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:
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Leeds
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Application No: ST/0667/24/FUL
Date of Issue: 10/03/2025

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: 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.

Location: Land off Brockley Terrace, Boldon Colliery

SUBJECT TO THE FOLLOWING CONDITION(S) AND REASON(S):

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 received 21/01/2025
- Proposed Ground Floor Plan Drg. No. 44-2404-PL_1100 Rev. B received 07/03/2025
- Proposed First Floor Plan Drg. No. 44-2404-PL_1101 Rev. B received 07/03/2025
- Proposed Roof Plan Drg. No. 44-2404-PL_1102 Rev. A received 21/01/2025
- 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.

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 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.

2 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

3 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.

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

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.