



**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:**  
Nathaniel Lichfield and Partners  
The St Nicholas Building  
St Nicholas Street  
Newcastle-upon-Tyne  
NE1 1RF

**Application No:** ST/0773/16/FUL  
**Date of Issue:** 08/09/2017

FAO: Mr Dominic Smith

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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:** Residential development comprising 334 no. residential units with associated access, landscaping and open space  
**LOCATION:** Site of Former Siemens and Narec Clothier Laboratories, South Drive/Victoria Road West, Hebburn, NE31 1UJ

In accordance with your application dated 29 July 2016

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

1 Time Limit

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 plan(s) as detailed below

Drg No 544-MIL SD-10.01 Rev AL (Masterplan as Proposed ) received 04/05/2017

Drg No 544-MIL SD-10.04 Rev R (Boundary Treatment) received 04/05/2017

Drg No 544-MIL SD-30.24 (Hawthorne House Type) received 15/12/2016

Drg No 3138013 (Waingroves House Type) received 20/12/2016

Drg No 515-MIL SD30.23 (Jura House - Type Brick and Part Render) received 02/08/2016

Drg No 515-MIL SD30.22 (Jura House Type - Brick) received 02/08/2016

Drg No 515-MIL SD30.21 (Buttermere House Type Brick and Part Render) received 02/08/2016

Drg No 515-MIL SD30.20 (Buttermere House Type - Brick) received 02/08/2016

Drg No 515-MIL SD30.19 (Tressell House Type) received 02/08/2016  
Drg No 515-MIL SD30.18 (Mitford House Type - Brick and Part Render)  
received 02/08/2016  
Drg No 515-MIL SD30.17 (Mitford House Type - Brick) received 02/08/2016  
Drg No 515-MIL SD30.16 (Stevenson House Type - Brick and Part Render)  
received 02/08/2016  
Drg No 515-MIL SD30.15 (Stevenson House Type - Brick) received 02/08/2016  
Drg No 515-MIL SD30.14 (Bunchan House Type) received 02/08/2016  
Drg No 515-MIL SD30.13 (Travers House Type) received 02/08/2016  
Drg No 515-MIL SD30.12 (Esk House Type - Brick and Part Render) received  
02/08/2016  
Drg No 515-MIL SD30.11 (Esk House Type - Brick) received 02/08/2016  
Drg No 515-MIL SD30.10 (Larkin House Type) received 02/08/2016  
Drg No 515-MIL SD30.09 (Hardwicke House Type) received 02/08/2016  
Drg No 515-MIL SD30.08 (Kipling House Type) received 02/08/2016  
Drg No 515-MIL SD30.07 (Orwell House Type) received 02/08/2016  
Drg No 515-MIL SD30.06 (Tweed House Type) received 02/08/2016  
Drg No 515-MIL SD30.05 (Tolkien House Type) received 02/08/2016  
Drg No 515-MIL SD30.04 (Yare House Type) received 02/08/2016  
Drg No 544-MIL SD30.03 (Apartment Block) received 02/08/2016  
Drg No 515-MIL SD30.02 (HT3 House Type) received 02/08/2016  
Drg No 515-MIL SD30.01 (HT2 House Type) received 02/08/2016

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 External Materials

Notwithstanding the details shown on Drawing Number 544-MIL SD-10.05 Revision B (Surface and Elevation Treatment Plan) received 04/05/2017, prior to the commencement of any construction works above ground level, samples and details of all external materials for the proposed buildings and hard surfaced areas, including roads, footways and parking bays, shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

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

### 4 Contaminated Land

Notwithstanding the reports submitted, 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.

An addendum gas monitoring risk assessment report which details the results of the outstanding gas monitoring visits should be submitted to the local planning authority for approval. 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'. Where this risk assessment indicates that gas protection measures are required an addendum remediation statement shall be submitted to the local planning authority for approval.

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

- 5 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. Where remediation of gas has been identified as necessary by the site investigation a verification plan shall be submitted for the proposed gas protection measures. 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 the site is suitable for the proposed end use in accordance with Core Strategy Policy EA5 and Development Management Policy DM1 of the South Tyneside Local Development Framework.

- 6 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 the site is suitable for the proposed end use in accordance with Core Strategy Policy EA5 and Development Management Policy DM1 of the South Tyneside Local Development Framework.

- 7 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 the site is suitable for the proposed end use in accordance with Core Strategy Policy EA5 and Development Management Policy DM1 of the South Tyneside Local Development Framework.

