



**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:**

Rapleys LLP  
FAO Miss H Payne  
Pall Mall Court  
61-67 King Street  
Manchester  
M2 4PD

**Application No:** ST/0536/16/VC

**Date of Issue:** 06/10/2016

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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:** Application under Section 73 of the Town and Country Planning Act 1990 to vary Condition 2 of permission Ref. ST/1206/15/FUL, for the construction of a new Lidl foodstore. An existing fibre cabinet is located within the proposed vehicle entrance point on Stanley Street which cannot be relocated, therefore the approved vehicle access/egress and site layout are being revised. Substitution of approved Site Layout (Drg No. A(90)GAP001 Rev 18) with Proposed Site Layout (Drg No. A(90)GAP001 Rev 28).

**LOCATION:** Lidl 32 Boldon Lane, (and site of former Oakdale Lodge, Stanley Street), South Shields, NE34 0AT

In accordance with your application dated 03 June 2016

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

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

- Drawing No. A(90)GAP001 Rev. 28 received 08/09/2016
- Drawing No. A(96)GAP001 Rev. 13 received 17/03/2016 (approved under planning application Ref: ST/1206/15/FUL)
- Drawing No. A(00)GAE001 Rev. 7 received 19/02/2016 (approved under planning application Ref: ST/1206/15/FUL)
- Drawing No. A(00)GAP001 Rev. 5 received 19/02/2016 (approved under planning application Ref: ST/1206/15/FUL)
- Drawing No. A(00)GAP201 Rev. 1 received 06/01/2016 (approved under planning application Ref: ST/1206/15/FUL)
- Drawing No. A(00)GAS001 Rev. 2 received 22/02/2016 (approved under planning application Ref: ST/1206/15/FUL)

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.

- 2 The external materials of the development hereby permitted shall be as specified on the following drawings:
- Drawing No. A(00)GAE001 Rev. 7 received 19/02/2016 (approved under planning application ST/1206/15/FUL) specifying materials for the main store building;
  - Drawing No. A(96)GAP001 Rev.13 received 17/03/2016 (approved under planning application ST/1206/15/FUL) specifying materials for the boundary treatment; and
  - Drawing No. A(90)GAP001 Rev. 28 received 08/09/2016 specifying materials for the hard landscaping;
- unless alternatives have been previously submitted to and approved in writing by the Local Planning Authority pursuant to this condition.

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

- 3 Within 2 months from the date of this decision notice, a drainage strategy shall be submitted to the Local Planning Authority for their approval in writing. The drainage strategy shall:
- 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 30% 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 30% 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.
- The drainage strategy shall be approved in writing by the Local Planning Authority, implemented in accordance with the approved details and retained thereafter.

To ensure that the development is designed to minimise and mitigate localised flood risk, in accordance with adopted South Tyneside LDF Development Management Policy DM1.

- 4 Within 2 months from the date of this decision notice, details of the proposed permeable hard surfaces within the car parking area shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall then be retained thereafter.

To ensure that the development is designed to minimise and mitigate localised flood risk, in accordance with adopted South Tyneside LDF Development Management Policy DM1.

- 5 Prior to the first occupation of the development hereby permitted, acoustic boundary treatment shall be erected as follows:
- A 2.1 metre high masonry wall (in brickwork as per submission under planning application Ref: ST/1206/15/FUL) adjacent to the common boundary shared with Nos. 12 and 14-19 South Dene (detailed dark green on Drawing No. A(96)GAP001 Rev.13 received 17/03/2016 approved under planning application Ref: ST/1206/15/FUL);
  - A 2.1 metre high acoustic fence (of a density not less than 20kg/m<sup>2</sup>) adjacent to the delivery bay and between the delivery bay and the western boundary of the application site (detailed yellow on Drawing No. A(96)GAP001 Rev.13 received 17/03/2016 approved under planning application Ref: ST/1206/15/FUL); and
  - A 2.5 metre high acoustic fence (of a density not less than 20kg/m<sup>2</sup>) around the plant area to the north of the proposed store (detailed purple on Drawing No. A(96)GAP001 Rev. 13 received 17/03/2016 and on Drawing No. A(96)GAV001 Rev. 1 received 09/03/2016 both approved under planning application ST/1206/15/FUL).

The acoustic wall / timber fences and the existing boundary wall along the western boundary of the application site (detailed light blue on Drawing No. A(96)GAP001 Rev. 13 received 17/03/2016 approved under planning application Ref: ST/1206/15/FUL) shall be retained thereafter for the lifetime of the development.

To safeguard the amenity of the nearby residents in accordance with adopted South Tyneside LDF Development Management Policy DM1.

- 6 Prior to the first occupation of the development hereby permitted, full details of proposed mechanical plant within the external plant area (as shown on Drawing No. A(90)GAP001 Rev. 28 received 08/09/2016) to the north of the proposed store shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be completed on site in accordance with the approved details.

To ensure a satisfactory form of development and in the interests of visual amenity in accordance with adopted South Tyneside LDF Development Management Policy DM1.

- 7 Prior to the first occupation of the development hereby permitted, an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented in full and then retained thereafter.

To ensure a satisfactory standard of development and to safeguard the amenity of the nearby residents in accordance with adopted South Tyneside LDF Core Strategy Policy EA5 and Development Management Policy DM1.

