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:
Mario Minchella Architects
Unit 4
Witney Way
Hi-Tech Village
Boldon Business Park
NE35 9PE

Application No: ST/0647/24/FUL
Date of Issue: 29/10/2025

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: Demolition of existing dwelling and erection of one self-build dwelling
Location: 43 Whitburn Road, Cleadon, SR6 7QP

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

Proposed Elevations Drg. No. C-14 received 10/09/2025
Proposed Floor Plans Drg. No. C-13 received 10/09/2025
Proposed Roof and Site Plan Drg. No. C-15 received 10/09/2025

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 samples and details of all external materials shall be submitted to and approved in writing by the local planning authority. All works shall be carried out in accordance with those approved details.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with LDF Policies DM1 and DM6.

4 Prior to the commencement of development, details of integrated swift nesting, bat box and

bee brick features shall be submitted to, and approved in writing by, the Local Planning Authority. All works shall be carried out in accordance with those approved details and those features shall be retained in-situ thereafter.

In the interests of biodiversity and in accordance with the NPPF and LDF Development Management Policy DM7 and Core Strategy Policy EA3.

5 Prior to the commencement of development, a historic building record, including a photographic survey, and description of the exterior of the house, in line with existing architect's drawings, shall be submitted to, and approved in writing by, the Local Planning Authority.

In the interests of the recording heritage assets in accordance with Part 16 of the NPPF and LDF Policy DM6.

6 Prior to first occupation of the dwelling, details of surface water drainage to manage run off from private land onto the highway, including details of permeable paving, shall be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme and permeable paving shall be implemented in accordance with the approved details before the development is occupied and thereafter be maintained in accordance with the approved details.

To prevent surface water run-off from private land onto the highway in the interests of highway safety preventing damage and flooding of the highway, in accordance with LDF Policy DM1 (G)

7 The widened driveway area shall not be brought into use until the widened means of vehicular access to Whitburn Road serving the driveway has been constructed in accordance with the approved plans.

In the interests of highway safety, in accordance with the LDF Policy DM1 (G).

8 Not later than 6 months after the first occupation of the dwelling hereby permitted, the approved landscaping / tree planting scheme shall be completed in accordance with the scheme shown on the Tree Planting Plan Drg. No. 1478_002 Rev.B received 25/10/2024, and in accordance with Section 5.2 'Development stage impacts' of the Arboricultural Impact Assessment (ref. MMA_43WhitburnRd_AIA1.3) received 25/10/2024.

Any new trees or shrubs 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 biodiversity and trees and in accordance with the NPPF and LDF Development Management Policy DM7 and Core Strategy Policy EA3.

9 In line with the section 6.2 'Mitigation' of the Preliminary Ecological Assessment received 13/11/2024, the development hereby permitted must be undertaken outside of the bird nesting season of March to August inclusive wherever possible. If it is necessary to undertake any works in respect of the development within the bird nesting season, the works will require a checking survey by an ecologist in order to confirm the presence/absence of nesting birds and the results of any such survey shall be submitted to, and approved in writing by, the Local Planning Authority in advance of any such works

commencing.

In the interests of biodiversity and in accordance with the NPPF and LDF Development Management Policy DM7 and Core Strategy Policy EA3.

10 In line with section 6.0 ‘Mitigation & Compensation’ of the Bat Activity Surveys (ref. Bajwa_43WhitburnRd_Bat2.1) received 13/11/2024, works must be undertaken in line with the good working practices at section 6.1.2 should bats be encountered during works.

In the interests of biodiversity and in accordance with the NPPF and LDF Development Management Policy DM7 and Core Strategy Policy EA3.

11 The dwelling hereby approved as implemented shall consist exclusively of a dwelling which is self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (as amended).

To ensure effective operation of Biodiversity Net Gain (Schedule 7A of the Town and Country Planning Act 1990) and to meet the requirements of the Self-build and Custom Housebuilding Act 2015 (as amended).

12 If during development ground contamination is identified and that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme including timescales for completion of that scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. That approved remediation scheme shall thereafter be undertaken in full accordance with the approved details and timescales and a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

In the interests of land contamination and in accordance with the NPPF and LDF Core Strategy EA1.

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

To prevent the loss of amenity to occupiers of neighbouring dwellings and loss of visual amenity which might be caused by developments which otherwise would be permitted, in accordance with LDF Policy DM1 (A and B).

14 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.

To safeguard the amenity of the nearby residents, in accordance with LDF Policy DM1 (B).

NOTES TO APPLICANT:

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF (National Planning Policy Framework).

1 Approval of a Biodiversity Gain Plan NOT REQUIRED before development commences

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

However, based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply - please refer to Biodiversity net gain: exempt developments - GOV.UK (www.gov.uk).

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 Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

3 UNIQUE NOTE TO APPLICANT

Your attention is drawn to the Party Wall Etc. Act 1996, which provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings.

A building owner proposing to start work covered by the Act must give adjoining owners notice of their intentions in the way set down in the Act. Adjoining owners can agree or disagree with what is proposed. Where they disagree, the Act provides a mechanism for resolving disputes.

The Act is separate from obtaining planning permission or building regulations approval and you can find out more about it at:
https://www.gov.uk/party-wall-etc-act-1996-guidance

4 Alterations to the adopted highway/footway to create or widen a vehicular footway crossing will require the approval of the Council as Local Highway Authority. Please see https://southtyneside.gov.uk/article/3281/Apply-for-a-dropped-kerb or call 0191 427 7000 for further information.

5 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.

6 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development or demolitions does not provide a defence against prosecution under this act. Buildings and vegetation, such as trees and scrub, may contain nesting birds, primarily between 1st March and 31st August inclusive. The applicant is advised to avoid works during this period unless they have ascertained that active nests are absent, for which they may require the services a competent ecologist.

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 Equalities Act 2010 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 Equalities Act 2010, 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.