South Tyneside Council

Reference:	ST/0667/24/FUL
Location:	Land off Brockley Terrace Boldon Colliery
Ward:	Boldon Colliery
Application documents and plans can be found here	*https://planning.southtyneside.info/MVM/Online/DMS/DocumentViewer.aspx?searchType=Planning%20Application&PK=867498*



Description:	Full Planning Application for redevelopment of site to provide a brain injury rehabilitation service comprising of a care home building (Use Class C2) with external amenity space, landscaping and other associated works.
Applicant:	Voyage 1 Ltd
Agent:	Johnson Mowat

Reason for bringing the application to Planning Committee:	The development is a major development
Recommendation:	Grant with Conditions
Case Officer:	Garry Simmonette
Case Officer Contact No.:	0191 4247426 or 07741126918

List of neighbour representation addresses:

Objections / Comments

7 Coronation Terrace, Boldon Colliery (x2)
8a Hedworth Lane, Boldon Colliery
3 Brockley Terrace, Boldon Colliery
1 Wilton Gardens South, Boldon Colliery

All of the issues raised are summarised in the body of the report

Description of the Site

1. This application relates to the site of the former Boldon Colliery Working Mens Club.

2. The site is located immediately to the south of 7 Coronation Terrace (a residential dwelling) and is situated between the dwellings of Brockley Terrace / Coronation Terrace on Station Road to the east and Wilton Gardens South to the west. To the south of the site is another section of highway that connects, for pedestrians only, Station Road and Wilton Gardens South.

3. There are residential properties with rear gardens and driveways to the west, and there are residential properties to the east and north which face onto Brockley Terrace / Coronation Terrace. There is also a vacant commercial property to the east and a commercial property (gym) that faces the site to the south, with some grassed open space to the east of that. Further south, there are commercial properties that front out onto Hedworth Lane (some of which have residential above) and that include, for example, a hair salon and a convenience store.

4. The site has been cleared of the former club building and the associated steward's house. It is currently fenced off with Heras type fencing to its south, west and eastern boundaries.

Description of the Proposal

5. This application seeks full planning permission for re-development of the site to provide a care home building (Use Class C2) that would deliver brain injury rehabilitation services with associated external amenity space, landscaping and other works.

6. The proposed care home would be accommodated within a two storey, building occupying most of the site. Its northern gable would adjoin that of the neighbouring property to the north (7 Coronation Terrace) and its main entrance would be sited on

the building's south elevation. There would be an enclosed courtyard garden area for residents adjacent to the western boundary of the site.

7. At ground floor the building would include two plant rooms, cycle storage, refuse storage, lounge, lift, stairs, staff area (including office, storage and W/C / shower room) and five (1-bedroom) care apartments.

8. At first floor the building would include lift / stairs connecting to ground floor, storage and seven (1-bedroom) care apartments, plus an enclosed outdoor area for air source heat pumps (located towards the northwest corner of the site).

9. Up to 12 residents would be accommodated in the care home. Care staff would operate on a two-shift system with up to 10 staff working on the day shift (8am to 10pm) and 2 staff on the night shift (10pm to 8am).

10. No on-site car parking is proposed, although the applicant has agreed to provide 4 off-site car parking spaces to the immediate west of the site on Wilton Gardens South in an area that was historically used for servicing purposes by the club which formerly occupied the site. 3 cycle parking spaces would be provided on-site within a covered store.

11. The application proposal has been subject to additional information / amendments / clarifications, in response to initial consultee and case officer feedback with regards to highways, drainage, ecology / BNG related details and design.

12. Plan 1 at the rear of this report shows the proposed site layout / ground floor and Plan 2 proposed on-site soft and hard landscaping layout. Plan 3 shows the proposed first floor. Plans 4 and 5 show the proposed elevations. Some photographs of the site and its surroundings are also provided. See Photos 1 to 4 at the report of the report.

Relevant Planning History

13. The relevant planning history of the site is as follows:

Reference	Description	Decision	Date
ST/0253/15/FUL	*Proposed demolition of existing club and stewards house and construction of a terrace of 7no. four bedroom dwellings and associated external works including the stopping up of the highway.*	*Grant permission, with conditions*	*25/08/2015*
ST/0670/18/FUL	*Demolition of the existing club building, along with the Stewards House to enable the construction of a terrace of 7, 4 bedroom homes, re-submission of approved planning application (ref; ST/0253/15/FUL) and associated external works including the stopping up of the highway.*	*Grant permission, with conditions*	*15/10/2018*

Summary of Consultation Responses

14. The following responses were received:

Police Designing Out Crime Officer

15. No objection or comments to the amended details.

Northern Powergrid

16. No objection. Copies of their mains records supplied.

Northern Gas Networks

17. No objection. Copies of their mains records and safe working guidance supplied.

Northumbrian Water

18. No objection. Condition requested in relation to development being carried out in accordance with the amended drainage details.

Tyne & Wear Archaeology Officer

19. No archaeological documents or investigation of the site required in relation to the application.

STC Community Safety Team

20. No objection. No crime and disorder issue with this proposal.

STC Environmental Protection – Contaminated Land

21. No objection. Planning conditions recommended.

STC Environmental Heath – Noise

22. No objection.

STC Environmental Protection - LFFA

23. No objection. Planning conditions suggested.

STC Transport Development Officer - Highway Authority

24. No objection. Planning conditions and informatives recommended.

STC Countryside Team (Ecology)

25. No objections. Conditions recommended.

STC Strategic Housing Team

No objection.

