



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:

ID Partnership Northern
FAO Mr Scott Savin
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NE2 1AS

Application No: ST/0114/17/FUL

Date of Issue: 21/07/2017

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 35no. dwellings (comprising a mix of 1-3 bedroom: flats, bungalows, semi-detached and terraced properties), new boundary treatments, landscaping, parking and associated access.

LOCATION: Land bounded by Eskdale Drive, Coniston Drive, Lodore Grove, Kirkstone Avenue and Grasmere Avenue, Jarrow

In accordance with your application dated 01 February 2017

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

SL-01 Rev. H received 06/06/2017
1B2P_03 Rev. B received 25/05/2017
1B2P_04 Rev. B received 25/05/2017
2B3P_01 Rev. B received 25/05/2017
2B3P_02 Rev. B received 25/05/2017
2B4P_02 Rev. C received 25/05/2017
2B4P_03 Rev. B received 25/05/2017
3B5P_01 Rev. C received 25/05/2017
3B5P_02 Rev. C received 25/05/2017

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 Archaeological Excavation and Recording

No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF and Policy DM6 of the South Tyneside Local Development Framework.

4 Archaeological Post Excavation Report Condition

The dwellings hereby permitted shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition (3) has been submitted to and approved in writing by the Local Planning Authority.

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF and Policy DM6 of the South Tyneside Local Development Framework.

5 Archaeological Publication Report Condition

The dwellings hereby permitted shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a format suitable for publication in a journal publication. The report and details of the proposed journal that shall publish it shall be submitted to and approved in writing by the Local Planning Authority. The report shall thereafter be published in accordance with the agreed details.

The site is located within an area identified as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF and Policy DM6 of the South Tyneside Local Development Framework.

6 Contamination - Investigation and Risk Assessment

Prior to the commencement of any construction works, 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, ground gas and asbestos); (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 or ground gas 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 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. Where remediation of gas has been identified as necessary by the site investigation a gas 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.

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.

8 Contamination - Verification Report

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

9 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 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.

10 Drainage Details

Prior to the commencement of the drainage proposals (and notwithstanding the Flood Risk Assessment/Drainage Strategy document received 01/02/2017 and proposed drainage plan 112153/2003 Rev. A received 23/05/2017), a detailed drainage scheme shall be submitted to and approved in writing by the Local Planning Authority in

consultation with Northumbrian Water and the Lead Local Flood Authority and it shall include the following:-

- That foul and surface water flows discharge to the combined sewer at manhole 6401 and that the surface water discharge rate shall not exceed the available capacity of 5 litres per second that has been identified in this sewer.
- 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; where drainage design is created in micro-drainage the mdx model shall be provided
- 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
- 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.

Development shall be carried out in accordance with the approved details (unless any amendments have previously been submitted to and approved in writing by the Local Planning Authority [in consultation with Northumbrian Water and the Lead Local Flood Authority] and development is then carried in accordance with them).

To ensure the discharge of surface/foul water from the site does not increase the risk of flooding in accordance with Policies ST2 and DM1 of the South Tyneside Local Development Framework.

11 Finished floor levels

Prior to the commencement of any house, bungalow or flat hereby permitted; details of their ground floor finished floor levels relative to those of the existing surrounding properties 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 in the interests of both visual and residential amenity in accordance with Policy DM1 of the South Tyneside Local Development Framework.

12 Soft Landscaping

Notwithstanding the indicative details shown on drawing number 112153/8001 Rev. B received 23/05/2017, a detailed soft landscaping planting plan/specification shall be submitted to and approved in writing by the Local Planning Authority. Any new trees or shrubs which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced within replacement planting of similar species not later than the next available planting season after the loss or damage occurred (unless otherwise agreed in writing by the Local Planning Authority).

The approved details shall be carried out prior to the first occupation of each house, bungalow or flat or within the first available soft landscaping planting season thereafter, whichever occurs sooner.

To ensure a satisfactory standard of development in the interests of visual amenity and ecology in accordance with Policy DM1, DM7 and EA3 of the South Tyneside Local Development Framework.

13 Shed details

Prior to their construction, details of the external appearance and facing materials of the sheds (indicated on the proposed site layout plan drg. no. SL-01 Rev. H) shall be submitted to and approved in writing by the Local Planning Authority.

The approved details shall be carried out prior to the first occupation of each house, bungalow.

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

14 Ecology - bat box

Prior to their installation, the exact position and height of 5 habitat bat boxes (as specified in the applicant's Ecological Appraisal document and its guidance about positioning), shall be submitted to and approved in writing by the Local Planning Authority.

The approved details shall be completed on-site prior to the first occupation of each dwelling (that includes a bat habitat box).

To ensure that the ecological enhancement that is recommended in the submitted Ecological Appraisal document is carried out. In accordance with Policies EA3 and DM7 of the South Tyneside Local Development Framework.

15 Acoustic glazing and trickle vents

The development hereby permitted shall be carried out in accordance with the glazing and ventilation specification for the planning application site as set within Table 1 and Figure 1 of the applicant's submitted Noise Survey and Façade Acoustic Design Strategy (by Apex Acoustics) received 20/03/2017.

To safeguard against excessive levels of traffic noise from the nearby A19 and A185 roads and to ensure a reasonable standard of amenity for the occupants of the development in accordance with Policy DM1 of the South Tyneside Local Development Framework.

16 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.

17 Materials

The external materials to be used in the construction of the dwellings and hard surface treatments shall be carried out in accordance with the details included on drawing number MP-01 Rev. I, received 23/05/2017. 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 Policy DM1 of the South Tyneside Local Development Framework.

18 Obscure glazing

Prior to the first occupation of the dwellings at plots 68, 69 and 71; all habitable room windows in the side elevations of these dwellings at ground floor and first floor levels (i.e. serving the kitchen/dining room and bedroom 2) shall be glazed with obscure glass to a level sufficient to protect the privacy of the occupants and neighbouring occupiers. The form of windows and obscure glazing shall be retained thereafter.

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

19 Boundary treatments

The boundary treatments serving the hereby approved development shall be completed on-site in accordance with the details included within drawing number BT-01 Rev. H received 23/05/2017. 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 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 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

UNIQUE NOTES TO APPLICANT

3 Bins

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

4 Highways alterations

Alterations to the existing adopted highway or creation of new highway proposed for adoption will require the separate approval of the Highway Authority under the provisions of the Highways Act 1980 (as amended). Please contact Highway

Engineering Services, Adoptions and Projects Team, for further information on 0191 424 7507.

5 Birds

It is advisable that any tree, shrub, bush removal or site clearance works are carried out in full accordance with the recommendations set out in the submitted reports by Dendra Consulting Limited.

Under UK legislation it is an offence to intentionally or recklessly disturb, damage or destroy an active birds nest. An active nest is one which is in the process of being built or contains eggs / chicks. Activities which may affect nesting birds, for example tree, shrub, bush removal, must be organised and timed to avoid the bird breeding season which is March to August inclusive, unless a suitably qualified ecologist has undertaken a checking survey immediately prior to removal and has confirmed that no active birds nest(s) are present. Failure to do so may result in an offence being committed, regardless of planning consent, and could lead to prosecution under the Wildlife and Countryside Act 1981.

6 Dust mitigation measures

It is recommended that development is carried out with due consideration to the dust mitigation measures set out in the submitted Air Quality Assessment (at pages 31-33).

7 Planning obligations

This notice of grant of planning permission should be read in conjunction with the connected planning obligations [s106 agreement] between (1) The Council of the Borough of South Tyneside and (2) South Tyneside Housing Ventures Trust dated 21/07/2017.



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.