- 8 Landscape

The development shall not be commenced, with the exception of any contaminated land remediation works, until a soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of the type, height, species, densities, tree pits, root protection barriers, topsoil depths, and location of all new trees and shrubs as well as any proposed seeding/ turfing. The scheme shall include details of the phasing of landscape works to secure completion of planting, on a phase by phase basis, before respective dwellings are occupied. Any newly planted tree or shrub that is removed, dies or becomes seriously damaged or diseased within a period of 5 years from the completion of the respective phase,

shall be replaced not later than the next planting season after the loss or damage has been identified, by others of similar size and species (unless otherwise agreed in writing by the Local Planning Authority).

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.

- 9 The development hereby approved shall not be commenced, and there shall be no plant, machinery or building materials brought on to the site, until all trees to be retained have been protected by fencing and load bearing cellular confinement cells to BS5837 and as specified in the document "Tree Protection Plan and Arboricultural Method Statement" Revision 09 received on 18 May 2017 and as shown on Drawing Number ECO3 - TPP - 4671 - V10 (Tree Protection Plan) received 18 May 2017. Notices shall be attached to the fencing, stating 'Protected Zone - No Access, Disturbance, Storage or Contamination within Protected Area'. The protective fencing shall be maintained in position and in good order during the carrying out of the operational development hereby approved. 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 within the site is adequately protected during the period of construction in accordance with Policy DM1 of the South Tyneside Local Development Framework.

- 10 The dwellings hereby approved shall not be brought into use until a schedule of soft landscape maintenance, for a minimum period of 5 years, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the frequency and operations to be undertaken and arrangements for its implementation with regard to the approved soft landscape scheme, with the exception of the soft landscaping within the rear gardens of the proposed dwellings. The approved soft landscape scheme shall be maintained in accordance with the approved schedule, unless otherwise agreed in writing by the Local Planning Authority.

In order to ensure a satisfactory standard of development in the interests of enhancing the amenity of the area in accordance with Development Management Policy DM1 of the South Tyneside Local Development Framework.

#### 11 Flood Risk

Development shall not commence until a detailed scheme, for the off-site works that are necessary to facilitate the disposal of surface water from the development hereby approved, has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall be carried out in accordance with the approved details.

To prevent the increased risk of flooding from any sources in accordance with Development Management Policy DM1 of the South Tyneside Local Development Framework.

- 12 Notwithstanding the information already provided within the Drainage Strategy Plan (Drawing Number QD1183-00-04 Rev C) received 15 November 2016, no construction shall be commenced upon the hereby approved development until the precise details of a drainage strategy to provide a scheme of surface water drainage for the development has been submitted to and agreed in writing by the

Local Planning Authority. This drainage strategy shall include the following information and it shall then be completed on site:

- Include 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 40% 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 40% 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.

To prevent flooding in accordance with Development Management Policy DM1 of the South Tyneside Local Development Framework.

### 13 Biodiversity

Prior to any works being undertaken to facilitate the hereby approved development, a detailed methodology shall be submitted to and agreed in writing by the Local Planning Authority for the proposed removal, storage and relocation of turves from within the application site to the proposed off-site butterfly bund. The agreed details must then be carried out on site.

In the interests of safeguarding the Dingy Skipper Butterfly in accordance with both the applicant's Ecological Appraisal Revision 10 received 24 April 2017 and the Butterfly Mitigation Strategy and Management Plan Revision 04 received 8 May 2017, and in accordance with Core Strategy Policy E3 and Development Management Policy DM7 of the South.

### 14 Metro Line/Railway Safety

The dwellings adjacent to the metro/railway lines hereby approved shall not be brought into use until the proposed tref kerbs have been provided in the locations shown on the Track Protection Plan (Drawing No 544-MIL SD-10.07 Rev A) received 04 May 2017.

In order to ensure a satisfactory standard of development in the interests of the safety of the metro/railway line in accordance with Development Management Policy DM1 of the South Tyneside Local Development Framework.

- 15 No dwelling hereby approved shall be brought into use until details of the proposed pedestrian level crossing safety improvement works to the existing pedestrian level crossing at South Drive as recommended in Section 7.3.5 of the document "Level Crossing Risk Assessment" (March 2017) received on 10 March 2017 (including the removal of existing trip hazards, the relocation of the decision point signage, the installation of anti-trespass guards, the relocation of the crossing gates and the installation of signage advising cyclists to dismount and that dogs are kept on a lead), have been submitted to and approved in writing by the Local Planning Authority. Following the approval of the improvement works by the Local Planning Authority the improvement works shall then be completed in their entirety in accordance with the approved details prior to the first occupation of any dwelling.

In order to ensure a satisfactory standard of development in the interests of the safety of the metro/railway line in accordance with Development Management Policy DM1 of the South Tyneside Local Development Framework.