STC Adult & Social Care Commissioning

26. Adult Social Care establishments that provide personal care (which would include a brain injury unit) are required to be registered with the Care Quality Commission. The Council through Adult Social Care also conduct contract / quality monitoring but do not have regulatory powers, only contractual ones.

Summary of Representations

27. The application has been publicised by 63 no. letters (on two occasions), two site notice and a press notice (and it was available online for comment on two occasions).

28. No representations have been received from ward councillors / MPs.

29. There were four representations received objecting or raising queries following the initial round of publicity being undertaken. Following re-publicity on amended proposals, one further representation was received and from an address that had previously submitted a representation. The issues raised are collectively summarised as follows:

- Lack of information on brain injury definition / who might occupy the proposal and for how long / how it might be staffed.
- The development is in the wrong location and will overlook existing properties.
- Car parking issues on-street now, which the proposal would add to.
- Could parking be provided for the proposal within the development and / or residents parking be provided on street.
- Lack of information to residents, just a letter.
- Will a party wall agreement apply / does the building touch my property / will the balcony affect my privacy?
- Not sure about a bat box.

Relevant planning policy

30. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

31. The statutory development plan comprises the Council's adopted Local Development Framework (LDF) development plan documents. Those LDF documents of relevance to this application comprise of the Core Strategy 2007 and a Development Management Policies Development Plan Document (DPD) 2011.

32. The following policies of the LDF are relevant to this planning application:

- ST1 – Spatial Strategy for South Tyneside
- ST2 – Sustainable Urban Living
- A1 – Improving Accessibility
- SC1 – Creating Sustainable Urban Areas
- EA1 – Local Character and Distinctiveness
- EA3 – Biodiversity and Geodiversity
- EA5 – Environmental Protection
- DM1 - Management of Development
- DM6 – Heritage Assets and Archaeology

- DM7 - Biodiversity and Geodiversity Sites

33. The following LDF guidance is also relevant to this planning application:

- SPD6 Parking Standards

34. Although the Publication draft South Tyneside Local Plan is now at a more advanced stage of preparation having been subject to two statutory consultation periods, Borough Council decided on 5 September 2024 not to endorse submission of the Local Plan to the Secretary of State for Examination. As such only negligible weight can be afforded to relevant policies at this time and less weight than would have been afforded in the period between completion of the Regulation 19 consultation in March 2024 and prior to Borough Council's decision. For this reason, the report does not seek to identify specific policies from this Plan. However, it should be noted that the matter of whether or not to submit the Regulation 19 Local Plan to the Secretary of State for Examination is to be considered again by Borough Council on the 27 February 2025 in light of the updated NPPF and therefore an update on this matter will be provided at Planning Committee.

35. National planning policy is also a material consideration in determining this planning application. Relevant national policy comprises the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), the National Design Guide and the National Model Design Code.

Assessment

36. The key issues in the assessment of this planning application are as follows:

- Principle of development
- Highways and parking
- Flood risk and drainage
- Contaminated land
- Ecology, biodiversity net gain and soft landscaping
- Design
- Residential amenity

Principle of development

37. NPPF paragraph 11 states that 'Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

38. The site is not subject to any policy allocations within the LDF.

39. However, the site constitutes previously developed land and is located within a built-up area. Both the LDF (in terms of policies ST1 and SC1) and NPPF support the re-development of such sites. It is also considered to be located within a sustainable location, with bus stops a short distance away on Hedworth Lane (going west) / North Road (going east/south) and with local shops and other amenities between these. There are also bus stops to the north at Cotswold Lane (in both directions) and where those offer different bus services / routes to those that would stop at Hedworth Lane / North Road.

40. As such, it is considered that the site is acceptable, in principle, for the provision of the proposed development.

Highways and parking

41. The application details include a transport statement, which has been amended. This included a parking survey of the streets surrounding the site, consideration of likely staffing requirements / shift patterns associated with the proposed development and how those might affect on-street parking. It also considered access to public transport (and where bus stops and services have been mentioned in the previous section), cycle parking and servicing arrangements (i.e. refuse provision).

42. The proposed development does not include any onsite car parking provision (and neither did the former club), but it does include some on-street provision. This would be in the form of four marked out on-street parking spaces (for general use, not specifically allocated to the proposed development) to the immediate west of the site on Wilton Gardens South as well as the provision of a north / south running footpath to that western side of the site. On-site secure cycle storage for six cycles (and with those primarily aimed at staff) is also proposed, as is on-site refuse storage, with these also being located on the western side of the site and accessed off Wilton Gardens South.

43. Car parking guidance is contained in the Council's SPD6 with such guidance containing suggested maximum car parking standards for various types of development. This SPD also includes cycle parking standards. For a use class C2 care home, the suggested maximum car parking provision is 1 car parking space per resident staff plus 1 space per 3 staff on the premises plus 1 space per 10 residents for visitors and 1 cycle space per 5 staff. In terms of car parking for the proposal, no resident staff are proposed. As stated above there would be a maximum of 10 staff on shift at any one time which would generate a need for 3-4 car parking spaces if the SPD6 standards were applied having regard to such staffing levels and the number of residents. Also as stated above, no on-site car parking is proposed but 4 new car parking spaces are to be provided on Wilton Gardens South to the immediate west of the site. The 3 cycle parking spaces proposed would accord with the requirements of the SPD.

