



NOTICE OF GRANT OF PLANNING PERMISSION
Town and Country Planning Act 1990
Town and Country Planning General Regulations 1992
Town and Country Planning (Development Management Procedure)
(England) Order 2015

Contact Name and Address:

CEAD Ltd.
Toffee Factory
Lower Steenberg's Yard
Quayside
Newcastle upon Tyne
NE1 2DF

Application No: ST/1145/15/LAA

Date of Issue: 30/03/2016

FAO: FAO Mr R Maier

In pursuance of their powers under the above mentioned Acts and Regulations, South Tyneside Council as Local Planning Authority hereby resolve for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 to **GRANT** planning permission for the following development:

- PROPOSAL:** Erection of 6 new apartments in 2 blocks with associated parking and landscaping, new 1.6 metre high close boarded fence, and stopping up of the highway.
- LOCATION:** Site of Former Garage Block, Wark Crescent, Jarrow

In accordance with your application dated 03 December 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 No. WC EL1 Status R received 04/12/2015
- Drawing No. EA.SP02 Revision B Status P received 27/01/2016
- Drawing No. EA.PL.05 Status P received 04/12/2015
- Drawing No. EA/PL/06 Status P received 04/12/2015
- Drawing No. EA.PL.08 Status P received 04/12/2015
- Drawing No. EA.PL.09 Status P received 04/12/2015

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 The external surfaces of the development hereby permitted shall be as per the 'external materials schedule' dated and received on 09/02/2016, and Ibstock feature bricks steel black in colour, composite doors, in-curtilage concrete footpaths / patio areas buff in colour, and concrete block paved driveways antique oak or similar in colour, all read in conjunction with Drawing No. WC EL1 Status R received 04/12/2015 and Drawing No. EA.SP02 Revision B status P received 27/01/2016, 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 adopted South Tyneside LDF Development Management Policy DM1.

- 4 Prior to the first occupation of the development hereby permitted, a 1.6 metre high solid boundary fence or wall shall be erected along the common boundary shared with No. 42 Wark Crescent, for the distance shown on Drawing No. EA.SP02 Revision B Status P received 27/01/2016. Once complete this 1.6 metre high solid boundary treatment shall be retained henceforth.

To safeguard existing amenity levels and to prevent light spill from car head lights across the adjacent dwelling/garden in accordance with adopted South Tyneside LDF Development Management Policy DM1.

- 5 Foul water drainage from the development hereby approved shall be in accordance with the proposed engineering strategy illustrated on 'Proposed Engineering Layout' Drawing No. 01 Issue P2 received 08/03/2016, unless otherwise agreed in writing by the Local Planning Authority. This foul water drainage strategy shall be implemented prior to the first occupation of the development and it shall then be retained henceforth.

To ensure that an appropriate method of connection to the existing sewerage network is achieved in accordance with adopted South Tyneside Local Development Framework Policy DM1.

- 6 The development hereby permitted shall not be occupied until the car parking layout as shown on Drawing No. EA.SP02 Revision B Status P received 27/01/2016 has been completed in full on site and made available for use. The car parking shall then be retained on site for its designated purpose.

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

- 7 The development hereby permitted shall not be occupied until the cycle store as shown on Drawing No. EA.SP02 Revision B Status P received 27/01/2016 has been completed in full on site and made available for use. The cycle store shall then be retained on site for its designated purpose.

To ensure a satisfactory standard of sustainable development in accordance with adopted South Tyneside Local Development Framework Policies A1 and DM1.

- 8 No demolition works, 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 adopted South Tyneside Local Development Framework Policy DM1.

- 9 Prior to the commencement of the development hereby permitted, a surface water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage strategy shall:
- Include final 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;
 - Identify that there will be no flooding from a 1 in 30 year event from the drainage on-site, and 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;
 - Include a timetable for its implementation; and
 - Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The drainage strategy shall be implemented in accordance with approved details and maintained and retained thereafter.

To ensure that the development is designed to minimise and mitigate localised flood risk, in accordance with Development Management Policy DM1 of the South Tyneside Local Development Framework.

- 10 Notwithstanding the details already provided, and prior to the first occupation of the development hereby permitted, full details of noise amelioration measures at building envelopes (enhanced sound insulation) as identified in Section 6.2 of the submitted noise assessment entitled 'Measurement and Assessment of Noise Levels in way of Proposed Residential Development Site' received 04/12/2015 by Noise and Vibration Associates, shall be submitted to and approved in writing by the Local Planning Authority and then completed in full on site. Once completed on site the approved details must then be retained henceforth.

To safeguard the occupiers of the hereby approved dwellings from excessive noise disturbance generated by trains, particularly through the night, travelling along the Metro railway line which is located on top of the embankment a short distance to the south of this application site, in accordance with adopted South Tyneside Local Development Framework (LDF) Policy DM1.

- 11 Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted must not commence until a detailed remediation strategy for the proposed remedial works has been submitted to and approved in writing by the Local Planning Authority. 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 risks from contamination to the future users of the land are minimised in accordance with adopted South Tyneside LDF Development Management Policy DM1.

- 12 Following completion of measures identified in the approved remediation scheme under Condition 11, 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.

To ensure that risks from land contamination to the future users of the land are minimised in accordance with adopted South Tyneside LDF Development Management Policy DM1.

- 13 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 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 adopted South Tyneside LDF Development Management Policy DM1.

- 14 The development hereby permitted shall not be occupied until the refuse storage areas shown on Drawing No. EA. SP02 Revision B Status P received 27/01/2016 have been completed in full and made available for use. They shall then be retained thereafter for their designated purpose.

To ensure a satisfactory form of development in the interests of amenity, in accordance with adopted South Tyneside Local Development Framework 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 NOTE TO APPLICANT - Bins

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 NOTE TO APPLICANT - Ecology

The applicant is advised that it would be good practice to undertake the recommendations in Section G of the submitted 'Preliminary Ecological Appraisal' dated November 2015 by E3 Ecology. This provides an 'avoidance and mitigation strategy' in relation to the 'timing of works', 'working methods and best practice' and 'habitat enhancement'.

5 NOTE TO APPLICANT - Highways Works

The applicant is advised that if the proposed new footpath (with dropped kerbs) to the front of the proposed apartments is to be adopted, this adoption process would be undertaken outside of the planning system under Section 38 of the Highways Act 1980. Please contact Highway Engineering Services, Adoptions and Projects Team, for further information on (0191) 424 7507.

6 NOTE TO APPLICANT - Highways Stopping Up

Prior to starting work on this development, the adopted highway within the application site (to be used as proposed car parking for plots 5/6) MUST be formally stopped up under Section 247 of the Town & Country Planning Act 1990. This process can take up to six months and it is the responsibility of the applicant to seek this stopping up. To obtain the relevant application form and guidance notes please contact:

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

Telephone 0207 944 4115

Any existing utilities located within the adopted highway may need to be relocated prior to the highway being formally stopped up.



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.