South Tyneside Council

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:
Fitz Architects Limited
6 Pier Point
Sunderland
SR6 0PP

Application No: ST/0854/17/FUL
Date of Issue: 02/02/2018

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: New dwelling on existing building footings at land adjacent to 5 Lawn Drive, West Boldon. The application proposes a contemporary new dwelling on land which had previously started development under approved planning application ST/1303/13/FUL

LOCATION: Land adjacent to 5 Lawn Drive, West Boldon, NE36 0AZ

In accordance with your application dated 01 September 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:

Drg No. AL (00) 0110 received 01/09/2017.
Drg No. AL (00) 0111 received 01/09/2017.
Drg No. AL (00) 0112 Rev A received 08/01/2018.
Drg No. AL (00) 0210 Rev A received 08/01/2018.
Drg No. AL (00) 0220 Rev A received 08/01/2018.
Drg No. AL (00) 0230 Rev A received 08/01/2018.
Drg No. AL (00) 0240 Rev A received 08/01/2018.

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

3 The external surfaces of the development hereby permitted shall be as indicated on Drg Nos. AL (00) 0210, AL (00) 0220 Rev A, AL (00) 0230 Rev A and AL (00) 0240 Rev A all received 08/01/2018 unless otherwise agreed 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 South Tyneside LDF Development Management Policy DM1.

4 A protective barrier in the positions marked on Drg No. AMS TPP Rev A received on 01/09/2017 shall be erected to British Standard 5837:7&8 (or other fencing approved in writing by the Local Planning Authority prior to its use) before any further construction works hereby approved are commenced. The protective barrier shall be maintained in position and in good order during the whole period of construction works on site.

In order to provide adequate protection to trees which are the subject of Tree Preservation Orders during the construction phase, in accordance with Policy DM1 of the South Tyneside Local Development Framework.

5 The hereby approved development shall not commence until details have been submitted to and approved in writing by the Local Planning Authority of the foundations for the proposed new building, which shall be pile foundations as outlined in paragraph 4.2 of the Arboricultural Method Statement received on 01/09/2017. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

In light of the close proximity of the development in relation to established trees, and to ensure that the health of the trees is adequately protected during the period of construction in accordance with Policy DM1 of the South Tyneside Local Development Framework.

6 Notwithstanding the provisions of Article 3 and Class A, B and E of Part 1 and of the Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no enlargement shall be carried out nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved, without an application for planning permission having first been made to and approved in writing by the Local Planning Authority.

To retain control of any future development, given the location of the site within the Green Belt and in relation to neighbouring dwellings and protected trees, in accordance with policies EA1 and DM1 of the South Tyneside Local Development Framework.

NOTES TO APPLICANT:

For the avoidance of doubt this decision relates to the following plans and/or specifications:

1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework (paragraphs 186 & 187) to seek to approve applications for sustainable development where possible.

2 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

3 This planning permission does not give consent to carry out any works to the trees which are subject to Tree Preservation Orders and as such separate written consent from the Council must be obtained before carrying out any such tree works.

4 The Council requires the developer to provide, 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.



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.