44. NPPF paragraph 113 states that maximum parking standards should only be set (for residential and non-residential development) where there is a clear and compelling justification and that they are necessary for managing the local road network. Paragraph 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

45. There is no objection to the proposal from the Highway Authority, on highways capacity or safety grounds having regard to the details submitted. Their response has

recommended planning conditions in relation to a construction method statement, completion of highways works (2m footway, on-street parking and associated works / repairs) and provision and retention of cycle and refuse storage and these matters have been incorporated into the suggested conditions in this report. Their consultation response also advised that the proposed layout would require 'stopping up' of some existing public highway, with some initial discussion having taken place with the applicant about this. Stopping up matters would be progressed separately were this current planning application to be supported.

46. A resident's parking scheme does not form a part of the proposal, nor have the Highway Authority advised that one be provided. Additionally, it should be noted that the Highway Authority have separate processes that apply to consideration of these which includes a ballot process (with qualifying criteria for the ballot to succeed, or not) and if a residents parking scheme were taken forward following the ballot there would then be yearly costs to residents to secure permits within it (and where generally there is a limit of two dedicated permits per household).

47. Having regard to the above and the suggested conditions, the proposal is considered to accord with LDF policies A1 and DM1(G, H & I) and the NPPF (with regards to these considerations).

Food risk and drainage

48. A revised drainage strategy report with calculations has been submitted, alongside an amended proposed drainage plan (for both surface water and foul water) within that report. The changes were made in response to earlier comments from the drainage related consultees and in relation to the proposed surface water drainage details.

49. The surface water from the development would be subject to on-site attenuation (underground crates in the garden area and also permeable paving), prior to it being then discharged at an attenuated rate of 5/ls to a Northumbrian Water surface water sewer manhole located to the southeast of the development (within Station Road and close to the rear lane behind the terraced properties fronting onto Hedworth Lane), and where that surface water sewer discharges into the River Don. Surface water would not, therefore, enter any combined sewer. Foul water from the development would connect to an existing Northumbrian Water combined sewer to the west of the site (within Wilton Gardens South).

50. Northumbrian Water have no objections to the details as amended, requesting a condition that the development be carried out in accordance with those details.

51. The Lead Local Flood Authority, also have no objections and have suggested conditions to ensure that the amended drainage scheme be implemented as per the submitted details, verification that this has occurred and details regarding ongoing management of the scheme as installed.

52. Having regard to the above and the suggested conditions, the proposal is considered to accord with LDF policies ST2 and DM1(K) and the NPPF in respect of flood risk and drainage.

Contaminated land

53. A Phase 1 Desk Top Study and Coal Mining Risk Assessment report has been submitted. It concludes that while the historic uses of the site and its surroundings present a low risk of contamination, ground investigations (including in relation ground

gas) should be carried out to further consider whether the proposed development would require any specific ground remediation measures and to ensure that there are no risks from historic coal mining.

54. The site itself is not within a Mining Remediation Authority Development High Risk Area.

55. The consultation response from Environmental Protection agreed, given the content of the above report, that no further work is required in relation to consideration of coal mining legacy matters (with shallowest recorded coal mine workings beneath the site being at c.398m below) but agreed with its recommendations that a phase 2 site investigation with ground gas / water monitoring being included in that should be undertaken. In view of this, their response suggests four contaminated land related planning conditions relating to investigation and risk assessment, a remediation strategy, verification and reporting / dealing with unexpected contamination.

56. Having regard to the above and the suggested conditions, the proposal is considered to accord with LDF policies EA5 and DM1(M) in respect of contaminated land and NPPF (with regards to this consideration).

Ecology, biodiversity net gain and soft landscaping

57. The submitted preliminary ecological appraisal considered that the existing habitats on the site, which are comprised of improved grassland, ephemeral short perennial, (within bricks/rubble) were of limited extent and value, and as such that their loss would not be a constraint on development. The appraisal considered that the site is unlikely to have badger present, is a negligible resource for bats, is of limited potential for great crested newts (or reptiles) and has minimal foraging opportunities for birds or hedgehog. Recommendations in relation to construction period mitigation and post construction measures, such as bird and bat box provision, external lighting design considering ecology and soft landscaping are suggested.

58. The biodiversity net gain [BNG] assessment, having regard to proposed on-site soft landscaping details concludes that it would not be possible for the proposed development to achieve on-site BNG of at least 10%. As such, it is proposed that BNG will also be provided for off-site through the purchase of biodiversity units. At the time of writing there are no offsite BNG registered sites in South Tyneside and where the closest registered sites are currently in either North Tyneside or Northumberland council's administrative areas. The off-site BNG would not have to be in South Tyneside (and even if such sites were available) but its proximity to the site has a bearing upon credit calculations.

59. The proposed on-site soft landscaping has been designed to have regard to both ecology and also the users of the proposed development. No trees are proposed on-site (there are none presently) due to the limited spacing for soft landscaping and / or due to potential conflict with the proposed surface water drainage details.

