



**NOTICE OF GRANT OF PLANNING PERMISSION**  
**Town and Country Planning Act 1990**  
**Town and Country Planning General Regulations 1992**  
**Town and Country Planning (Development Management Procedure)**  
**(England) Order 2015**

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**Contact Name and Address:**

Lichfields  
The St Nicholas Building  
St Nicholas Street  
Newcastle-upon-Tyne  
NE1 1RF

**Application No:** ST/1070/20/LAA

**Date of Issue:** 19/04/2021

FAO: Michael Hepburn

In pursuance of their powers under the above mentioned Acts and Regulations, South Tyneside Council as Local Planning Authority hereby resolve for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 to **GRANT** planning permission for the following development:

**Proposal:** Erection of commercial office building (use class E) with undercroft car park and associated landscaping and infrastructure

**Location:** Land at, Harton Quay, Mill Dam, South Shields,

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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

Landscape General Arrangement Drg No 0834-RFM-XX-ZZ-DR-L-0001 Rev P05 received 16/03/2021

Elevations North and South Drg No 3600 Rev P4 received 10/03/2021

Elevations East and West Drg No 3601 Rev P4 received 10/03/2021

Mill Dam Wall Elevations Drg No RFM-XX-00-DR-L-0002 Rev P03 received 10/03/2021

Podium Elevations Drg No RFM-XX-00-DR-L-0003 Rev P02 received 04/03/2021

Roof Plan Drg No 3006 Rev P5 received 11/12/2020

Net Internal Areas (NIA) Plan Drg No 3011 Rev P8 received 11/12/2020

Gross Internal Areas (GIA) Plans Drg No 3010 Rev P8 received 11/12/2020

Floor Plan Level 04 Drg No 3005 Rev P9 received 11/12/2020

Floor Plan Level 03 Drg No 3004 Rev P8 received 11/12/2020

Floor Plan Level 02 Drg No 3003 Rev P8 received 11/12/2020

Floor Plan Level 01 Drg No 3002 Rev P8 received 11/12/2020

Floor Plan Level 00 Drg No 3001 Rev P8 received 11/12/2020  
Floor Plan Level -01 Drg No 3000 Rev P12 received 03/03/2021  
Strip Section A Drg No 3803 Rev P2 received 16/03/2021  
Strip Section B Drg No 3804 Rev P2 received 16/03/2021  
Strip Section C Drg No 3805 Rev P2 received 16/03/2021  
Strip Section D Drg No 3806 Rev P1 received 16/03/2021  
Section 01 Drg No 3800 Rev P6 received 16/03/2021  
Section 02 Drg No 3801 Rev P6 received 16/03/2021

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 details already submitted, prior to the commencement of any above ground works on site, samples and details of all external materials for the office building, podium, alterations to the Mill Dam brick wall and external hard surface areas hereby approved 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 and in the interests of visual amenity in accordance with Development Management Policies DM1 and DM6 of the South Tyneside Local Development Framework.

- 4 Notwithstanding the details already submitted, prior to the commencement of any external lighting, details of a proposed external lighting scheme 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, residential amenity and crime prevention in accordance with Development Management Policies DM1 and DM6 of the South Tyneside Local Development Framework.

- 5 Notwithstanding the levels details already submitted, prior to the commencement of any above ground works on site, detailed scaled drawings showing the existing and proposed site levels and the finished floor levels, fixed to a datum point off-site, shall be submitted to and approved in writing by the Local Planning Authority. All works shall then be carried out in accordance with the approved details.

To safeguard the visual and residential amenities of the area in accordance with Development Management Policy DM1 and DM6 of the South Tyneside Local Development Framework.

- 6 Notwithstanding the details already submitted, prior to the commencement of any above ground works on site, details of a soft landscaping scheme shall be 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. 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 enhance biodiversity and soften the visual appearance of the development in accordance with Policies EA3, DM1 (C) and DM7 of the South Tyneside Local Development Framework.

- 7 The office development 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 any 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 enhance biodiversity and soften the visual appearance of the development in accordance with Policies EA3, DM1 (C) and DM7 of the South Tyneside Local Development Framework.

- 8 An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination and the potential for unexploded ordnance (UXO) that may exist 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; (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 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.

- 9 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

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.

- 10 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.

- 11 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.

- 12 Prior to the commencement of development a detailed drainage scheme for the entire application site, that also includes a Sustainable Urban Drainage System (SuDS) shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage scheme shall be in accordance with the submitted document entitled 'NPPF Flood Risk Assessment and Outline Drainage Strategy' (Reference: 077253-CUR-00-XX-RP-C-001) Revision 00, Issue Date 07 December 2020 and received 11/12/2020.

The drainage scheme shall ensure that that foul flows will discharge to the combined sewer at manhole 9903 and that surface water flows will discharge to the 2000 mm public sewer via manhole 9801, with surface water discharge being restricted to 116 l/sec. The drainage scheme shall include a detailed development layout, civil engineering details (including details of the SuDS features - long and cross sections), maintenance requirements, programme and maintenance responsibilities for all SuDS features, detailed drainage and flood design drawings including hydraulic calculations and MDX model. The approved details shall then be implemented in their entirety prior to the first occupation of the development to which it forms part and thereafter retained and maintained in accordance with the approved management and maintenance details.

To ensure that 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 and the NPPF.

- 13 The office development hereby permitted shall not be occupied until a verification report evidencing the completion of the approved sustainable drainage system, the contents of which is to include amongst other things methodology of installation, evidence of depths and dimensions and supporting images from installation), has been submitted to and approved in writing by the Local Planning Authority .