- 8 The development hereby permitted shall be constructed in accordance with the Dust Management Plan by WYG (dated April 2016 and received 12/04/2016), approved under application Ref: ST/0332/16/COND (discharge of Condition 9 'Submission of Dust Management Plan' attached to planning permission Ref: ST/1206/15/FUL).

To safeguard the amenity of nearby residents in accordance with adopted South Tyneside LDF Core Strategy Policy EA5 and Development Management Policy DM1.

- 9 Prior to the first occupation of the development hereby permitted, the Remediation Strategy by Dunelm Geotechnical & Environmental (dated September 2016 and received 14/09/2016), approved under application Ref: ST/0334/16/COND (discharge of Condition 11 'Submission of Remediation Scheme' attached to planning permission Ref: ST/1206/15/FUL), must be carried out in accordance with its terms, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the Remediation Strategy works.

Following completion of measures identified in the approved Remediation Strategy approved under application Ref: ST/0334/16/COND, 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 land are minimised, in accordance with adopted South Tyneside LDF Development Management Policy DM1.

- 10 In the event that contamination is found or ground gas is detected 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 or ground gas will be dealt with.

To ensure that risks from land contamination to the future users of the land are minimised, and to ensure that development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptions, in accordance with adopted South Tyneside LDF Development Management Policy DM1.

- 11 Prior to the first occupation of the development hereby permitted, a landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved landscape scheme shall be completed not later than 12 months after the first occupation of the development. 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).

In the interests of visual amenity in accordance with adopted South Tyneside LDF Development Management Policy DM1.

- 12 Notwithstanding the information provided on Drawing No. A(90) GAP001 Rev. 28 received 08/09/2016 and Drawing No. C161209 Rev. P2 received 06/06/2016, the development hereby permitted shall not be brought into use until full details of the following associated proposed off-site highway improvement works have been approved in writing and then completed on site:
- New vehicle access/egress serving the application site from Stanley Street, and
  - Works to widen the Boldon Lane/Stanley Street highway junction together with any associated Traffic Regulation Orders and bollards that may be deemed necessary.

To enable large vehicles to enter and leave the application site without detriment to the highway safety of the area in accordance with the adopted South Tyneside LDF Development Management Policy DM1.

- 13 The Framework Travel Plan by WYG dated December 2015 and received on 06/01/2015 (approved under planning application ST/1206/15/FUL) shall be implemented in accordance with the 'Action Plan' in Section 6. Thereafter the travel plan shall continue to be monitored and updated on an annual basis in accordance with the approved details, as long as any part of the development is occupied.

In the interests of securing sustainable travel patterns in accordance with adopted South Tyneside LDF Core Strategy Policies ST2 and A1.

- 14 Prior to the first occupation of the development hereby permitted, the car parking layout (excepting the 5 bays labelled 'Local Council designated parking bays to the North West of the application site) and cycle storage area, as detailed on Drawing No. A(90)GAP001 Rev. 28 received 08/09/2016, shall be completed / marked out in full on site and made available for use. The car parking and cycle provision shall be retained thereafter for their designated purposes.

To enable all vehicles to access the car park and operational areas and ensure a satisfactory standard of development in accordance with adopted South Tyneside LDF Core Strategy Policy A1 and Development Management Policy DM1.

- 15 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 Bank Holidays, without the prior written agreement of the local planning authority.

To safeguard the amenity of the nearby residents, in accordance with adopted South Tyneside LDF Development Management Policy DM1.

- 16 The premises shall only be open to the public between 07.00 hours and 22.00 hours Monday to Saturday (excluding Bank Holidays) and between 10.00 and 16.00 hours on Sundays and Bank Holidays.

To safeguard the amenity of occupiers of neighbouring residents, in accordance with adopted South Tyneside LDF Development Management Policy DM1.

- 17 Prior to the first occupation of the development hereby permitted, a foul water drainage strategy for the development shall be submitted to and approved in writing by the Local Planning Authority. This foul water drainage strategy shall be implemented prior to the first occupation of the development and retained henceforth.

To ensure that an appropriate method of connection to the existing sewerage network is achieved in accordance with adopted South Tyneside Local Development Framework Policy DM1.

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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 (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](http://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](http://www.groundstability.com)

### 3 NOTE TO APPLICANT - Highways Works

The applicant is advised that an agreement under Section 278 of the Highways Act would be required from the Council as Highways Authority before the proposed works to the existing adopted highway could be undertaken. In addition, if the proposed re-positioned footpath within the application site is to be adopted, this adoption process would be undertaken under Section 38 of the Highways Act 1980. Please contact Highway Engineering Services, Adoptions and Projects Team, for further information on (0191) 424 7507.

### 4 NOTE TO APPLICANT - Highway Traffic Regulation Orders

The applicant should be aware that the re-positioned vehicle access / egress may cause issues for Lidl service vehicles as manoeuvring may be hampered by parked cars. The costs of any waiting restrictions required to improve this would have to be borne by the applicant. Lead in time for a traffic regulation order would be around 4-6 months subject to the workload of the 'Parking and Utilities Team' and any objections received.

### 5 NOTE TO APPLICANT - Ecology

The applicant is advised that no removal of trees, shrubs, or any other vegetation should take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared. In addition the applicant is advised that they should implement biodiversity enhancements as recommended in Section 7 of the Phase 1 Habitat Survey & Protected Species Assessment dated December 2015 and received 06/01/2016.

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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.