



NOTICE OF GRANT OF PLANNING PERMISSION
Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure)
(England) Order 2015

Contact Name and Address:

Mario Minchella Ltd
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Hi-Tech Village
Baldon Business Park
Baldon
NE35 9PE

Application No: ST/0201/18/FUL

Date of Issue: 26/04/2018

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: Installation of boat lift/dock and associated handrail modifications

LOCATION: Adjacent Dock Area, Apartment 30, South Quays, Long Row,, South Shields, NE33 1JA

In accordance with your application dated 27 February 2018

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. C-01 received 27/02/2018

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 The proposed gates within the existing metal fencing adjacent to the dock shall match the existing fencing in terms of design, materials and colour finish, as shown on Drawing No. C-01 received 27/02/2018.

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

- 4 The materials and colour finish for the proposed boat lift shall be as specified on the planning application form unless otherwise agreed in writing by the Local Planning Authority. The materials and colour finish shall be retained thereafter.

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

- 5 The proposed piling works associated with the installation of the boat lift shall be carried out in accordance with the installation details and methodology received on 25/04/2018.

To ensure migratory fish species in the River Tyne, which are protected or are identified as priority species, are not harmed by impact piling, in accordance with Core Strategy Policy EA3, Development Management Policy DM7 of the South Tyneside Local Development Framework.

- 6 No construction or associated works or deliveries of materials shall take place outside of the hours of 8am - 6pm Monday to Friday and 9am - 1pm on Saturdays and no such works or deliveries shall be carried out at any time on Sundays or public holidays.

To safeguard the amenity of the nearby residents, in accordance with Development Management Policy DM1(B) of the South Tyneside Local Development Framework.

NOTES TO APPLICANT:

- 1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework (paragraphs 186 & 187) to seek to approve applications for sustainable development where possible.
- 2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the 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

- 3 **Breeding Birds**

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on and/or immediately adjacent to the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

4 Otter

Otters are a European and UK protected species - the following legislation applies:

The Conservation of Habitats and Species Regulations 2017

(Reg 43 (1)) A person is guilty of an offence if they:

- (a) deliberately captures, injures or kills any wild animal of a European protected species,
- (b) deliberately disturbs wild animals of any such species,
- (c) deliberately takes or destroys the eggs of such an animal, or
- (d) damages or destroys a breeding site or resting place of such an animal.

Wildlife & Countryside Act 1981 (WCA 1981)

(Reg 9 (1)) if any person intentionally kills, injures or takes any wild animal included in Schedule 5, he shall be guilty of an offence.

(Reg 9(4)) a person is guilty of an offence if intentionally or recklessly-

- (a) he damages or destroys any structure or place which any wild animal specified in Schedule 5 uses for shelter or protection;
- (b) he disturbs any such animal while it is occupying a structure or place which it uses for shelter or protection; or
- (c) he obstructs access to any structure or place which any such animal uses for shelter or protection

With regard to the practicality of adhering to the law, the applicant should check, as far as is reasonably practicable, that no otter are present in the vicinity of the work area before work commences. If any otter are present, work should be delayed until the otter has left of its own accord. The same would apply once the boat lift has been installed and checks should be made each time the boat lift is used and/or maintained. This should ensure that otters are not injured, disturbed or obstructed by the installation, maintenance or use of the boat lift, any other action may constitute an offence under the legislation.

- 5 The Environment Agency have advised that the proposed activity will be acceptable if the works ensure that protected species and habitats found on site are protected. The area of mudflats to the south of the location is a NERC protected habitat. Furthermore, there is a Local Wildlife Site on the opposite side of the River Tyne. As such, they have advised that measures must be taken to ensure these habitats are not damaged by the work. The Environment Agency have therefore advised that the applicant should contact the custodian of the Local Wildlife Site to make them aware of the works. They have also advised that any construction and maintenance works should take into consideration the presence of European Otter with advice taken from a qualified ecologist.
- 6 The Marine Management Organisation (MMO) have advised that any works within the Marine area require a licence from them, and if works have or are to be carried out below the Mean High Water Springs Mark, the applicant should be directed to submit an application to the MMO. Guidance on the Marine Licencing process can be found at <https://www.gov.uk/topic/planning-development/marine-licences>
- 7 In addition to this planning permission, the applicant may require consents and licences from other bodies prior to commencing any works on site.

- 8 There is a riverside path running from Long Row and around the southern, eastern and northern boundaries of the planning application site. Although the riverside path is not presently on the Council's definitive map and statement, or on its list of highways maintainable at public expense, that does not preclude the possibility that unrecorded (privately maintainable) public rights of way exist along the route.
- 9 There are existing riverside footpaths adjoining the proposed development. It is proposed that part of the existing railings along the dockside will be removed and replaced with gates to provide access to the proposed boat lift. These gates should be locked when they are not in use for safety reasons.



George Mansbridge
Head of Development Services

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.

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.