To ensure the discharge of surface 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 and the NPPF.

- 14 The hereby approved works/repairs to the Mill Dam brick boundary wall and chimney shall be carried out in accordance with the specifications included within the Historic Wall Survey document (Ref: 076755-CUR-XX-XX-RP-S-00101 - Issue Date 15 December 2020) received 01/02/2021.

To ensure a satisfactory standard of development in the interests of visual amenity and the preservation of the character of the locally listed buildings and the Mill Dam Conservation Area in accordance with policies DM1 and DM6 of the South Tyneside Local Development Framework, and the guidance contained within SPD19 (Mill Dam Conservation Area Management Plan) and SPD21 (Locally Significant Heritage Assets).

- 15 The proposed office development hereby permitted shall not be occupied until the proposed 22no. car parking spaces, as shown on Drawing Number 3000 Revision P12 (Level -01 GA Plan) received 03/03/2021, has been completed on site. The car parking shall be retained thereafter for its designated purpose.

To ensure the provision of adequate car parking on site in the interests of highway safety and in accordance with Policy DM1 and the associated guidance contained within SPD6 of the South Tyneside Local Development Framework.

- 16 The proposed office development hereby permitted shall not be occupied until the proposed internal cycle storage for 50no. cycles, as shown on Drawing Number 3000 Revision P12 (Level -01 GA Plan) received 03/03/2021 and the proposed external cycle parking (5 racks for 10 cycles) at the entrance to the building as shown on Drawing Number 0834-RFM-XX - ZZ-DR-L-0001 Rev P05 (Landscape General Arrangement) received 16/03/2021, and as specified in the e-mail received 23/02/2021, has been completed on site. The cycle storage and cycle parking shall be retained thereafter.

To ensure the provision of adequate cycle parking in the interests of highway safety and sustainable development and in accordance with Policies ST2 and DM1 and the associated guidance contained within SPD6 of the South Tyneside Local Development Framework.

- 17 The proposed office development hereby permitted shall not be occupied until the proposed refuse/recycling area, as shown on Drawing Number 3000 Revision P12 (Level -01 GA Plan) received 03/03/2021, has been completed on site. The refuse/recycling area shall be retained thereafter for its designated purpose.

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

- 18 No groundworks or development shall commence until a programme of archaeological fieldwork has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority or a Written Scheme of Investigation that has been 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 199 of the NPPF and Policy DM6 of the South Tyneside Local Development Framework.

- 19 The building shall not be brought into use until the final report of the results of the archaeological fieldwork 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 199 of the NPPF and Policy DM6 of the South Tyneside Local Development Framework.

- 20 The building shall not be brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

The site is located within an area identified in the Unitary Development Plan 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 199 of the NPPF and Policy DM6 of the South Tyneside Local Development Framework.

- 21 No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority or a Written Scheme of Investigation that has been approved in writing by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with paragraph 199 of the NPPF and Policy DM6 of the South Tyneside Local Development Framework.

- 22 The building shall not be brought into use until the report of the results of observations of the groundworks 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, to accord with paragraph 199 of the NPPF and Policy DM6 of the South Tyneside Local Development Framework.

- 23 No mechanical groundworks associated with the construction phase of the hereby approved development shall take place within 1.0 metre of the existing historic Glassworks chimney and within 1.0 metre of the Mill Dam wall. Any groundwork required to be carried out within 1.0 metre of the chimney and wall must be undertaken using hand tools.

To ensure the preservation in-situ of archaeological features in the interests of visual amenity and the preservation of the locally listed building chimney in accordance with policies DM1 and DM6 of the South Tyneside Local Development Framework, and the guidance contained within SPD19 (Mill Dam Conservation Area Management Plan) and SPD21 (Locally Significant Heritage Assets).

- 24 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.

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

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with Development Management Policies DM1 and DM6 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 Northumbrian Water has advised that a sewerage rising main crosses the site and may be affected by the proposed development. Northumbrian Water does not permit a building over or close to their apparatus. They will work with the developer to establish the exact location of their assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development.
- 4 There is an existing substation on the site which is proposed to be incorporated within the office building. Northern Powergrid has advised that any discussions regarding the substation should be held with Northern Powergrid engineers and Wayleaves Team.
- 5 The Council's Traffic and Road Safety Team has advised that the proposed diverted footway around the proposed drop off layby to the north of the site will require an amendment to the TRO in this location to enforce the loading bay. The diverted footway section needs to be dedicated as highway, and any retaining structure required to support that footway should also be properly maintained by a third party.
- 6 The Council's Traffic and Road Safety Team has advised that the Travel Plan shall be implemented and the developer should input the Travel Plan into the regional transport planning system for ongoing review to ensure its delivery.

- 7 The Council's Traffic and Road Safety Team has commented that none of the internal footpaths or other hard paving should be offered as adoptable highway and these areas, street lighting and landscaping should be maintained by others.
  - 8 The Council's Traffic and Road Safety Team has advised that the surface water will be collected by a dedicated surface water drainage network which discharges to an existing pipe. However, the drainage system would not be maintained by South Tyneside Council.
  - 9 The Countryside Officer has advised that works should be undertaken to Environment Agency good practice guidelines to prevent pollution of the Tyne.
  - 10 The Council's Countryside Officer has advised that during the construction works, any excavations left open overnight shall have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45 degrees.
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Peter Mennell  
Head of Regeneration and Housing

**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.

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.