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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Application No: ST/0139/22/FUL
Date of Issue: 13/07/2023

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: Development of 5no. dwellings, with associated access, amenity space, landscaping and car parking in association with the playing field.

Location: Vacant Formerly Boldon CE Primary School, Rectory Bank, North Road, West Boldon, NE36 0QE

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. (00)391 rev G received 29/06/2022
Drg. no. BOL-NOR-A1-ZZ-DR-A-00102 rev A02 received 01/04/2022
Drg. no. BOL-NOR-A1-ZZ-DR-A-00101 rev A08 received 01/04/2022
Drg. no. BOL-NOR-A1-ZZ-DR-A-00101 rev A12 received 01/04/2022
Drg. no. 1001-01 rev B received 18/02/2022
Drg. no. 1003-01 rev C received 18/02/2022

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 Prior to the commencement of development (excluding preparatory groundworks) a detailed scheme for the disposal of foul and surface water from the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Local Highway Authority. Development shall thereafter take place in accordance with the approved details.

To ensure the discharge of surface/foul water from the site does not increase the risk of flooding and in the interests of highway safety, in accordance with Policies DM1 and ST2 of the South Tyneside Local Development Framework and the NPPF.

4 The development hereby permitted shall not be occupied until a verification report evidencing the completion of the approved sustainable drainage system (including geocellular attenuation tanks, permeable paving, and measures to prevent run-off from private land onto the highway), 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. Thereafter, the approved sustainable drainage system shall be maintained in accordance with the approved details.

To ensure the discharge of surface/foul water from the site does not increase the risk of flooding and to prevent surface water run-off from private land onto the highway in the interests of highway in accordance with Policies DM1 and ST2 of the South Tyneside Local Development Framework and the NPPF.

5 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 and the NPPF.

6 Prior to the commencement of development above damp proof course level, a scheme to provide continued access for pedestrians and playing pitch maintenance vehicles during the construction of the paying pitch car park, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

To ensure a satisfactory and safe means of continued access to the playing pitch during the construction period for pedestrian and playing pitch maintenance vehicles, in accordance with the NPPF and policy SC6 of the South Tyneside Local Development Framework.

7 No construction or associated works or deliveries of materials shall take place outside the hours of 8am - 6pm Monday to Friday and 8am - 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 with the NPPF and Policy DM1 of the South Tyneside Local Development Framework.

8 Notwithstanding the details submitted on Drg no. (00)350 rev E received 29/06/2022, no dwelling hereby permitted shall be occupied unless and until details for all boundary treatments and means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The details shall include gaps with dimensions of 13cm x 13cm in fences between gardens and landscaped areas to allow hedgehog movement and foraging. No dwelling hereby permitted shall be occupied until the means of enclosure in respect of that dwelling, have been provided in full accordance with the approved details and thereafter such means of enclosure shall remain in place at all times.

To safeguard the character and appearance of the West Boldon Conservation Area, in the interests of visual amenity and biodiversity in accordance with South Tyneside Local Development Framework Policies DM1, DM6, DM7, EA3 and the NPPF.

9 Notwithstanding the provisions of Article 3 and Class A of Part 2 of 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 within the curtilage of the dwelling adjacent to North Road (plot 1 as detailed on Drg no. (00)391 rev G received 29/06/2022), or along the remainder of the development site frontage to North Road without an application for planning permission having first been made to and approved in writing by the Local Planning Authority.

To maintain control over any future harmful boundary treatment works that may have otherwise benefitted from permitted development, in the interests of safeguarding both the character and appearance of West Boldon Conservation Area in accordance with Policies DM1 and DM6 of the South Tyneside Local Development Framework and the NPPF.

10 Prior to the commencement of development a physical barrier separating the application site from the existing playing pitch (such as Herras fencing or similar) to maintain both pedestrian and playing pitch maintenance vehicle access to the existing playing pitch and to provide a temporary means of enclosure along the western and north western boundaries of the application site, shall be erected and maintained during the whole construction period.

In the interests of health and safety and to safeguard the playing surface of the pitch from damage during the construction phases of the development, in accordance with policy SC6 of the South Tyneside Local Development Framework and the NPPF.

11 The development shall be carried out in accordance with the proposed ground levels, finished floor levels shown on Drg no. 1003-01 rev C received 18/02/2022.

To safeguard the amenities of the occupiers of existing neighbouring dwellings and in the interest of visual amenity in accordance with Policies DM1 and DM6 of the South Tyneside Local Development Framework and the NPPF.

12 Notwithstanding the details submitted, prior to the commencement of the development above damp proof course level, samples and details of all external materials for the dwellings hereby approved and details for hard surfacing, shall be submitted to the local planning authority and approved in writing. All works shall be carried out in accordance with the approved details.

To safeguard the character and appearance of the West Boldon Conservation Area in accordance with Local Development Framework Policies DM1 and DM6 and the NPPF.