60. The Council's Countryside team (ecology) response advised, that in addition to the mandatory statutory BNG planning condition that would apply if the proposal is granted, planning conditions should be attached regarding construction related mitigation measures, external lighting and bird and bat nesting features and on-site soft landscaping. Additionally, their response included that whilst the on-site soft landscaping will have a BNG value, it is not considered to be a "significant on-site enhancement" in the context of Government BNG guidance and as such and also

having regard to that guidance it would not be necessary or reasonable for its maintenance to be secured for a 30 year period.

61. Having regard to the above and the suggested conditions, the proposal is considered to accord with LDF Policies EA3, ST2(H), DM1(A & C) and DM7 and the NPPF (with regards these considerations).

Design

62. The layout, scale and design of the proposed building, with garden areas, is considered to be acceptable in terms of its contribution to local visual amenity and relative to its contextual surroundings, including having regard to the appearance and scale of the former club buildings that previously occupied the site.

63. In this regard the proposed building follows the building line of Brockley Terrace to the north and its scale / massing reflects the mix of 1-2 storey dwellings in the surrounding locality.

64. The elevations drawings and design and access statement indicate that the building's facing materials would largely comprise brick, with a red brick being the prevailing choice, with some contrasting use of brown brick and also white concrete headers and cills, and a grey roof tile. A condition is suggested with regards to the details of the external facing materials and that of brick boundary walls being agreed by the Local Planning Authority as these details are not yet known.

65. In terms of proposed boundary treatments, this would include the provision of a low brick wall (of matching brick to the main brick for the building) to the sites eastern and southern frontages, plus 2.1m high timber fence to enclose the rear residents garden area. These boundary treatments are considered to be acceptable in terms of local visual amenity, residential amenity and also security.

66. In terms of sustainable development, the proposal includes photovoltaic panels on the roof and air source heat pumps above the plant room. Conditions are suggested with regard to these as their precise details are not yet known. Sustainable drainage systems are also proposed and where these are considered in an earlier section of this report.

67. Having regard to the above and the suggested conditions, the proposal is considered to accord with LDF Policies DM1(A) and ST2 and the NPPF (with regards this consideration).

Residential amenity

68. The proposed development is considered to be acceptable in terms of its impact on the amenity of existing nearby residential properties, in terms of outlook, privacy or overshadowing.

69. In respect of overlooking issues which have been raised by objectors, there would be a separation distance of 14 metres between habitable room windows on the east elevation of the building and existing dwellings on the opposite side of Station Road. This is reflective of the historic situation that existed when the social club occupied the site and of the existing built form on Station Road to the immediate north. Furthermore, this separation distance accords with the Council's SPD9 regarding householder development which states that it would normally be expected that a proposed two storey or upper floor extension would not face the front or rear elevation of an adjacent

property at a distance of less than 14 metres. A separation distance in excess of 20 metres is provided for between the proposed building and the rear elevations of neighbouring dwellings to the west on Wilton Gardens South.

70. In terms of the immediately neighbouring dwelling to the north, the proposed building would only project beyond the existing front / rear elevations of this neighbouring dwelling at the rear and in this location there are no habitable room windows in the side or rear elevations of the single storey outrigger to this neighbouring dwelling adjacent to its boundary with the application site.

71. The layout and design of the proposal is considered to give potential occupants an acceptable level of amenity, both within their rooms and also in terms of provision of some communal outdoor garden space; and it would also include facilities for staff.

72. As mentioned in the preceding section, a condition is suggested in relation to the details of the proposed air source heat pumps having regard to the Environmental Heath (noise) consultee response, to ensure these do not generate noise that would materially affect occupants of the proposal or its neighbours.

73. There has been no objection to the proposal from either the Police Designing Out Crime Officer or the Council's Community safety team. The proposal's design has considered some security related advice from the Police, for window and door specifications.

74. The planning system is concerned with land use / development in the public interest, rather than the individual users of that land use / development or its management. It is not for the planning system, or the decision-making process on this planning application, to address day-to-day operational matters and management associated with the proposal or who occupies the development. Those responsibilities would ultimately rest with the operator.

75. Notwithstanding the above and as mentioned earlier in this report, adult social care establishments that provide personal care (which would include a brain injury unit) are required to be registered with the Care Quality Commission [the CQC]. The CQC is the independent regulator of health and social care in England that monitors, inspects and regulates care services.

76. Having regard to the above and the suggested conditions, the proposal is considered to accord with LDF Policy DM1(B), ST2(F) and the NPPF (with regards this consideration).

<u>Other matters</u>

77. The proposal does not affect archaeology or heritage assets, and so accords with LDF Policy DM6 and the NPPF (with regards to these considerations).

78. The preliminary ecological appraisal considered the proposal would not result in any likely significant effects [LSE] on the Durham Coast SAC and the Northumbria Coast SPA & Ramsar. The Countryside response included that the proposal would be outside of the 6km zone of influence for these designations and would not require any consideration with regards to Habitats Regulations Assessment (under The Conservation of Habitats and Species Regulations 2017).

79. In relation to a comment in one of the representations, the extent and form of publicity that has been undertaken with regards to this planning application exceeded minimum legal requirements that applied in relation to it.

80. Whilst not material to the planning assessment, The Party Wall Etc. Act 1996 may be relevant to and applicable to the party wall agreement points mentioned in representations from the neighbour to the north but that would be a private civil matter between that neighbour and the applicant.

