



North Tyneside Council

North Tyneside Council
Planning – 1st Floor Left
Quadrant East
The Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY

North Tyneside Council
C/O Capita
FAO Mr Steven Harvey
16 Quadrant East
The Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY

Application No:
16/01956/FUL

Date of decision issue:
22 February 2017

TOWN AND COUNTRY PLANNING ACT 1990
Town and Country (Development Management Procedure) (England) Order 2015
(DMPO)
Town and Country (Applications Regulations) 1988

GRANT OF PLANNING PERMISSION

TAKE NOTICE that in pursuance of its powers under the above mentioned Act and Regulations North Tyneside Council as Local Planning Authority hereby **GRANTS** planning permission

For: The excavation of a 6500m³ dry storage basin to the south west of the Briar Vale residential area to retain surface water run off from the fields during intense periods of rainfall. Associated works include the construction of a new ditch to link the storage basin to the NWA surface water sewer

at: Land To The Rear Of Briar Vale Whitley Bay Tyne And Wear

in accordance with the application numbered 16/01956/FUL, deemed valid by the Council on 15 December 2016, and the plans stamped as approved on 22 February 2017.

SUBJECT TO CONDITIONS as follows:

1) The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:

- Application Form 08.12.2016
- Tree Protection Plan, CS074550-CAP-00-VES-ML-V-0004 P01.1
- Public Right of Way, MGAP-CAP-BV-GEN-DR-C-7028
- Schematic Drawing, MGAP-CAP-BV-GEN-DR-C-1023, P1

- Site Boundary, MGAP-CAP-WE-GEN-DR-C-1024, P1
- Storage Basins Cross Section, MGAP-CAP-BV-GEN-DR-C-7024

Reason: To ensure that the development as carried out does not vary from the approved plans.

2) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

3) Notwithstanding Condition 1, no development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; storage of plant and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowzers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include an site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.

Reason: This information is required pre development to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees and residential amenity having regard to Policies H13 of the North Tyneside Council Unitary Development Plan 2002

4) Notwithstanding the details submitted, a programme for maintenance of the propose scheme including details of access arrangements shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, this programme of maintenance shall be implemented in accordance with the approved details.

Reason: In the interests of surface water management.

5) The construction site subject of this approval shall not be operational and there shall be no construction, deliveries to, from or vehicle movements within the site outside the hours of 0800-1800 Monday - Friday and 0800-1400 Saturdays with no working on Sundays or Bank Holidays.

Reason: To safeguard the amenity of nearby residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.

6) Notwithstanding the plans approved, no development shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the creation of wildflower/damp meadow grassland within the drainage basin and along the new ditch, re-instatement of the proposed surface water culvert area with an appropriate grass margin mix and the creation of new hedgerow along the eastern boundary of the ditch/surface water culvert area. Thereafter the development shall be landscaped in accordance with the landscaping scheme agreed.

Reason: In the interests of amenity and ecology and to ensure a satisfactory standard of landscaping in accordance with Policy E23 of the UDP.

7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: In the interests of amenity and ecology and to ensure a satisfactory standard of landscaping having regard to policy E14 of the North Tyneside Unitary Development Plan 2002.

8) Prior to development commencing, an Arboricultural Impact Assessment (AIA), which should contain a Tree and Hedgerow Protection Method Statement (MS), must be submitted to and approved in writing by the Local Planning Authority. The document should also clearly show the extent of the hedgerow/tree removal and pruning works and how the removal of trees and hedgerows will impact and be mitigated by replacement planting. The document should also include the type of protection (fencing) measures (and distances) that will be used with regard to the trees, hedgerow and potential suburban (3rd party neighbouring trees). The submitted information should also include a plan detailing the individual (dimensioned or scaled) stand-off distances for the protective fencing. Thereafter the measures must be implemented in accordance with the details.

Reason: In the interests of amenity and ecology and to ensure a satisfactory standard of landscaping in accordance with policies E12/6 and E14 of the UDP.

9) All works are to be carried out in accordance with BS3998: 2010 maintaining shape and form. Branches are not to be lopped or topped. Ensure overall shape and form of the tree species is maintained. The work is to include the removal of deadwood, weak, damaged, crossing and overlapping branches but leaving the main branch structure intact.

Reason: In order to safeguard existing trees, the amenity of the site and locality, and in the interests of good tree management having regard to Policy E23 of the North Tyneside Council Unitary Development Plan 2002

10) Prior to development commencing the tree protection measures detailed on the 'Tree Protection Plan' and within the submitted 'Tree Appraisal and Impacts Assessment' must be installed in accordance with the approved details and retained for the duration of the approved works.

