the Secure By Design New Homes 2014 Guide into the design of this development.

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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.