81. In deciding whether to grant planning permission the Council must have due regard to the 3 equality aims contained in Section 149 of the Equality Act 2010 (the public sector equality duty). A preliminary assessment of the potential equality impacts of any grant of planning permission in this case has been undertaken. There are no apparent equality impacts of the proposed development which give rise to the need to undertake a more detailed equality impact assessment.

82. The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Conclusion

83. The site is, in principle, considered to be an acceptable location for the proposal. The proposal overall would be sustainable development for the purposes of NPPF paragraph 11 and in accordance with relevant local and national planning policy in terms of highways / parking, flood risk / drainage, contaminated land, ecology, design, and residential amenity considerations

84. The proposal, if granted, would be subject to a mandatory legislative requirement in relation to BNG and where that is set out in the BNG informative.

85. Having regard to the above assessment, members are recommended to grant planning permission subject to the list of conditions as set out below.

Recommendation

86. Grant Planning Permission subject to Conditions.

Conditions

1 Time limit

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 Approved plans

The development shall be carried out in accordance with the approved plans as detailed below

- Proposed Site Plan Drg. No. 44-2404-PL_1010 Rev. A 21/01/2025
- Proposed Ground Floor Plan Drg. No. 44-2404-PL_1100 Rev. A 21/01/2025
- Proposed First Floor Plan Drg. No. 44-2404-PL_1101 A 21/01/2025
- Proposed Roof Plan Drg. No. 44-2404-PL_1102 A 21/01/25
- Proposed Elevations 01 Drg. No. 44-2404-PL_1200 Rev. A received 21/01/2025
- Proposed Elevations 02 Drg. No. 44-2404-PL_1201 Rev. A received 21/01/2025
- Proposed Sections Drg. No. 44-2404-PL_1300 Rev. A received 21/01/2025
- Proposed Landscaping Plan Drg No. 44/2404/PL_1400 Rev. A received 20/02/2025

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 Construction method statement (including plan)

Development shall not commence until a Construction Method Statement, together with supporting plan, has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement and supporting plan, shall be adhered to throughout the construction period and shall, where applicable, provide for:
i. temporary access (including visibility splays for drivers and pedestrians), fencing, vehicle/pedestrian gates;
ii. the loading and unloading of plant and materials, including manoeuvring (taking account of restrictive carriageway widths and maintaining traffic flows along the highway);
iii. storage of plant and materials used in constructing the development; and
iv. A dilapidation / condition survey of the roads and footpaths adjacent to the site.

To prevent nuisance in the interests of residential amenity and highway safety, in accordance with South Tyneside Local Development Framework Policies A1 and DM1.

4 Completion of highway works

Notwithstanding the details submitted, construction of the building hereby permitted shall not progress above damp proof course [DPC] level unless and until details of the proposed highway works have been submitted to and approved in writing by the Local Planning Authority. Details shall include for:

a. The construction of 2m wide footway along the western boundary of the site connecting to the existing footways at the northern and southern ends, together with associated works.
b. Delineation of car parking and service vehicle bays along the western boundary of the site.

c. Remediation works/repair and resurface to the highway (where the owner has historically enclosed areas of the highway with a fence, which has resulted in deterioration of the highway due to the lack of access for maintenance).
d. Provision of dropped kerbs to facilitate bin collection associated with the site and bollards to prevent over-run areas of the footway by service vehicles.

Thereafter, the building shall not be brought into use until the highway works have been constructed in accordance with the approved plans / details.

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

5 Contaminated land – investigation and risk assessment

Development shall not commence until an investigation and risk assessment has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to human health, property (existing or proposed) and (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination: Risk Management'.

To ensure that risks from contamination are minimised in accordance with South Tyneside Local Development Framework Policies EA5 and DM1.

6 Contaminated land – remediation strategy

A Detailed Remediation Strategy for the proposed remedial works shall be submitted to and approved by the Local Planning Authority prior to commencing remedial works. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. Where remediation of gas has been identified as necessary by the site investigation a gas verification plan shall be submitted for the proposed gas protection measures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

To ensure that risks from contamination are minimised in accordance with South Tyneside Local Development Framework Policies EA5 and DM1.

7 Contaminated land – verification

Following completion of measures identified in the approved remediation strategy, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority prior to the site being occupied.

To ensure that risks from contamination are minimised in accordance with South Tyneside Local Development Framework Policies EA5 and DM1.

8 Contaminated land – reporting & dealing with unexpected contamination

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.

To ensure that risks from unexpected contamination are minimised in accordance with South Tyneside Local Development Framework Policies EA5 and DM1.

9 Building facing materials and brick boundary walls

Notwithstanding the indicative information shown on the elevations plans (listed in condition 2) or within the amended Design and Access Statement, before construction of the building hereby permitted reaches damp proof course [DPC] level, full details regarding the siting and appearance of the proposed external facing and roofing materials for the building and brick boundary walls hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the said building and brick boundary walls shall be constructed with facing and roofing materials that are in full accordance with those approved details.

In the interests of both visual and residential amenity in accordance with South Tyneside Local Development Framework Policy DM1.

10 Photovoltaic panels

Notwithstanding the indicative information shown on the elevations plans (listed in condition 2), before construction of the building hereby permitted reaches damp proof course [DPC] level, full details regarding the siting and appearance of the proposed rooftop photovoltaic panels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the building hereby permitted shall not be occupied unless and until those photovoltaic panels have been installed in their entirety in the agreed locations.

