



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

Contact Name and Address:

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Application No: ST/0498/16/OUT

Date of Issue: 01/11/2016

In pursuance of their powers under the above mentioned Acts, South Tyneside Council as Local Planning Authority hereby **GRANT** outline planning permission for the following:

PROPOSAL: Outline planning consent sought for the erection of a steel framed shed to be used for B use classes to replace existing structure on site. Details of access, layout and scale submitted for consideration but matters relating to appearance and landscaping of the development have been reserved for subsequent approval.

LOCATION: McNulty's Yard, Corstorphine Town, South Shields, NE33 1RZ

In accordance with your application dated 25 May 2016

SUBJECT TO THE FOLLOWING CONDITION(S) AND REASON(S):

1 Time limits / reserved matters

Details of 'appearance' and 'landscaping', hereinafter called 'the reserved matters', shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved. Application for the approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission.

The development to which this permission relates shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

As required by Section 92 of the Town & Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

2 Approved plan

The shed hereby permitted shall be positioned in accordance with the approved plan as detailed below

Dwg. No. 2298-KPE-0004 Rev. 1 received 06/06/2016

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 Contamination - investigation and risk assessment

Before development of the shed commences 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, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. 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 (including groundwater); (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 risks from land contamination to the future users of the development site 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 Policies DM1 and EA5 of the South Tyneside Local Development Framework.

4 Contamination - remediation strategy

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. Development shall be carried out in accordance with the approved details.

To ensure that risks from land contamination to the future users of the development site 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 Policies DM1 and EA5 of the South Tyneside Local Development Framework.

5 Contamination - verification report

Following completion of measures identified in the approved Remediation Strategy (including any addendums by virtue of condition 6), a Verification Report that demonstrates the effectiveness of the remediation carried out must be produced, and approved in writing by the Local Planning Authority prior to the development hereby approved being occupied.

To ensure that risks from land contamination to the future users of the development site have been addressed in accordance with Policies DM1 and EA5 of the South Tyneside Local Development Framework.

6 Unexpected contamination

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 and explaining how the remediation strategy will be updated accordingly.

To ensure that risks from land contamination to the future users of the development site 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 Policies DM1 and EA5 of the South Tyneside Local Development Framework.

7 Surface/Roof Water Drainage

Notwithstanding the details submitted, construction of the shed shall not commence until a detailed scheme for the disposal of surface/roof water from it and to the watercourse (i.e. The River Tyne) has been submitted to and approved in writing by the Local Planning Authority (in consultation with The Lead Local Flood Authority and The Environment Agency). The scheme shall include all details and specifications of the surface/roof water drainage system from the shed to the proposed outfall (discharge) point into the watercourse, the outfalls points' location and design; together with details of the maintenance proposals for the scheme including who would undertake this.

The approved details shall be completed prior to the first occupation of the shed hereby permitted and they shall be retained and maintained thereafter in accordance with the approved maintenance proposals.

In the interests of sustainable development and to ensure that surface/roof water does not cause a risk of flooding, either on-site or elsewhere, in accordance with the National Planning Policy Framework and Policies ST2 and DM1 of the South Tyneside Local Development Framework.

8 Cycle parking

Prior to completion of the shed, full details of the locations, design and numbers of cycle racks to be installed to serve the development hereby permitted (having regard to the South Tyneside Local Development Framework Supplementary Planning Document 6: Parking Standard document) shall be submitted to and agreed in writing by the Local Planning Authority in writing.

The approved details shall be carried out before the shed hereby permitted is first brought into use and shall be retained thereafter.

To ensure cycle parking is provided in the interests of sustainable development and in accordance with Policies A1 and DM1 of the South Tyneside Local Development Framework.

9 Finished Floor Levels

The finished floor level of the shed hereby permitted shall be carried out in accordance with that specified on Dwg. No. 2298-KPE-0004 Rev. 1 received 06/06/2016 and within the Flood Risk Assessment received 14/09/2016 i.e. at 5.15 metres Above Ordnance Datum.

In the interests of ensuring that the shed is not at significant risk of tidal or fluvial flooding in accordance with the National Planning Policy Framework and Policy DM1 of the South Tyneside Local Development Framework.

10 Shed height (max. upper limit)

No part of the development hereby approved shall exceed 35.00 metres in height above its finished floor level.

In order to define the maximum height of the development permitted (having regard to the details submitted and) in the interests of visual amenity in accordance Policy DM1 of the South Tyneside Local Development Framework.

11 Construction working hours

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 Public Holidays.

To safeguard the amenity of the nearby residents in accordance Policy DM1 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 UNIQUE NOTE TO APPLICANT

In relation to the "reserved matters":

"Appearance" means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

"Landscaping" means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes -

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features.



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.