



**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:**  
Insight Architectural Design Ltd  
FAO Mr Julian Thompson  
Office 2, Station House  
Station Yard  
Bellingham  
NE48 2DG

**Application No:** ST/0083/20/FUL  
**Date of Issue:** 08/04/2020

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 five detached dwellings, with associated car parking and amenity space  
**Location:** Land Site of Former St Aidan's Church, St Aidan's Road, South Shields, NE33 2EY

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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 The development shall be carried out in accordance with the approved plan(s) as detailed below

Drg no. 19SASS (EW) 02 Rev B - Proposed site plan, received 30/03/2020  
Drg no. 19SASS (GA)01-04 - Proposed Floor Plans, Plot 1 received 03/02/2020  
Drg no. 19SASS (GA) 01-04 rev A - Proposed floor plans, Plot 2 received 14/02/2020  
Drg no. 19SASS (GA)01-04 - Proposed floor plans, Plots 3, 4 and 5 received 03/02/2020  
Drg no. 19SASS (GA) 21-24 - Proposed Elevations , Plot 1 received 03/02/2020  
Drg no. 19SASS(GA)21-24 - Proposed Elevations, Plots 3, 4 and 5 received 03/02/2020  
Drg no. 19SASS (GA) 21-24 rev A - Proposed Elevations , Plot 2 received 14/02/2020  
Drg no. 19SASS (SE)B-B rev A received 11/03/2020  
Drg no. 19SASS (SE) C-C rev A received 11/03/2020  
Drg no. 19SASS (SE) A-A rev A received 11/03/2020

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 Notwithstanding the submitted Phase 2 Ground Investigation report (by Arc Environmental, received 03/02/2020) and before the commencement of any development, additional sampling to the proposed garden areas shall be completed and results reported through the submission of an up to date ground investigation report. A technical review of the original site investigation should also be completed to ensure the recommendations within the Phase 2 Ground Investigation report (by Arc Environmental, received 03/02/2020) remain unchanged. An investigation and risk assessment must be completed for the entire site to assess the nature and extent of any contamination, whether or not it originates on site. The ground investigation report and the risk assessment must be undertaken by competent persons and a written report of the findings must be submitted for approval in writing by 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 'Land Contamination: Risk Management'.

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.

- 4 A Detailed Remediation Strategy for the proposed remedial works shall be submitted to, and approved by the Local Planning Authority prior to them commencing. 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.

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.

- 5 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 any part of the site being first 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.

- 6 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.

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.

- 7 No foundations or associated excavations exceeding 1.5m in depth from current ground level shall be carried out within the 'Proposed Watching Brief Plan' as shown on plan reference 19SASS (EW) 03 received 03/02/2020) until a specification for an archaeological watching brief for this part of the site has been submitted to and approved by the Local Planning Authority in writing. Work shall be carried out in accordance with the approved details and an archaeological watching brief report shall be submitted to the Local Planning Authority within 56 days of the foundation / excavation work being completed. Unless otherwise agreed in writing by the Local Planning Authority.

In order to ensure that excavation works associated with the approved development within the 'Area of Watching Brief' are controlled to safeguard any archaeology / heritage assets that may exist within the site. In accordance with the Archaeological Evaluation (Tyne & Wear Museums report no. 699), as the site lies within the Arbeia Roman Fort buffer zone; in accordance with paragraphs 189 and 199 of the National Planning Policy Framework and Policies DM6 and SS12 of the South Tyneside Local Development Framework.

- 8 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.

- 9 The finished floor levels of the hereby permitted dwellings and garden room to plot 1 shall be carried out in accordance with the details included on Drg no.19SASS (EW) rev B received 30/03/2020, Drg no. 19SASS (EW) 01 rev A received 11/03/2020, Drg no. 19SASS (SE) A-A rev A received 11/03/2020, Drg no. 19SASS (SE) B-B rev A received 11/03/2020 and Drg no. 19SASS (SE) C-C rev A received 11/03/2020. 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 in accordance with them.

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.

- 10 Prior to construction of the hereby approved dwellings above ground floor level, a detailed scheme for the disposal of foul and surface water from the development hereby approved must be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. The development shall be completed in accordance with the approved details.

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 The sustainable drainage system (permeable paving) shall be managed and maintained in accordance with the approved management and maintenance recommendations as detailed on the Drainage Strategy (Drg no. 01 rev P1) received 03/02/2020.

To ensure the drainage scheme is adequately managed and maintained and so that it does not increase the risk of flooding in accordance with Policies ST2 and DM1 of the South Tyneside Local Development Framework.

- 12 Prior to their use in the carrying out of the development hereby permitted, full details (including samples, drawings and/or specifications) of the proposed external facing materials for the dwellings, garden room (to plot 1) and external hard surface treatments 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 Policy DM1 of the South Tyneside Local Development Framework.

- 13 Notwithstanding the illustrative details shown on Drg no. 19SASS (EW) 02 rev B received 30/03/2020, no dwelling shall be occupied / brought into use until a detailed soft landscaping planting plan/specification including a phasing plan to secure the completion of the proposed soft landscaping, the type, height, species and location of any new trees and shrubs as well as any proposed seeding or turfing, topsoil depths and planting specification shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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).

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

- 14 Notwithstanding the information shown on the submitted plans and prior to their use in the carrying out of the development hereby permitted, full details (including samples, drawings, cross sections and/or specifications) of the proposed means of enclosure to the site - such as gates, fences, railings or walls - and a phasing plan to secure their completion 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 Policy DM1 of the South Tyneside Local Development Framework.

- 15 Prior to their use in the carrying out of the development hereby permitted, full details (including samples, drawings and/or specifications) of proposed external lighting including a phasing plan to secure its completion 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.

- 16 Prior to the occupation of the final dwelling hereby approved, the two visitor car parking bays as detailed on drawing no. 19SASS (EW)02 rev B received 30/03/2020, shall be completed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority pursuant to this condition. These visitor car parking spaces shall then be maintained henceforth for their designated purpose.

To ensure the provision of adequate visitor car parking on site in the interests of highway safety in accordance with policies DM1 and A1 of the South Tyneside Local Development Framework.

- 17 No dwelling hereby approved shall be occupied until the approved cycle storage for that dwelling as shown on Drg no. 19SASS (EW) 02 rev B received 30/03/2020 and by e-mail from Insight architectural design (agent) dated 11/03/2020 15:54 (confirming the detailed dimensions of the cycle storage) has been completed on site.

In the interests of sustainable development and in accordance with Core Strategy ST2 of the South Tyneside Local Development Framework.

- 18 Prior to the construction of the hereby approved dwellings above ground level, full details (including location and specifications) for built-in (integrated) bird and bat boxes, one to each dwelling, shall be submitted to and approved in writing by the Local Planning Authority. The

approved details shall be carried out prior to the occupation of each dwelling.

In the interests of biodiversity and in accordance with Core Strategy Policy EA3 and Development Management Policy 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 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 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 Measures to make the gardens permeable for hedgehogs shall be employed, by providing appropriate sized gaps in boundary and dividing fences and walls throughout the site.
- 6 NOTE TO APPLICANT  
  
To enable the provision of in curtilage parking to the hereby approved dwellings, 6 no. existing on street parking bays, marked out on the southern side of the highway (St Aidan's Road) will need to be removed. Please contact the Council's Parking Manager regarding the removal of these parking bays. All works required will be at the applicant's expense.

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Peter Mennell  
Senior Development Services Manager

**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.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

## **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.