In the interests of visual and residential amenity and the promotion of sustainable energy generation in accordance with South Tyneside Local Development Framework Policy DM1.

11 Air source heat pumps

The building hereby permitted shall not be occupied unless and until air source heat pumps and any associated noise attenuation measures (if required) have been installed on the application site in full accordance with siting, appearance and specification details that have been submitted to and approved in writing by the Local Planning Authority. Those details to be submitted to the Local Planning

Authority shall include a noise assessment to demonstrate the need or otherwise for noise attenuation measures.

In the interests of visual and residential amenity and the promotion of sustainable energy generation in accordance with South Tyneside Local Development Framework Policy DM1.

12 Bird boxes and bat boxes

The development hereby permitted shall not be brought into use until three bird boxes and three bat boxes have been installed on the building hereby permitted in full accordance with details to be submitted to and approved in writing by the Local Planning Authority. Those features shall remain in place at all times thereafter.

In the interests of biodiversity in accordance South Tyneside Local Development Framework Policies EA3 and DM7.

13 External lighting

Any external lighting to be installed and operated in respect of the development hereby permitted shall at all times be in full accordance with siting, appearance and luminance details which have been submitted to and approved in writing by the Local Planning Authority.

In the interests visual and residential amenity and biodiversity / ecology in accordance South Tyneside Local Development Framework Policies EA3, DM1 and DM7.

14 Cycle parking

The development hereby permitted shall not be brought into use until the cycle parking, as shown on the approved plans, has been provided. Thereafter, that cycle parking shall remain in place and shall be kept available for the parking of cycles at all times.

In the interests of highway safety, residential amenity and sustainable development, in accordance with South Tyneside Local Development Framework Policies A1 and DM1.

15 Refuse storage

The development hereby permitted shall not be brought into use until refuse storage facilities in respect of the development, as shown on the approved plans, have been provided. Thereafter, those refuse storage facilities shall remain in places and shall be kept available for such use at all times.

To ensure sufficient and suitable facilities are provided for the storage and collection of refuse in accordance with South Tyneside Local Development Framework Policies A1 and DM1.

16 Drainage – details

The development herby permitted shall be implemented in line with the drainage scheme contained within the submitted document entitled “Drainage Calculations with appendices (Rev. P03) dated 21/10/2024” and received 18/02/2025, which ensures that foul flows discharge to the public combined sewer downstream of manhole 3301 and ensures that surface water discharges to the public surface water sewer at manhole 3211 at a rate of not more than 5l/sec.

To prevent the increased risk of flooding from any sources in accordance with South Tyneside Local Development Framework Polices ST2 and DM1.

17 Drainage - verification / maintenance

The development hereby permitted shall not be brought into use until a verification report evidencing the completion of the approved sustainable drainage system [SuDs], as included in the drainage details set out in condition 16, the contents of which is to include amongst other things methodology of installation, evidence of depths and dimensions and supporting images from the installation and maintenance requirements, programme and maintenance responsibilities for all SuDS features, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved SuDs shall be maintained in full accordance with those approved details.

To ensure the discharge of surface water from the site does not increase the risk of flooding in accordance with South Tyneside Local Development Framework Policies ST2 and DM1.

18 Ecology construction related mitigation measures

The development hereby permitted shall be carried out in accordance with the ecology construction related mitigation measures as set out in the Preliminary Ecological Appraisal received 04/11/2024 (at paras. 1.5, 1.6, 5.19, 5.40, 5.43).

To mitigate construction impacts upon ecology in accordance South Tyneside Local Development Framework Policies EA3 and DM7.

19 Construction working hours

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 Public Holidays.

In the interest residential amenity in accordance with South Tyneside Local Development Framework Policy DM1.

20 Within the first planting season following first occupation of the development hereby permitted hard and soft landscaping shall be provided on the application site in full accordance with the details shown on the Proposed Landscaping Plan (listed in conditon 2). Any such soft landscaping that is removed, dies or becomes seriously diseased within 5 years of planting shall be replaced in the next planting season with landscaping of similar size and species to that which it replaces.

In the interests of visual amenity in accordance with South Tyneside Local Development Framework Policies EA3, DM1 and DM7.

Informatives

Approval of a Biodiversity Gain Plan 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.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be South Tyneside Council.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply - please refer to Biodiversity net gain: exempt developments - GOV.UK (www.gov.uk)

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

Commencing a development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

Stopping up/ diversion of highways:

You are advised of the necessity to formally stop up or divert the highway(s) under the Town and Country Planning Act 1990 before the commencement of any works. You should contact the National Transport Casework Team on 07786 190 909 or nationalcasework@dft.gov.uk at your earliest convenience. Further information on the process can be found at https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways

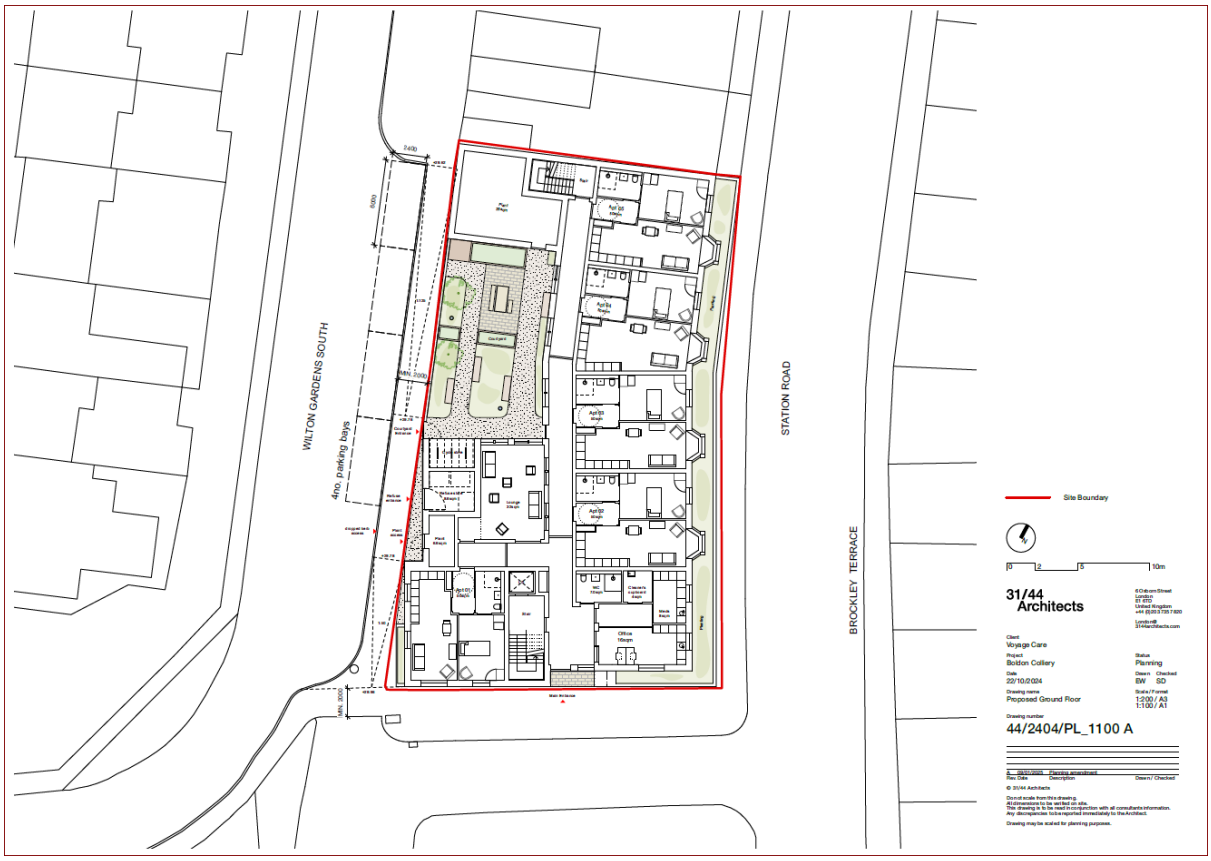
Section 278 Agreement and works in adopted highway:

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 Highways Act 1980. These works are required to be technically approved and satisfactorily completed before the development is first brought into use. The technical approval is required to be finalised before any submission of discharge of conditions application to avoid delays and disappointment at that stage. You should contact the Highway and Infrastructure Team at: highwaysplanning@SouthTyneside.gov.uk to progress this matter.

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 in writing. You are advised to contact highways@SouthTyneside.gov.uk for Skips and Containers licences.

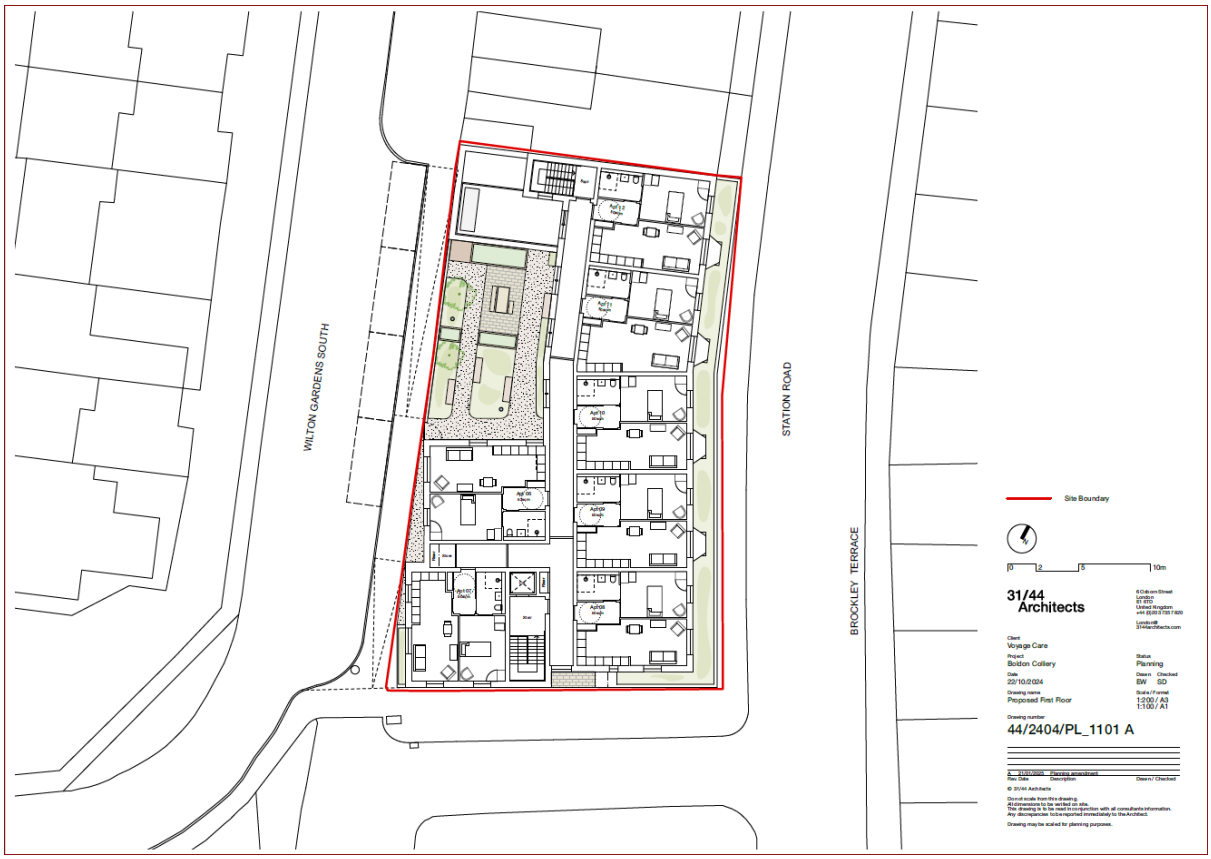
Plan 1: Proposed site layout / ground floor