## 16 Highways

A phasing and implementation plan shall be agreed before construction works commence on site, with the exception of any contaminated land remediation works, in respect of the hereby approved vehicular accesses from Victoria Road West and the proposed off-site highway works to Victoria Road West shown on Drawing Number QD1183-20-11 Revision F (Road Markings 1) received 18 May 2017. The development must then be undertaken in accordance with the agreed details.

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

## 17 Residential Amenity

The dwellings hereby approved shall be subject to the following glazing enhancement works and shall not be occupied until these works have been completed on site, and once installed these noise mitigation measures must be retained henceforth:

i) With regard to properties along Victoria Road West, the specification of glazing in upstairs and downstairs habitable rooms should mitigate external noise by at least 40dB, to be achieved with a specification of 10mm/12mm/6.4mm PVB.

ii) With regard to properties that adjoin metro line, the specification of glazing in upstairs habitable rooms should mitigate external noise by at least 49dB, to be achieved with a specification of 10mm/200mm/6mm.

iii) With regard to ground floor rooms that adjoin the metro line the glazing should provide a reduction of at least 33dB, to be achieved with a specification of 6mm/12mm/6mm.

iv) With regard to first floor habitable rooms that adjoin the metro line, the glazing should provide a reduction of at least 36dB, to be achieved with a specification of 10mm/12mm/4mm.

To ensure a satisfactory standard of development in the interests of residential amenity in accordance with the "Assessment of Noise Levels and Noise Amelioration Measures" document (Report No. MH/VRW/002) received 25 October 2016 and in accordance with Development Management Policy DM1 of the South Tyneside Local Development Framework.

## 18 No dwelling hereby approved along the boundary with the metro line, the Victoria Industrial Estate and Victoria Road West shall be brought into use until a detailed scheme of acoustic ventilation for each dwelling has been submitted to and approved in writing by the Local Planning Authority, as advised in the "Assessment of Noise Levels and Noise Amelioration Measures" document (Report No. MH/VRW/002) received 25 October 2016.

The approved form of ventilation shall be retained thereafter.

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

- 19 No construction shall be undertaken on site, with the exception of any land contamination remediation works, until such a time as a phasing and implementation plan for the completion of the proposed noise barrier as shown on Drawing Number 544-MIL SD-10.04 Revision R (Proposed Boundary Treatment) received 04 May 2017 has been submitted and approved in writing by the Planning Authority. The noise barrier must comprise an acoustic fence and earth bund and it shall be constructed at an effective height of 3.5 metres in its entirety and with a mass of 10-12 kg/sq metre adjacent to the boundary with the Tyne and Wear Metro Line and the Victoria Road Industrial Estate. The acoustic fences and earth bunds shall be retained thereafter.

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

- 20 No demolition, construction or associated works or deliveries of materials shall take place outside 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 Development Management Policy DM1 (B) of the South Tyneside Local Development Framework.

- 21 Prior to the first occupation Plot No. 180 (Tolkien House Type) of the development hereby permitted, all windows of the proposed dwelling facing the common boundary with No. 1 Parkside shall be glazed with obscure glass to a level sufficient to protect the privacy of neighbouring occupiers. The form of windows and obscure glazing shall be retained thereafter.

To ensure the protection of privacy for neighbouring occupiers, and in the interests of residential amenity, in accordance with South Tyneside LDF Development Management Policy DM1.

- 22 Visual Amenity - Boundary Treatments

Notwithstanding the provisions of Article 3 and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development Order 2015 (as amended) (or any order revoking and re-enacting that order with or without modification) no improvement or other alteration shall be carried out nor shall any structure be erected within the curtilage of the dwellings hereby approved, without an application for planning permission having first been made to and approved in writing by the Local Planning Authority.

To retain control over the future development of boundary treatments in the interests of visual amenity in accordance with Development Management Policy DM1 of Local Development Framework

To retain control over the future development of boundary treatments in the interests of visual amenity in accordance with Development Management Policy DM1 of Local Development Framework

## 23 Levels

Notwithstanding the information already submitted, detailed drawings for each phase of the development hereby approved with the existing and proposed site levels and the finished floor levels of each phase, fixed to a datum point off-site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be completed entirely in accordance with the submitted details.

To safeguard the amenities of the area in accordance with Development Management Policy DM1 of the South Tyneside Local Development Framework.

