



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:
Gary Craig Building Services Ltd.
10 Fulmar Walk
Whitburn
SR6 7BW

Application No: ST/0802/16/VC
Date of Issue: 02/11/2016

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: Construction of a two storey detached dwelling house with vehicle access from St Mary's Avenue.
Application under Section 73 of the Town and Country Planning Act 1990 to vary conditions 2, 3, 4 and 5 of planning permission ST/0244/14/FUL which granted consent for a new dwelling. Consent now sought to reduce the height of the approved dwelling and to amend the design, facing building materials and boundary treatments. Details of tree protection fencing have also been submitted.

LOCATION: Land to the Rear of 253 Sunderland Road, South Shields, NE34 6AL

In accordance with your application dated 09 August 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

Drg. no. 1 received 09/08/2016
Drg. no. 2 received 09/08/2016
Drg. no. 3 received 09/08/2016
Drg. no. 0797/3413/256 received 09/08/2016

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 The development hereby permitted shall not commence until the tree protection fencing is erected as per the submitted tree protection fencing specification received 09/08/2016 and position shown on drg. no. 3 received 09/08/2016. Notices shall be attached to the outside face of the tree protection fencing stating 'Protected Zone - No Access, Disturbance, Storage or Contamination within Protected Area'.

The tree protection fencing shall be maintained in position and in good order during the whole period of 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 within the site are adequately protected during the period of construction in accordance with the South Tyneside Local Development Framework Policy DM1.

- 4 The external materials to be used to carry out the development hereby permitted (i.e. dwelling, front boundary and porous block paving) shall be as those stated upon drg. no. 2 and drg. no. 3 (both received 09/08/2016), unless alternatives have been previously submitted to and agreed in writing by the Local Planning Authority pursuant to this condition and development is then carried out accordance with them.

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

- 5 The dwelling hereby approved shall be constructed as per the Finished Floor Level (FFL) shown on drg. no. 3 and drg. no. 0797/3413/256 (both received 09/08/2016), unless an alternative finished floor level has been previously submitted to and agreed in writing by the Local Planning Authority pursuant to this condition and development is then carried out accordance with it.

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

- 6 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 with South Tyneside Local Development Framework Development Management Policy DM1.

- 7 Notwithstanding the provisions of Class A and E(a) of Part 1 of the 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 enlargement, improvement or other alteration to the dwelling shall be carried out nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved, without an application for planning permission having first been made to and approved in writing by the Local Planning Authority.

To enable to Local Planning Authority to carefully consider the impacts of developments that would otherwise be permitted development by these two classes (or their successors) in the interests of local visual amenity (which includes protected trees) and residential amenity accordance with Policy DM1 of the Local Development Framework.

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 NOTES TO APPLICANT

a) No works to any protected trees may be undertaken without the written consent of this council being firstly obtained, unless they qualify as an exemption under regulation 14 of the The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

b) The vehicular footway crossing requires the approval of the Council's Highway and Infrastructure Team. Please call 0191 427 7000 and ask for this team to obtain further information.



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.