Plan 2: Proposed on-site soft and hard landscaping layout



Plan 3: Proposed first floor



Plan 3: Proposed elevations (01)



Plan 4: Proposed elevations (02)

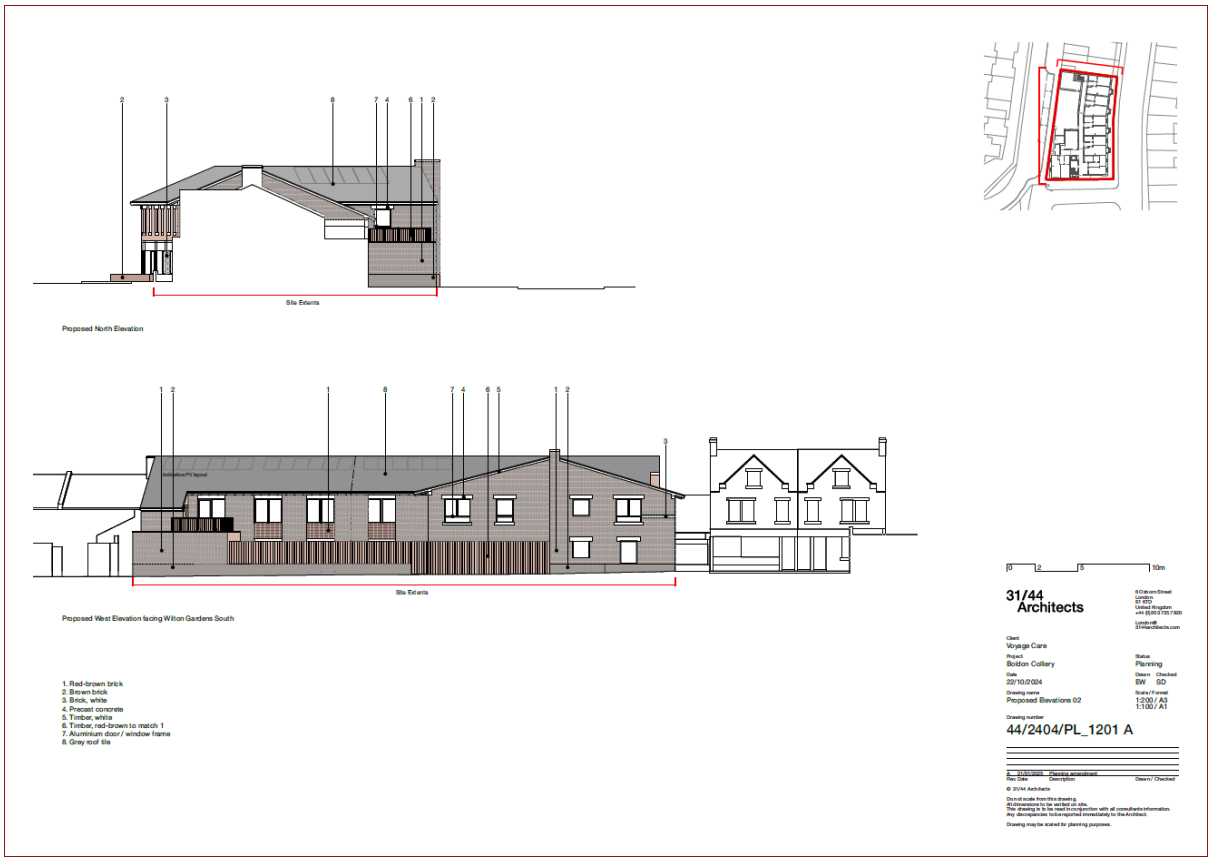


Photo 1



Photo 2



Photo 3



Photo 4