13 No works (including demolition) shall be undertaken and no plant, machinery or building materials shall be brought to site until the detailed tree protection measures, as detailed in the Arboricultural Method Statement inc. Impact Assessment ref: ARB/CP/2492 dated April 2021 received 18/02/2022 (and in accordance with BS5387 'Trees in Relation to design, demolition and construction' 2012, and NJUG guidelines), have been carried out on site. Furthermore, in accordance with the Pre-development and Site Preparation measures, as set out in the Arboricultural Method Statement inc. Impact Assessment ref: ARB/CP/2492 dated April 2021 received 18/02/2022, no work (including demolition) shall commence on site until the project arboriculturist has checked the protective fencing and ground protection measures have been installed on site and certification of inspection has been submitted to and approved in writing by the Local Planning Authority.

The development must be undertaken on site in strict accordance with the approved details and the tree protection features and ground protection measures shall be maintained in position and in good order during the whole period of construction 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 existing trees within and adjacent to the site, several of which are the subject of a Tree Preservation Order, are adequately protected during the period of construction works and to safeguard the character and appearance of the West Boldon Conservation Area in accordance with Local Development Framework Policies DM1 and DM6 and EA1 and the NPPF.

14 No dwelling hereby permitted shall be occupied unless and until full details of hard and soft landscaping and on-site biodiversity enhancement measures have been submitted to and approved in writing by the Local planning Authority. These details shall include:
a) Planting plans including the type, height, species, densities and location of any new trees, hedges and shrubs as well as any proposed seeding or turfing, topsoil depths, planting specification and boundary enclosure.
b) Details for 5 no. integrated roosting features for birds (on elevations facing north, north east or north west) and 4 no. integrated bat boxes on south west elevations.
c) Timing details regarding implementation thereof.

Thereafter landscaping works and biodiversity enhancement measures shall be implemented as approved in accordance with the approved timing details.

To safeguard the character and appearance of the West Boldon Conservation Area in ensure a satisfactory standard of development in the interests of visual amenity and biodiversity in accordance with NPPF and South Tyneside Local Development Framework policies EA3, DM7 and DM1.

15 No dwelling hereby permitted shall be occupied unless and until a Habitat Management and Monitoring Plan has been submitted to and approved in writing by the Local Planning Authority. The contents of that plan shall accord with the requirements of BS8683:2021 - process for designing and implementing Biodiversity Net Gain - Specifications' including details of, but not restricted to, the following:

a) the project's biodiversity baseline assessment against which BNG outcomes are assessed and monitored;
b) the project's BNG targets;
c) the number of years to achieve and then maintain the BNG targets which shall comprise a continuous period of at least 30 years from first occupation of the development;

d) a programme detailing the long-term phases of the management and monitoring activities;
e) a monitoring plan to inform decisions about management, whether assessing progress towards the BNG targets is on track and whether changes to management are required to achieve the targets;
f) the roles, responsibilities and required competencies of those involved with implementing and monitoring the BNG design during the implementation and post-implementation stages;
g) provision for any approved landscaping that is removed, dies or becomes seriously diseased within the agreed timescales for achieving and maintaining the BNG targets to be replaced in the next planting season with landscaping of similar size and species to that which it replaces.

Thereafter the Habitat Management & Monitoring Plan shall be carried out/implemented as approved and in accordance with the approved timetables.

To ensure a satisfactory standard of development in the interests of visual amenity and biodiversity in accordance with NPPF and Policies DM1, DM7 and EA3 of the South Tyneside Local Development Framework.

16 No development shall take place (including any demolition, ground works, site clearance) until a method statement for the following have been submitted to and approved in writing by the local planning authority:
a) A precautionary method statement for bats in the context of demolition works on site.
b) A hedgehog method statement detailing the measures required to protect these species from harm during de-vegetation, site clearance and construction works.
c) An invasive non-native species method statement, detailing the containment, control and removal of Montbretia from the site.
The content of the method statement shall include the:
a) purpose and objectives of the method statements.
b) detailed design(s) and/or working method(s) necessary to achieve the stated objectives.
c) extent and location of relevant works shown on appropriate scale maps and plans.
d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction.
e) Persons responsible for implementing the method statements and clearly stating when/if an Ecological Clerk of Works is required to oversee works.
The works shall be caried out in accordance with the approved details.

To ensure the development does not harm habitats, encourages biodiversity and ensures the appropriate containment, control and removal of an invasive non-native species in accordance with the NPPF and South Tyneside Local Development Framework policies EA3, DM1 and DM7 and the Wildlife and Countryside Act 1981.

17 No removal of hedgerows, tree, shrubs or other vegetation shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interests on site. All British Birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the

Wildlife and Countryside Act 1981. Any such written confirmation should be submitted to the Local Planning Authority.

To ensure that breeding birds are protected from harm during construction in accordance with the Countryside Act 1981, the NPPF and South Tyneside Local Development Framework policies EA3, DM1 and DM7 and the NPPF.

18 Before the first occupation of any dwelling hereby permitted, full details of the proposed external lighting to serve the development shall be submitted to and approved in writing by the local planning authority. All external lighting shall be installed and thereafter retained in accordance with the approved details.

In the interests of both visual and residential amenity and to minimise impacts from lighting on existing habitats (specifically retained trees from upward directional lighting) in accordance with Core Strategy policy EA3 and Development Management policies DM1 and DM7 of the South Tyneside Local Development Framework and the NPPF.