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### NOTES TO APPLICANT:

- 1 This notice of grant of planning permission should be read in conjunction with the associated planning obligations (s106 agreement) between (1) The Council of the Borough of South Tyneside, (2) Siemens PLC and (3) Miller Homes Limited dated 07/09/2017.
- 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 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.
- 4 Northumbrian Water Ltd have stated that only following the discharge of the condition with regard to the submission and approval of a detailed scheme for the off-site works necessary to facilitate the disposal of surface water from the development hereby approved could an application be made to them for a new sewer connection under Section 106 of the Water Industry Act 1991.
- 5 The Coal Authority have stated that if any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)
- 6 The Northumbria Police Architectural Liaison Officer would like the applicant to consider applying for SBD (Secured By Design) certification.
- 7 The Council's Environmental Protection Section have advised that the developer should provide the contaminated land reports to on-site workers and they should also consider the document HSE (1991) 'Protection of Workers and the General Public during the Development of Contaminated Land' or other similar guidance during any site works.
- 8 The Council's Countryside Officer has requested that the results of the monitoring survey and any remedial actions proposed as set out in section H.1.6 of the Butterfly report should be submitted to the Countryside Officer for approval. The timing of this monitoring survey should take place in the 3rd year after the implementation of the butterfly habitat establishment works.



- 9 Nexus have advised that an Asset Protection Agreement between Nexus and the Developer may be required with regard to the proposed level crossing improvements. The details of the improvement works must be agreed between the Developer, Nexus and Network Rail and shall be carried out before the first dwelling is occupied.
- 10 Nexus have advised that the Flood Risk Assessment and Drainage Strategy recommends surface water discharge to the west of the site on a route that takes it under the Metro tracks. There appears to be a 450 diameter foul sewer running under the track at this location already. Nexus requires the details of the scheme to be designed and installed with the full agreement of Nexus and the Applicant must enter into an Asset Protection Agreement for the duration of the work. This will include the payment of Nexus' internal costs as well as any external consultants that Nexus may need to employ in order to verify the design.
- 11 Nexus have advised that with regard to the Acoustic fence provided along western site boundary with rail line, no damage to the Nexus Rail boundary fencing should result from the works, the Nexus Rail boundary fence is not to be removed, Nexus Rail maintenance access to the fence is not to be reduced as a result of the works, and Nexus Rail fencing post foundations are not to be undermined with fencing posts staggered not coinciding the Nexus Rail posts.
- 12 Nexus have advised that with regard to the proposed buffer planting, where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. They would wish to be involved in the approval of any landscaping schemes adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to the Nexus boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Nexus from maintaining its boundary fencing.
- 13 Nexus have advised that they require 24/7 access to South Drive Track Access Point and Pedestrian Level Crossing, and this access is not to be compromised during construction.
- 14 Nexus have advised that Nexus Rail Engineers must inspect and sign off the proposed trief kerbing works at each location as they are constructed.
- 15 Network Rail have advised that:
  - i) With regard to Asset Protection, the applicant must liaise with Network Rail to ensure safe working adjacent to the operational railway infrastructure and that the development has no adverse impact on property.
  - ii) With regard to drainage, all surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property.
  - iii) With regard to Fail Safe Use of Crane and Plant, all operations adjacent to Network Rail's property, must be carried out in a "fail safe" manner.
  - iv) With regard to Excavations/Earthworks, all excavations/earthworks carried out in the vicinity of Network Rail property/ structures must not interfere with its integrity. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail.

- v) With regard to security of Mutual Boundary, security of the railway boundary will need to be maintained at all times.
- vi) With regard to Network Rail's existing fencing/wall, this must not be removed or damaged.
- vii) With regard to Method Statements/Fail Safe/Possessions, method statements may require to be submitted to Network Rail's Asset Protection Project Manager for approval prior to works commencing on site.

16 Network Rail have advised that:

- i) With regard to OPE, once planning permission has been granted the Asset Protection Project Manager (OPE) MUST be contacted to view any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.
- ii) With regard to demolition, any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and must be carried out in accordance with an agreed method statement.
- iii) With regard to Vibro-impact Machinery, where vibro-compaction machinery is to be used, details and a method statement should be submitted for the approval prior to the commencement of works.
- iv) With regard to Encroachment, the developer must ensure that their proposal, both during construction, and after completion, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures.
- v) With regard to Trees/Shrubs/Landscaping, where planted adjacent to the railway boundary these should be positioned at a minimum distance greater than their predicted mature height from the boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway.
- vi) With regard to lighting, where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition, the location and colour of lights must not give rise to the potential for confusion with the signalling arrangement on the railway. Details of any external lighting should be provided.
- vii) With regard to access to the Railway, all roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. In particular, access over the adjacent crossing on South Drive must be kept clear and unobstructed at all times both during and following construction work.

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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.