



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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NE35 9PE

Application No: ST/0693/20/FUL

Date of Issue: 14/10/2021

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: Proposed new residential development comprising of 13 no. residential apartments with associated works including car and cycle parking and landscaping.

Location: Land at Long Row (Car Park), South Shields,

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

- 1 The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

- 2 The development shall be carried out in accordance with the approved plan(s) as detailed below

Drg No. C101 Rev E received 30/06/2021

Drg No. C102 Rev C received 30/06/2021

Drg No. C103 Rev E received 30/06/2021

Drg No. C104 Rev B received 30/06/2021

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 any construction works above ground level, samples and details of all external materials for the proposed building and hard surfaced areas, shall be submitted to and approved in writing by the Local Planning Authority. Samples and details shall be in general accordance with the details as detailed on the application form and specified within the Design and Access Statement received 23/09/2020. All works shall be carried out in accordance with the approved details.

To ensure a satisfactory standard of development in the interests of visual amenity and highway safety in accordance with Policy DM1 of the South Tyneside Local Development Framework.

- 4 Prior to the commencement of any construction works above ground level, samples and details of all boundary treatments and means of enclosure shall be submitted to approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

To ensure a satisfactory standard of development in the interests of visual amenity and highway safety in accordance with Policy DM1 of the South Tyneside Local Development Framework.

- 5 Prior to the commencement of any construction works above ground level, specifications and details of all external lighting shall be submitted to approved in writing by the Local Planning Authority in consultation with the Port of Tyne and the Council's Countryside Officer. All works shall be carried out in accordance with the approved details.

To ensure a satisfactory standard of development in the interests of visual amenity, navigational safety of the River Tyne and to ensure no risk of disturbance to birds and other species from bright external lighting during the operational phase of the development in accordance with Policy DM1, EA3 and DM7 of the South Tyneside Local Development Framework.

- 6 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. Sufficient detail should be provided identifying how the unexpected contamination will be dealt with.

To ensure the site is suitable for the proposed end use in accordance with Core Strategy Policy EA5 and Development Management Policy DM1 of the South Tyneside Local Development Framework.

- 7 Prior to the commencement of development a detailed scheme for the disposal of foul and surface water from the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. The detailed scheme shall provide evidence of a point of connection application and detailed drainage design in accordance with submitted document 'Proposed Residential Development comprising of 13 Apartments and Parking at Long Row, South Shields, Tyne & Wear, NE33 1JL - Flood Risk Assessment' received 17/11/2020. Thereafter the development shall take place in accordance with the approved details.

No apartment, hereby approved, shall be occupied until the approved drainage scheme, pursuant to this condition has been carried out in accordance with the approved details.

To ensure the discharge of surface/foul water from the site does not increase the risk of flooding in accordance with Policies ST2, SS14 and DM1 of the South Tyneside Local Development Framework

- 8 The development shall be carried out in accordance with the submitted flood risk assessment (Proposed Residential Development Comprising of 13 Apartments and Parking at Long Row, South Shields, Tyne and Wear, NE33 1JL, Flood Risk Assessment, 10/11/2020) received 17/11/2020 and the following mitigation measures it details:

- Finished floor levels of the lowest habitable level shall be set no lower than 7.990 metres above Ordnance Datum (AOD), as shown in drawing 'C105 Rev B - Proposed Contextual Drawings' received 20/06/2021.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

To reduce the risk of flooding to the proposed development and future occupants in accordance with Policies ST2, SS14 and DM1 of the South Tyneside Local Development Framework and the NPPF.

- 9 The apartments hereby approved shall be subject to the glazing enhancement works as described in the Noise Impact Assessment report (8618.1 rev A) prepared by Apex Acoustic received 17/11/2020 at Table 1, entitled "Summary of minimum façade sound insulation treatment" and shall not be occupied until these works have been completed on site, and once installed these noise mitigation measures shall be retained henceforth.

To ensure a satisfactory standard of development in the interest of residential amenity in accordance with Development Management Policy DM1 of the South Tyneside Local Development Framework.

