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**

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**Contact Name and Address:**
Gary Craig Architectural Services Ltd
FAO Gary Craig
10 Fulmar Walk
Whitburn
SR6 7BW

**Application No:** ST/0544/18/HFUL
**Date of Issue:** 24/09/2018

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:** Single storey rear sun lounge extension with flat roof and balcony/glazed balustrading to first floor level and 3 no. sun pipes
**Location:** 39 Parkshiel, South Shields, NE34 8BU

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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. 420/0512 rev A received 22/08/2018
Drg No. 1 rev A received 22/08/2018
Site/Roof Plan Proposed rev A received 22/08/2018

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 of similar appearance to those used in the construction of the exterior of the existing building on which the extension will form part. 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 The development shall not be commenced until trees T1 and T2 as identified in the Arboricultural Impact Assessment received 30/07/2018 have been protected by fencing to British Standard 5837:7 & 8 (or other fencing approved in writing by the Local Planning Authority prior to its use). The protective fencing shall be erected outside the crown spread (or, in the case of a fastigiated tree, erected to enclose an area with a radius of 6 m from the trunk) of all trees on site (including those outside the site but overhanging the site boundary). Notices shall be attached to the fencing, stating 'Protected Zone - No Access, Disturbance, Storage or Contamination within Protected Area'. The protective fencing shall be maintained in position and in good order during the whole period of works on site. Works, including the excavation, removal or deposit of earth or other materials shall not be carried out within any area enclosed by protective fencing without the written prior consent of the Local Planning Authority.

To ensure that the health of retained trees within the site is adequately protected during the period of construction in accordance with South Tyneside LDF Development Management Policy DM1(C).

5 The proposed solid privacy screen to the south facing elevation of the first floor rear balcony shall be carried out in full accordance with Drawing No. 1 Revision A (received on 22 August 2018) and it shall be completed prior to the first occupation of the development hereby approved. The approved details shall then be retained on site henceforth.

To safeguard the existing privacy levels of the adjacent occupiers of land at 38 Parkshiel in the interests of neighbouring residential amenity and in accordance with the South Tyneside Local Development Framework Development Management 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 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

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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 for any other purpose. Applications should be made for any other permission, approval or consent required from South Tyneside Council (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.

**APPEALS TO THE SECRETARY OF STATE**

6 **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.

As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks 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 12 weeks 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**

7 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.