



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:

Persimmon Homes (NE)
FAO Miss Nicola Reed
2 Esh Plaza
Sir Bobby Robson Way
Newcastle Upon Tyne
NE13 9BA

Application No: ST/0544/16/FUL

Date of Issue: 26/09/2016

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: Substitution of house types on Plots 123 - 130 (as approved under application ST/0017/12/FUL) reducing the approved numbers of dwellings down from 8 flats to 4 houses and the reconfiguration of parking.

LOCATION: (Plots 123-130), V A Tech Site, Phases 3 and 4, North Farm Road, Hebburn, NE31 1UP

In accordance with your application dated 07 June 2016

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 plans as detailed below

215/REMIX/003 Rev. A received 11/08/2016

215/A/GREY/01 received 07/06/2016

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 Prior to the commencement of the construction of the dwellings hereby permitted samples/specifications and details of all their external materials shall be submitted to and approved in writing by the Local Planning Authority. Development 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 LDF Policy DM1.

- 4 Prior to the commencement of construction of the dwellings hereby permitted, detailed drawings or other specification relating to existing and proposed site levels, and finished floor levels of the proposed new dwellings and those of adjacent dwellings (or flats) shall be submitted to, and approved in writing by, the Local Planning Authority. Development 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 LDF Policy DM1.

- 5 Before first occupation of the dwellings hereby approved, detailed drawings or other specifications relating to boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be carried out to each plot before each dwelling is occupied.

To ensure a satisfactory standard of development and in accordance with South Tyneside LDF Policy DM1.

- 6 Before first occupation of the dwellings hereby approved, a detailed scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the type, height, species, numbers, locations and planting specifications of all trees and shrubs as well as any proposed seeding and turfing. The approved landscaping scheme shall be carried out to each plot before each dwelling is occupied.

In order to provide a satisfactory standard of development in accordance with South Tyneside LDF Policy DM1.

- 7 Notwithstanding the previously submitted Remediation Validation Report, Phase 2 VA Tech, Hebburn (WSP, November 2007 Ref: 12140779_002), following completion of measures identified in the approved Remediation Strategy (Remediation Method Statement Encia Consulting Ltd. Sept 2004), a Verification Report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority before any of the dwellings hereby approved are occupied.

To ensure that the site is suitable for the proposed end use in accordance with South Tyneside LDF Policies EA5 and DM1.

- 8 In the event that any 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 shall 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 and ecosystems, and to ensure that the new 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 Policies EA5 and DM1.

- 9 Unless otherwise agreed in writing with the Local Planning Authority pursuant to this condition, 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 LDF Policy DM1.

- 10 The resulting western gable of the adjacent apartment block (i.e. plots 115-122 as shown on the proposed layout on 215/REMIX/003 Rev. A listed in condition 2), as a consequence of the development hereby permitted, shall be completed in accordance with the previously approved 4 storey side gable elevation detail shown on. 215/F2/A/001 Rev. E, received 04/01/2012 (and held under application file ref. ST/0017/12/FUL).

In order to provide a satisfactory standard of development in accordance with South Tyneside LDF Policy DM1.

- 11 Notwithstanding the provisions of Article 3 and Class A of Part 2 of the Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no gate, fence, wall or other means of enclosure shall be erected within the front curtilage of the dwelling without an application for planning permission having first been made to and approved in writing by the Local Planning Authority.

To safeguard the open plan layout of the estate in the interests of visual amenity and in accordance with South Tyneside LDF Policy DM1.

NOTES TO APPLICANT:

For the avoidance of doubt this decision relates to the following plans and/or specifications:

- 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

This notice of grant of planning permission should be read in conjunction with a Deed of Variation dated 05/08/2016 (pertaining to an agreement made under section 106 and 106A of the Town and Country Planning Act 1990) between The Council of the Borough of South Tyneside and Persimmon Homes Limited.



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.