Reason: In the interests of amenity and ecology and to ensure a satisfactory standard of landscaping in accordance with Policy E23 of the UDP.

11) Vegetation removal shall not take place during the bird nesting season (March-August inclusive) to avoid impacts to breeding birds, in particular, ground nesting birds unless checking surveys by a suitable qualified ecologist have ascertained that active nests are absent.

Reason: In the interests of ecology and biodiversity in accordance with Policy E12/6 and the NPPF.

12) Prior to commencement of development details of six bird nest boxes (including two tree sparrow nest boxes) to be installed within or adjacent to the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the boxes shall be installed in accordance with the approved details and retained.

Reason: In the interests of ecology and biodiversity in accordance with Policy E12/6 and the NPPF.

13) Before the development hereby permitted commences a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site. The approved scheme shall be carried out in full prior to the use and occupation of the site and of the building(s) hereby permitted.

Reason: To protect the occupants of nearby residential properties from noise disturbance having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

14) Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

15) Prior to the discharge of any surface water from the dry storage basin to the NWL sewer network, full details of the improvement of the outfall within Marden Quarry must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in full accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.



Phil Scott

Head of Environment, Housing and Leisure

If you have any queries about this decision, please contact the case officer Julia Dawson on 0191 643 6314

INFORMATION FOR APPLICANTS

1) It is an offence to obstruct the public highway (footway and/or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Highway Authority.

Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a particular hazard to those who are disabled, either by lack of mobility or impaired vision.

Please assist the Council by instructing your building contractor and materials suppliers that obstruction of the highway will not be tolerated by the Council, which is prepared to take legal action against those responsible for such obstructions.

Should you find it impossible to avoid placing materials on the public highway, contact the Highways Maintenance Section (tel 0191 643 6130) in advance to discuss the circumstances. In such cases the Council may authorise the placing of materials subject to specified conditions being met.

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) The applicant is advised that the vehicular access to the highway must be constructed by or to the satisfaction of the Local Authority, please contact Highway Maintenance on tel no. 0191 643 6130 before any works are commenced.

4) Before the development hereby approved is commenced, a Diversion Order must be obtained from the Council under Section 257 of the Town and Country Planning Act 1990 for the diversion of the public footpath/bridleway which crosses the site. Please contact the New Development (Highways) on tel no. 0191 6436087 for further information.

5) Prior to any works commencing on site, the applicant should contact Highway Maintenance to arrange for an inspection of the highways adjacent to the site. The applicant should be aware that failure to do so may result in the Council pursuing them for costs of repairing any damage in the surrounding area on completion of construction. You can contact the Highway Maintenance team on tel. 0191 643 6130.

6) - Free and full access to the Public Right of Way network is to be maintained at all times. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer.

- Prior to the commencement of works and upon the completion of the development the developer shall contact the council's Public Rights of Way Officer to enable a full inspection of the routes affected to be carried out. The developer will be responsible for the reinstatement of any damage to the network arising from the development.

- The developer is advised to contact the council's Public Rights of Way Officer to discuss

connectivity to the site into the surround Public Right of Way network.

7) The applicant must ensure that any excavated material to be removed off site to a suitably licensed facility. This should be carried out under a "Duty of Care" system and copies of any consignment notes generated should be submitted to the LPA.

Note 1 A condition of this permission requires that the development shall be carried out in complete accordance with the approved plans. Failure to do so could render the development unauthorised. Any material change to the approved plans will require a formal planning application to vary this condition or apply for a non-material amendment to the plans and the approval of the Local Planning Authority prior to any change being made. If you require any further information or advice regarding this permission please contact Development Management on 0191 6432310.

Note 2 This approval must not be construed as giving approval under Building Regulations or for improvement grant purposes. Building Regulations consent may be required for development involving the extension or construction of a building for which an application may be required. For further information telephone Building Control on 0191 6432200.

Appeals to the Secretary of State

- 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 you must do so within six months of the date of this notice, using a form which you can only get from: The Planning Inspectorate, Registry/Scanning, Room 3/01 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 4445000) or e-mail: enquiries@pins.gov.uk
- If this decision on a planning application relates to the same or substantially the same land and development as is already the subject of an enforcement notice, 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 issue of this notice.
- 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.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having

regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonable beneficial use in its existing state nor can he render the land capable of a reasonable 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 (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require 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.

Compensation

- In Certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in sections 114 and related provisions of the Town and Country Planning Act 1990.