South Tyneside Council

Reference:	ST/0648/24/COND
Location:	Sir William Fox Hotel 5 Westoe Village South Shields NE33 3DZ
Ward:	Westoe
Description:	Discharge of Condition 1 - Photographic evidence of works commencing on site relating to previously approved Planning Application APP/A4520/W/20/3264422
Recommendation:	Grant
Case Officer:	Samantha Gallagher
Case Officer Contact No.:	0191 4247447 or 07741109243

Assessment

Planning permission ref: ST/0234/20/FUL and associated listed building consent application ST/0287/20/LBC was granted via appeal APP/A4520/W/20/3264422. Planning permission was granted for the change of use from a hotel to 7 no. apartments including a proposed extension to the rear elevation and external alterations including replacement of existing uPVC windows to hardwood timber windows, insertion of a basement window, associated landscaping, car parking and the installation of cycle stands and refuse storage to the rear on 25/10/2021, subject to planning conditions.

Condition 1 sets out that:
'The development to which this permission relates must be commenced not later than 3 years from the date of this decision.'

The 3-year period referenced within condition one is therefore 25/10/2024.

This application seeks to approve details required by condition one to ensure that the proposal has been lawfully implemented.

To accompany this application, the applicant has submitted a photographic record of works that have been undertaken on site from the 17th October 2024 onwards. Given the nature of the changes (primarily a change of use with some minor works to the elevations of the building) including an extension to the rear elevation, new hardwood timber windows, a new basement window and works to form a car park with associated landscaping. The applicant has advised that the property and rear access have been made secure and a storage / site cabin has been

installed on site. A waste material skip has been delivered and initial scaffold lift has commenced. Render to ground floor level has started to be removed in line with the approved methodology and first floor windows have started to be removed and weather protected boarding has been installed. The applicant has also referenced interior soft stripping works alongside the removal of timber decking previously located at the rear of the building taking place. From the case officers site visit to the property (external inspection only) it is clear that at least three upvc windows have been removed and that render has begun to be removed from the rear, ground floor elevation of the building, in accordance with the grant of permission (the subject of appeal ref: APP/A4520/W/20/3264422).

In order to lawfully 'commence' development it is necessary to satisfy the legal requirements in section 56(4) of the Town and Country Planning Act 1990. This says that "*development is taken to be begun on the earliest date on which a material operation is carried out*". A material operation can include any works of such as construction, demolition, digging foundations, the laying of any underground main or pipe to the foundations or part of the foundations of a building , laying out or constructing a road and a material change in the use of the land. To be material, an operation must be more than *de minimis*.

Having reviewed the evidence provided by the applicant and attended the site visit, it is considered that the works have been lawfully implemented, with a material operation(s) having been undertaken prior to 25/10/2024 and that the condition can be discharged.

Recommendations

Approve Details of Condition.

List of plans etc. for standard note on decision

Plan Reference

Photographic Evidence of Works 25/10/2024

Case officer: Samantha Gallagher

Signed: S Gallagher

Date: 20/11/2024

Authorised Signatory: Helen Lynch

Date: 20/11/2024