



**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:**

STEN Architecture  
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WF4 5RA

**Application No:** ST/0533/16/VC

**Date of Issue:** 10/02/2017

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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:** The erection of 335 dwellings and associated access, landscaping and engineering works.

Application under Section 73 of the Town and Country Planning Act 1990 to vary Condition 2 of planning consent Ref. ST/0539/15/FUL. Condition 2 to be varied to allow the house types within the approved scheme to be revised.

**LOCATION:** Site of Former Industrial Units Bedewell Industrial Park/Baker Perkins Sports Ground, Red House Road and Car Park Opposite 81-103 Red House Road, Hebburn, , 1-135 (odd) and 2-98 (even) Adair Way, 2-26 (even) Red House Road, Portrush Drive, Troon Walk, Turnberry Drive, Wentworth Close

In accordance with your application dated 06 June 2016

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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 Approved Plans

The development shall be carried out in accordance with the approved plans as detailed below

1506.01 Rev. AA (Planning Layout) received 31/10/2016  
1506.PP Rev. E (Parking Plan) received 27/10/2016  
1506.03 Rev. E (Materials Plan) received 31/10/2016  
1506.TL.01 Rev. P (Technical Layout) received 31/10/2016

ALD-01 (Alderney house type) received 06/06/2016

CHE-01 (Chester house type) received 06/06/2016

COL-01 (Collaton house type) received 06/06/2016  
DER-01 (Derwent house type) received 06/06/2016  
ENN-01 (Ennerdale house type) received 06/06/2016  
ENN-02 (Ennerdale house type) received 05/12/2016  
FOL-01 (Folkstone house type) received 06/06/2016  
HAL-01 (Halton house type) received 05/12/2016  
KIN-01 (Kingsville house type) received 06/06/2016  
PAL-01 (Palmerston house type) received 06/06/2016  
RAD-01 (Radleigh house type) received 06/06/2016  
ROS-01 (Roseberry house type) received 06/06/2016  
WAS-01 (Washington house type) received 06/06/2016  
WIN-01 (Windermere house type) received 06/06/2016  
WOO-01 (Woodcote house type) received 06/06/2016

1506.200 (Proposed Garages) received 10/06/2015, held with file ref ST/0539/15/FUL

1506.201 (Proposed Garages) received 10/06/2015, held with file ref ST/0539/15/FUL

1506.202 (Proposed Garages) received 10/06/2015, held with file ref ST/0539/15/FUL

1506.300 (Boundary Treatments) received 10/06/2015, held with file ref ST/0539/15/FUL

4846/001/\_Bund\_Rev B received 10/11/2015, held with file ref ST/0539/15/FUL

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 External Materials

The external materials to be used to carry out the development hereby permitted shall be as those stated within Drawing Number 1506.03 Rev. E (Materials Plan) received 31/10/2016 (unless alternatives have been previously submitted to and agreed in writing by the Local Planning Authority pursuant to this condition).

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with the South Tyneside Local Development Framework policy DM1(A).

### 4 Contaminated Land - Remediation strategy

Development shall be carried out in accordance with the following [land remediation] details:

- Strategy for Remedial and Preparatory Works for Bedewell Industrial Estate Rev B (September 2015, Sirius), held with file ST/0470/16/COND
- 140mm superseded slab with gas membrane detail no: NE29-SD04-012 (Barratt/David Wilson Homes), held with file ST/0470/16/COND
- 150mm Beam and Block with gas membrane detail no: D8-SD04-012 (Barratt/David Wilson Homes), held with file ST/0470/16/COND
- Land at Bedewell Industrial Estate Hebburn Ground Gas Risk Assessment (report ref: C6720/6203/DCB January 2015), held with file ST/0470/16/COND
- Ground Gas Protection Verification Plan (ref: c6720/6430/DCB Sirius, August 2016).