- 10 Notwithstanding any additional timing restrictions by virtue of any other condition of this planning permission, no demolition, construction or associated works or deliveries of materials shall take place outside the hours of 8:00am to 6:00pm Monday to Friday and 9:00am to 1:00pm on Saturdays and no such works or deliveries shall be carried out at any time on Sundays or public holidays (unless otherwise exceptionally agreed in writing by the Local Planning Authority).

To safeguard the amenity of the nearby residents, in accordance with Development Management Policy DM1 (B) of the South Tyneside Local Development Framework and to reduce the risk of disturbance to others in accordance with South Tyneside Local Development Framework Policies EA3 and DM7.

- 11 No impact piling shall take place:
- Between March and November inclusive from low tide plus three hours; and
- During May from high water plus 4 hours.

To mitigate the effects of impact piling on migratory fish species that use the River Tyne in accordance with South Tyneside Local Development Framework Policies EA3 and DM7.

- 12 Prior to the commencement of any development, full details (including drawings and/or specifications) of an Ecological Enhancement Scheme (offsetting biodiversity impacts on the site), and including timing / phasing details for its completion and details of its management and maintenance; shall be submitted to and approved in writing by the Local Planning Authority for approval (in consultation with the Countryside Officer). The approved Ecological Enhancement Scheme shall thereafter be undertaken and be retained / maintained in accordance with the approved details (unless otherwise previously agreed in writing by the Local Planning Authority pursuant to this planning condition).

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

- 13 The development shall not be commenced until a soft landscaping scheme (in accordance with details pursuant to condition no. 12 - ecological enhancement scheme) has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of the type, height, species, densities, tree pits, root protection barriers, topsoil depths, and location of all new trees and shrubs as well as any proposed seeding / turfing. The scheme shall include details of phasing of landscape works to secure completion of planning on a phase by phase basis, before respective dwellings are occupied. Any newly planted tree or shrub that is removed, dies or becomes seriously damaged or diseased within a period of five years from the completion of the respective phase, shall be replaced not later than the next planting season after the loss of damage has been identified, by others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

In order to soften the visual appearance of the development, provide any appropriate screening, provide deterrent planting and enhance biodiversity in accordance with Policies DM1, EA3 and DM7 of the South Tyneside Local Development Framework.

- 14 None of the apartments hereby approved shall be occupied until a schedule of landscape maintenance, for a minimum period of five years, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the frequency and operations to be undertaken and arrangements for its implementation with regard to the approved landscape scheme, other than for any areas of landscaping to be provided within rear gardens. The approved landscape scheme shall be maintained in accordance with the approved schedule, unless otherwise agreed in writing by the Local Planning Authority,

In order to ensure a satisfactory standard of development in the interests of the amenity of the area in accordance with Policy DM1 (C) of the South Tyneside Local Development Framework.

- 15 Prior to commencement of the development hereby approved (including demolition, ground works, vegetation clearance), a Construction Environmental Management Plan [CEMP]: Biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include (but is not limited to) the following:
- a. Risk assessment of potentially damaging construction activities.
 - b. Identification of "biodiversity protection zones".
 - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including the risk of disturbance to birds and other species from floodlighting during construction phase (may be provided as a set of method statements).

- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons and lines of communication.
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h. Use of protective fences, exclusion barriers and warning signs.
- i. That a) to h) have taken into account the recommendations contained in Sections 5.2 - 6.2.3 of the Ecological Impact Assessment Report (received 18/11/2020)

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period (including demolition, ground works, vegetation clearance) strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority pursuant to this planning condition.

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

- 16 The development shall be carried out in accordance with Drawing no. C106 received 30/06/2021, which identifies foundation depths and clarifies the depth of remediation that was previously undertaken and the level of possible features of archaeological significance. Unless otherwise agreed in writing by the Local Planning Authority pursuant to this condition.

The site is located within an area identified as being of potential archaeological interest. Any works that exceed the identified depth of foundations could impact upon any archaeological remains on the site. In accordance with paragraph 205 of the NPPF South Tyneside Local Development Framework Policy DM6.

- 17 No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with paragraph 205 of the NPPF South Tyneside Local Development Framework Policy DM6.

