



TOWN AND COUNTRY PLANNING ACT 1990

NOTICE OF PLANNING PERMISSION

Applicant / Agent Name And Address

LICHFIELDS
 PHIL MCCARTHY
 SAINT NICHOLAS BUILDING, LICHFIELDS
 SAINT NICHOLAS STREET
 NEWCASTLE UPON TYNE
 NE1 1RF

Reference No: R/2021/0754/FFM

The Council as the Local Planning Authority **HEREBY GRANT PLANNING PERMISSION** for the development proposed by you in your application valid on: 7 October 2021

Details: PROPOSED NEW ACCESS ROAD

Location: LAND EAST OF DOCKSIDE ROAD SOUTH BANK

Applicant: SOUTH TEES DEVELOPMENT CORPORATION

Subject to the following condition(s):

1. **The development shall not be begun later than the expiration of THREE YEARS from the date of this permission.**

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. **Unless otherwise required by condition attached to this permission, the development hereby permitted shall be carried out in accordance with the following approved plans:**

**Location Plan received by the Local Planning Authority on 07/10/21
 Highway Proposals (Dwg No. LMUK-BGP-00-ZZ-DR-C-90.4-00001) received by the Local Planning Authority on 07/10/21
 Proposed Longsections (Dwg No. LMUK-BGP-00-ZZ-DR-C-90.4-00002) received by the Local Planning Authority on 07/10/21**

REASON: To accord with the terms of the planning application.

3. **No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period of the development. The CEMP shall also include the following details:**

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- I The method to be used to control the emission of dust, noise and vibration from construction works, including any details of any mitigation measures required;**
- ii Measures to control the deposit of mud and debris on adjoining public highways**
- iii Site fencing and security**
- iv Temporary contractors' buildings, plant, storage of materials, lighting and parking for site operatives**
- v The use of temporary generators**
- vi The arrangement or turning of vehicles within the site so that they may enter and leave in forward gear**
- vii A risk assessment of construction activities with potentially damaging effects on local ecological receptors including any measures to protect those receptors during construction**
- viii Roles and responsibilities for the implementation of the CEMP requirements and measures.**
- ix Measures to control invasive plant species**
- x Measures to control surface water and other water generated as part of the works**

REASON: In the interest of neighbour amenity, highways safety and protection of sites of ecological value in accordance with policies SD4 and N4 of the Redcar and Cleveland Local Plan.

REASON FOR PRE-COMMENCEMENT: The information is required prior to any works commencing on site as it relates to construction details which are often the first works on site and relate to site preparation.

- 4. Notwithstanding the design details on plan (Highway Proposals - LMUK-BGP-00-ZZ-DR-C-90.4-00001) received by the Local Planning Authority on 07/10/21, final details of the footway and cycleway connections along the approved access road to the railway station up to the south western boundary of the site and final details of the connections of the approved foot and cycle paths into the existing foot and cycle paths at Smiths Dock Road Roundabout, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

REASON: In the interest of pedestrian and highway safety.

- 5. Any road carriageway (surfaces and sub-surfaces) shall be built in accordance with the specification shown as a typical road cross section detail on plan (Highway Proposals - LMUK-BGP-00-ZZ-DR-C-90.4-00001) received by the Local Planning Authority on 07/10/21. A timetable detailing the timing of the application of the binder course and final surface course shall be agreed in writing with the Local Planning Authority upon commencement of the development. The development shall then be carried out in accordance with the approved timetable unless otherwise agreed in writing with the Local Planning Authority.**

REASON: In the interest of highway safety.

6. The development hereby approved shall be carried out in accordance with the recommendations set out in Section 6 of the South Bank Access Road Ecology Report (INCA 2021-67), July 2021 prepared by INCA which was received by the Local Planning Authority on 02/09/21.

REASON: To ensure the development does not have an adverse impact with regard to ecological matters in accordance with policy N4 of the Local Plan.

7. 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. An investigation and risk assessment must be undertaken in accordance and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy SD4 of the Local Plan.

Statement of Co-operative Working: The Local Planning Authority considers that the application as originally submitted is a satisfactory scheme and therefore no negotiations have been necessary.

INFORMATIVES

1. **Informative Note:** The applicant has confirmed that the proposed access road is not to be adopted and is therefore to remain private. The applicant should be aware that should at any point in the future the road be proposed to be adopted, there would need to be a Sec 278 agreement with the Local Authority that may require alterations to any works that are to be installed as a result of this approval.
2. **Informative Note:** All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. There is a railway access point in proximity to the proposed site, access to which is required on a 24/7 basis for inspection, maintenance and emergency works. This access must remain clear and unrestricted at all times during and after construction.



Signed:

Andrew Carter
Assistant Director Economic Growth

Date: **23 December 2021**

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YOUR ATTENTION IS DRAWN TO INFORMATIVE NOTES BELOW:**INFORMATIVE NOTE:**

The conditions above should be read carefully and it is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

Please note that in order to discharge any conditions, a fee is payable in respect to this.

Failure on the part of the developer to fully meet the terms of any conditions which require the submission of details prior to the commencement of development may result in the development being considered unlawful and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal action in the form of a Breach of Condition notice.

APPROVAL INFORMATIVE:

This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.

Consent under the current Building Regulations may also be required for the development before work can commence.

CATS Pipeline

In addition to the statutory consultees, applicants should also consider what other stakeholders should be consulted. For example, in the case of any development taking place that may affect High Pressure Gas Pipelines, operated by CATS North Sea Limited on behalf of the owners of the pipeline, please consult with CATS North Sea Limited at CATSpipeline@woodplc.com 01642 546404 CATS Terminal, Seal Sands Road, Seal Sands, Teesside TS2 1UB.

County of Cleveland Act, 1987 – Facilities for Fire Fighting

Section 5 of this Act requires that, where building regulation plans for the erection or extension of a building are deposited with the Council, the Council must reject the plans if it is not satisfied:

- That there will be adequate means of access for the Fire Brigade
- That the building or extension will not make means of access for the Fire Brigade to any neighbouring building inadequate
- If the building could be used for commercial or industrial purposes, that there is provision for installation of fire hydrants or other provision for an adequate supply of water for firefighting purposes.

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, then you must do so within the timeframes stated below:

- **12 weeks** of the date of this notice for a householder application/minor commercial application;
- **six months** of the date of this notice for other planning applications

- **8 weeks** in the case of any advertisement 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/planning-inspectorate>. 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 them that the local planning authority could not have granted planning permission for the proposed development or could not have it granted without the conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Planning Inspectorate does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by them.

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 they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In the 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 Planning Inspectorate on appeal or on reference of the application to them. These circumstances are set out in Section 114 and related provisions of the Town & Country Planning Act 1990.

The Highways Act 1980 (Sections 131, 133 and 171)

Prior to commencing work on any development which entails interference with an adopted Highway a developer/contractor is required to obtain the consent of the Engineering (Highways Team). Such consent will not unreasonably be withheld but will be conditional upon obtaining a "Road Opening And Reinstatement" Consent and signing an "Undertaking To Pay For Works".

The Building Act 1984 (Section 80)

Prior to commencing work on any development which entails the demolition of part, or all of a building a developer or contractor is required to obtain the consent of the Engineering Team. Consent will be conditional on the Local Authority receiving the appropriate forms. Forms can be obtained direct from the Engineering Team.