- Supplementary Remediation Strategy / Earthworks Specification, Version 1 Bedewell Industrial Estate, Hebburn, April 2016 (by Shadbolt Environmental), received 31/10/2016

To ensure that the site is suitable for the proposed end use in accordance with Core Strategy Policy EA5 and Development Management Policy DM1(M) of the South Tyneside Local Development Framework.

#### 5 Contaminated land - Verification

Following completion of measures identified in the approved Remediation Strategy, a Verification Report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by 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(M) 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.

To ensure that the site is suitable for the proposed end use in accordance with Core Strategy Policy EA5 and Development Management Policy DM1(M) of the South Tyneside Local Development Framework.

#### 7 Landscaping details

Development shall be carried out in accordance with the following landscaping plans:

D135.P.001 Rev. G (Planting Plan) received 31/10/2016  
 D135.P.002 Rev. A received 31/10/2016  
 D135.P.003 Rev. A received 31/10/2016  
 D135.P.004 Rev. A received 31/10/2016  
 D135.P.005 Rev. C received 31/10/2016  
 D135.P.006 Rev. C received 31/10/2016  
 D135.P.007 Rev. B received 31/10/2016  
 D135.P.008 Rev. B received 31/10/2016  
 D135.P.009 Rev. A received 31/10/2016  
 D135.P.010 Rev. A received 31/10/2016  
 D135.P.011 Rev. B received 31/10/2016  
 D135.P.012 Rev. B received 31/10/2016  
 D135.L013 received 31/10/2016

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 pursuant to this condition).

In order to soften the visual appearance of the development and to provide any appropriate screening in accordance with Policy DM1 (C) of the South Tyneside Local Development Framework.

## 8 Landscaping - maintenance

The approved landscape scheme shall be maintained in accordance with the approved landscaping maintenance details listed below (unless otherwise agreed in writing by the Local Planning Authority pursuant to this condition):-

- 5 year programme for maintenance works and that is to be read in conjunction with the landscape specification (ref. D135/V1/AG/26.02.16), both received 31/10/2016.

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.

## 9 Tree protection

All trees shown as being retained on drawing D135.P.014 Rev. A (tree protection plan), received 31/10/2016, shall be protected in accordance with the tree protection fencing specifications and tree protection fencing positions shown on this drawing.

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 any area enclosed by protective fencing without the written prior consent of the Local Planning Authority.

To ensure that the health of retained trees, hedges and shrubs both within and adjacent to the site are adequately protected during the period of construction in accordance with Policies EA3, DM1(C) and DM7 of the South Tyneside Local Development Framework.

## 10 Flood Risk

The development hereby permitted must be carried out in accordance with the surface water drainage arrangements detailed in the Flood Risk Assessment (Third Issue) undertaken by Shadbolt Group Consulting and received 31/10/2016.

To reduce the risk of flooding in accordance Development Management Policies DM1(K) and EA5 of the South Tyneside Local Development Framework.

## 11 Rain Water Butt

Prior to first occupation of each dwelling a rain water butt shall be installed, as per the 200 litre butt specification in the Environmental Products Guide received 31/10/2016 and locations shown on drawing 1506.TL.01 Rev. P received 31/10/2016.

To reduce the risk of flooding in accordance Development Management Policies DM1(K) and EA5 of the South Tyneside Local Development Framework.

## 12 Surface water drainage

Development shall be carried out accordance with details shown on:

- Drg. 013-01 Rev. A received 25/01/2017
- Drg. 013-02 Rev. B received 25/01/2017
- Micro Drainage information received 25/01/2017
- Drainage management information received 25/01/2017 and 30/01/2017

To reduce the risk of flooding in accordance Development Management Policies DM1(K) and EA5 of the South Tyneside Local Development Framework.

### 13 Highways

Prior to the first occupation of any of the dwellings hereby approved accessed off Adair Way, the new vehicular access from Adair Way and the offsite highway works to Adair Way shown on Drawing Number 1506.01 Rev. AA (Planning Layout) received 31/10/2016, shall be implemented in their entirety.