19 Development shall not commence until a Construction Method Statement, together with a supporting plan, has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement and supporting plan shall, where applicable, provide for:

a) details of temporary traffic management measures, temporary boundary treatments, vehicular/pedestrian gates, visibility splays.
b) Method of preventing mud or other materials spilling out onto the highway from the site and/or cleaning the highway of such materials.
c) the loading and unloading of plant and materials.
d) storage of plant and materials used in constructing the development.

To prevent nuisance in the interests of residential amenity and highway safety, in accordance with South Tyneside LDF Policy DM1 and the NPPF.

20 Notwithstanding the details shown on drawing no. (00)391 rev G received 29/06/2022, no dwelling shall be occupied unless and until specification details in respect of the following off-site highway works and a timetable for implementation of these works have been submitted to and approved in writing by the Local Planning Authority (in consultation with Nexus):
i. The modifications, widening and resurfacing of the vehicular access to North Road, together with associated replacement / re-location of street lighting column and interactive speed sign (impacted by the widening works);
ii. Re-location of bus stop, shelter and associated infrastructure on North Road, together with provision of raised kerbing, removal / adjustments to the pedestrian guard rail, reinstatement of footway / carriageway areas, adjustments to signage, road markings, including provision of system of double white lines in the central North Road carriageway, and associated works; and
iii. Modifications/removal of the maintenance access gates from the footway of North Road (in line with the pedestrian guard rail).
Thereafter, those off-site highway works shall be undertaken in full accordance with the specification and timetable details approved by the Local Planning Authority.

In the interests of highway and pedestrian safety, in accordance with the Policy DM1 of the South Tyneside Local Development Framework and the NPPF.

21 No dwelling hereby permitted shall be occupied unless and until the means of vehicular access from North Road to serve the residential development has been constructed in accordance with the approved plans.

In the interests of highway and pedestrian safety, in accordance with policies A1 and DM1 of the South Tyneside Local Development Framework and the NPPF.

22 Notwithstanding the details shown on drawing no. BOL-NORR-YY-00-DR-A-90-001 rev B received 23/11/2022 and drawing no. BOL-NORR-YY-DR-A-90-000 rev D received 23/11/2022, prior to the commencement of development above damp proof course level, full details for the car park layout serving the playing field, including 7no. car parking spaces, turning area, passing place, surface treatments and sub-construction layers and entrance gate and a timetable for implementation of these works shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the works shall be undertaken in full accordance with the specification and timetable details approved by the Local Planning Authority.

In the interests of highway and pedestrian safety, in accordance with the Policy DM1 of the South Tyneside Local Development Framework and the NPPF.

23 No dwelling hereby permitted shall be occupied unless and until the car parking areas indicated on the approved plans have been provided for that dwelling and all visitor bays have been implemented in accordance with the approved plans. Thereafter all such car parking shall remain in place and be available for such use at all times.

To ensure vehicle parking is accommodated within the site, in the interests of highway safety, in accordance with Policy DM1 of the South Tyneside Local Development Framework, SPD6 and the NPPF.

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

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 Highway condition survey.

You should note that a highway condition survey is required to be carried out before the commencement of construction vehicle movements associated with this site. To arrange a survey contact South Tyneside Council at Highways@SouthTyneside.gov.uk . Any damage caused to the highway resulting from the construction phase of the development is required to be repaired and made good to the satisfaction of the Highway Authority.

5 Reminder to not store building material or equipment on the highway.

Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact Highways@SouthTyneside.gov.uk for Skips and Containers licences.

6 Section 278 Agreement and works in adopted highway.

You are advised that offsite highway works required in connection with this permission are under the control of the Council's Highway and Infrastructure Team and will require an Agreement under section 278 of the Highway Act 1980. These works are required to be technically approved and satisfactorily completed before the development is first brought into use. All such works will be undertaken by the Council at the applicant's expense. You should contact the Highway and Infrastructure Team at Highways@SouthTyneside.gov.uk to progress this matter.

7 Road Safety Audits.

You should note that Road Safety Audits are required to be undertaken as part of the S278 Agreement works process, in accordance with GG119. South Tyneside Council is the Overseeing Organisation Representative for this service. Please contact: Highways@SouthTyneside.gov.uk to discuss the processes and scoping of the RSA.

8 Contact Lighting Section.

You are advised to contact the Council's Lighting Section on Highways@SouthTyneside.gov.uk before and during the construction period with respect of de-commissioning and installation of new street lighting column (and interactive speed sign), to ensure sufficient illumination levels of the public highway.

9 All British bats are protected by both UK and European legislation. This legal protection extends to any place that a bat uses for shelter or protection whether bats are present or not. Should bats or signs of bats (such as droppings or dead bats) be discovered at any stage during the works, work must stop immediately and advice sought from Natural England. Failure to do this may result in an offence being committed, regardless of planning consent, and could lead to prosecution.

A Inch

Andrew Inch
Senior Manager Planning

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://www.gov.uk/appeal-planning-decision

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) 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.