- 18 The building(s) shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition no. 17 has been submitted to and approved in writing by the Local Planning Authority.

The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 205 of the NPPF and South Tyneside Local Development Framework Policy DM6.

NOTES TO APPLICANT:

- 1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework to seek to approve applications for sustainable development where possible.
- 2 The Council requires the developer to provide to each unit before first occupation a 240l refuse bin and a 240l recycling bin (or equivalent) to the Council's specification in order that the council can fulfil its obligation to collect and dispose of household waste. Details of the Council's specifications can be obtained from Waste Services at South Tyneside Council
- 3 A water main enters the southern end of the site and runs the eastern length of the site boundary and may be affected by the proposed development. Northumbrian Water does not permit a building over or close to our apparatus. Northumbria Water will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We include this informative so that awareness is given to the presence of assets on site. For further information is available at <https://www.nwl.co.uk/services/developers/>
- 4 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority
- 5 Works for this area of the river will require a Port of Tyne River Works Licence.
- 6 Any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.
- 7 Clean topsoil will need to be imported for any areas of soft landscaping. This topsoil should be clean and tested before being used to ensure that contaminated soils are not being brought onto site.
- 8 Alterations to the existing adopted highway will require the separate approval of the Highway Authority under the provisions of the Highways Act 1980 (as amended). Please contact Highway Engineering Services, Adoptions and Projects Team, for further information on 0191 424 7507.



Peter Mennell
Head of Regeneration and Housing

Your attention is drawn to the attached schedule of notes which form part of this notice

NOTES

- 1 This certificate is issued under the Town and Country Planning Acts, Regulations and Orders and does not constitute a permission, approval or consent by South Tyneside Council for any other purpose whatsoever. Applications must therefore be made to the appropriate Departments of the Council for any other permission, approval or consent (including Building Regulations approval or approval of South Tyneside Council as ground landlord where appropriate) which may be necessary in connection with the proposed development or anything incidental thereto, or the use to be made of the premises which form the subject of such development.
- 2 You may also require permissions, approvals or consents under other legislation, or from bodies other than South Tyneside Council. This could include works affecting a public sewer, gas main, or electricity line, works within the adopted highway, works affecting a public right of way, property covenants, legislation relating to disabled persons, land drainage consent, waste management consent, scheduled monument consent or works affecting protected habitats or species.
3. Any non-material change to the approved plan(s) that form part of this permission would require the submission of an application for a non-material change under section 96A of the Town and Country Planning Act 1990. Whether changes to a proposed development are considered non-material is a matter for Planning Authority discretion.
- 4 The approved development should be implemented in strict compliance with all of the planning conditions, and in particular any which require details to be approved prior to the commencement of the development. Failure to do so may result in any commencement of development being unauthorised, which could be liable to enforcement action.
- 5 If you wish to change, or not comply with, any of the planning conditions attached to the permission, then you will need to submit a new application for planning permission under section 73 of the Town and Country Planning Act 1990. This does not affect your statutory rights of appeal against any of the planning conditions. This includes if you wish to not comply with a condition attached to a permission which details the approved plan(s), so as to make a minor material change to the approved plan(s). A minor material change is defined as one whose scale and nature results in a development that is not substantially different from that which has been approved.
- 6 Your attention is drawn to your responsibilities under the Chronically Sick and Disabled Persons Act 1970 and the Disability Discrimination Act 1995 relating to disabled persons, to ensure that adequate attention has been paid to their needs. If the proposed development involves new or existing buildings to which the public are to be admitted, or offices, shops, railway premises, factories or educational buildings, provision should be made for the means of access, parking and sanitary conveniences to meet the needs of disabled people. In addition, appropriate signposting of the facilities should be provided. In carrying out these statutory obligations your attention is drawn to the "Code of Practice for Access for the Disabled to Buildings" (BS5810:1979). You are advised to seek professional advice to ensure that you meet your legal obligations under the Disability Discrimination Act 1995, especially with regard to Part III thereof.

APPEALS TO THE SECRETARY OF STATE

7 Only the applicant possesses the right of appeal

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice unless:

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference no. if applicable], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice; or
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>

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.