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

### 14 Residential Amenity

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.

### 15 Acoustic bund and fence

Prior to first occupation of any of the dwellings hereby approved, the bund and acoustic fencing shown on Drawing Number 1506.01 Rev. AA (Planning Layout) received 31/10/2016, and detailed on Drawing Number 4846/001/\_Bund\_Rev B received 10/11/2015 (held with file ST/0539/16/FUL), shall be constructed in accordance with these plans and they shall be retained thereafter.

In order to safeguard the amenity of the occupiers of the new dwellings, in accordance with Policy DM1(B) of the South Tyneside Local Development Framework.

### 16 Site levels

Development shall be carried out in accordance with the proposed site levels and finished floor levels shown on plans 001-01 Rev. J, 003-01 Rev. G, 003-02 Rev. F, 003-03 Rev. G all received 31/10/2016 (unless otherwise agreed in writing by the Local Planning Authority pursuant to this condition).

In the interests of visual amenity and the amenity of neighbouring occupiers in accordance with Policy DM1(A & B) of the South Tyneside Local Development Framework.

### 17 Bat box & back plate

Dwellings identified on drawing 1506.TL.01 Rev. P (Technical Layout) [received 31/10/2016] as having a bat box, shall be erected with a Schwegler 1FE Brick Access Panel [as per its details received 31/10/2016] and Schwegler 1FE backplate [as per its details received 13/12/2016] being installed in the elevation shown on the aforementioned drawing and at a position at least 3m above the dwellings finished floor level.

In order to minimise disturbance to protected species and maintain and enhance biodiversity in accordance with Policies EA3 and DM7 of the South Tyneside Local Development Framework.

## 18 Bat friendly lighting

Prior to installation of any external street lighting within the road network serving the development, a 'Bat Friendly' lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

In order to minimise disturbance to protected species and maintain and enhance biodiversity within the locality in accordance with Policies EA3 and DM7 of the South Tyneside Local Development Framework.

## 19 Demolition & Construction Excavations - Ecology mitigation

During the demolition and construction phase of the development hereby approved any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled at no greater than 45 degrees.

In order to minimise harm to wildlife and maintain and enhance biodiversity in accordance with Policies EA3 and DM7 of the South Tyneside Local Development Framework.

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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 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.

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)

### 3 UNIQUE NOTES TO APPLICANT

There are public rights of way adjacent to the site and care must be taken not to damage or obstruct these either during, or as a result of the development as failure to do so may constitute a criminal offence. It is the developer's responsibility to ensure that the safety of users of these Public Rights of Way is not compromised as a result of the development.

In addition, there are a number of 'desire lines' on the northwestern corner of the site. Developers need to be aware of these routes and may wish to divert/extinguish these. If enquiries suggest that a public right of way is reasonably alleged to subsist, the developer is advised to deal with any issues arising in the same manner as if the route(s) were registered on the Definitive Map (i.e. seeking any necessary diversion or extinguishment orders).

- 4 During any site works consideration should be given to the procedural guidance of the HSE guidance: Protection of Workers and the General Public during the Development of Contaminated Land. HMSO. 1991, or other appropriate guidance.

- 5 A section 278 (Highways Act 1980) agreement would be required in order to perform works on the highway network. Also a section 38 agreement for the new highway works to become adopted would be required. Both of these agreements would need to be progressed by contacting the Council's Adoption Engineer on 0191 4247507.
- 6 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.
- 7 Work to clear vegetation from the site must only take place between September and February inclusive to avoid the bird breeding season to ensure compliance with the Wildlife and Countryside Act 1981, unless a suitably qualified ecologist has undertaken a checking survey immediately prior to removal and has confirmed that no birds or active birds nest(s) are present.
- 8 This decision notice should be read in conjunction with the Planning Obligation dated 16/05/2016 (relating to planning permission ST/0539/15/FUL) and Deed of Variation dated 09/02/2017 (relating to planning permission ST/0533/16/VC).

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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.