



# TOWN AND COUNTRY PLANNING ACT 1990

## NOTICE OF PLANNING PERMISSION

Applicant / Agent Name And Address

LICHFIELDS  
THE ST. NICHOLAS BUILDING  
ST. NICHOLAS STREET  
NEWCASTLE UPON TYNE  
NE1 1RF

**Reference No: R/2020/0270/FFM**

The Council as the Local Planning Authority **HEREBY GRANT PLANNING PERMISSION** for the development proposed by you in your application valid on: 10 June 2020

**Details:        ENGINEERING OPERATIONS INCLUDING WIDENING OF ESTON ROAD, FORMATION OF NEW ROUNDABOUT AND INTERNAL ACCESS ROADS, WORKS TO ENHANCE HOLME BECK AND ASSOCIATED HARD AND SOFT LANDSCAPING WORKS**

**Location:      LAND AT AND ADJOINING ESTON ROAD INCLUDING GATEWAY JUNCTION OF A66 TO MIDDLESBROUGH ROAD EAST GRANGETOWN**

**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.     **The development hereby permitted shall be carried out in accordance with the following approved plans:**

**Site Location Plan received by the Local Planning Authority on 01/06/2020  
Landscape Site Wide plan (ref: (90) LP001 Rev P02) received by the Local Planning Authority on 03/08/2020**

**General Arrangement Plan Sheet 1 of 5 (ref: (90) LP002 Rev P02) received by the Local Planning Authority on 03/08/2020**

**General Arrangement Plan Sheet 2 of 5 (ref: (90) LP003 Rev P02) received by the Local Planning Authority on 03/08/2020**

**General Arrangement Plan Sheet 3 of 5 (ref: (90) LP004 Rec P03) received by the Local Planning Authority on 03/08/2020**

**General Arrangement Plan Sheet 4 of 5 (ref: (90) LP005 Rev P03) received by the Local Planning Authority on 03/08/2020**

**General Arrangement Plan Sheet 5 of 5 (ref: (90) LP006 Rev P03) received by the Local Planning Authority on 03/08/2020**

**SuDS & River Restoration Proposal Holme Beck Plan (ref: DLX-JBAU-00-00-DR-C-0001 Rev P01) received by the Local Planning Authority on 01/06/2020**

**SuDS & River Restoration Proposal Holme Beck Plan & Section 1 of 3 (ref: DLX-JBAU-00-00-DR-C-0002 Rev P01) received by the Local Planning Authority on 01/06/2020**

**SuDS & River Restoration Proposal Holme Beck Plan & Section 2 of 3 (ref: DLX-JBAU-00-00-DR-C-0003 Rev 01) received by the Local Planning Authority on 01/06/2020**

**SuDS & River Restoration Proposal Holme Beck Plan & Section 3 of 3 (ref: DLX-JBAU-00-00-DR-C-0004 Rev Po1) received by the Local Planning Authority on 01/06/2020**

**Colour Engineering Layout, 1-1250 scale Overview (ref: STDC\_HWY-ATK-LDC-PR-DR-CH-000004 Rev Co1) received by the Local Planning Authority on 01/06/2020**

**Colour Engineering Layout, 1-500 scale (Sheet 1 of 4) (ref: STDC\_HWY-ATK-LDC-PR-DR-CH-000005 Rev Co1) received by the Local Planning Authority on 01/06/2020**

**Colour Engineering Layout, 1-500 scale (Sheet 2 of 4) (ref: STDC\_HWY-ATK-LDC-PR-DR-CH-000006 Rev Co1) received by the Local Planning Authority on 01/06/2020**

**Colour Engineering Layout, 1-500 scale (Sheet 3 of 4) (ref: STDC\_HWY-ATK-LDC-PR-DR-CH-000007 Rev Co1) received by the Local Planning Authority on 01/06/2020**

**Colour Engineering Layout, 1-500 scale (Sheet 4 of 4) (ref: STDC\_HWY-ATK-LDC-PR-DR-CH-000008 Rev C01) received by the Local Planning Authority on 01/06/2020**

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

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

**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. **No development shall commence until a scheme to deal with any site contamination has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to human health. Development shall only proceed in accordance with the approved scheme.**

**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.

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

5. **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, and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. The development must then be carried out in accordance with the approved remediation scheme.**

**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.

6. **Prior to their implementation, details of any gateway features and structures (including those indicated on approved plan reference (90) LP007 Rev P03), shall be submitted to and approved in writing by the Local Planning Authority. The gateway features and structures shall be installed in accordance with the approved details.**

**REASON:** In the interest of the general amenity and appearance of the area in accordance with policy SD4 of the Local Plan.

7. 7 Prior to the installation of any of the following, details of them shall be submitted to and approved by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details:

- Street Lighting;
- Street Furniture including benches, waste bins and bus stops;
- Hard landscaping, including surface treatments, tactile paving and dropped kerbs; and
- Soft landscaping.

**REASON:** In the interest of the general amenity and appearance of the area in accordance with policy SD4 of the Local Plan.

8. No development shall commence until details of final finished levels and surface water drainage have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**REASON:** To ensure the development is supported by a suitably designed surface water disposal infrastructure scheme and to minimise the risk flooding in the locality.

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

9. Prior to the completion of works to form new habitat features including SuDS features, a post-construction monitoring and maintenance plan shall be submitted to and agreed in writing with the Local Planning Authority, to ensure that any created or enhanced habitats of medium or high distinctiveness, installed as part of the proposed development, will be monitored post-construction to ensure continued suitability for their intended purpose. The plan should include monitoring and management of the SuDS feature to ensure it remains fit for purpose. The development shall be completed in accordance with the details approved.

**REASON:** To ensure the development is delivered and maintained in a manner that supports the ecological benefits from the scheme.

10. The approved works to Holme Beck, including any works to remove the existing culvert or to create new culvert, shall be carried out in accordance with the details contained on the approved plans refs. DLX-JBAU-00-00-DR-C-0001 Rev P01, DLX-JBAU-00-00-DR-C-0002 Rev P01, DLX-JBAU-00-00-DR-C-0003 Rev P01, DLX-JBAU-00-00-DR-C-0004 Rev P01, unless details of any alternative design and arrangements for Holme Beck, including culverting are

first submitted to and approved by the local planning authority prior to them being carried out.

**REASON:** To ensure the development is carried out in accordance with the approved details relating to works involving the culvert.

11. There shall be no site vegetation clearance between March to the end of August unless the project ecologist has first undertaken a checking survey immediately prior to the clearance and confirms in writing to the Local Planning Authority that no active nests are present.

**REASON:** To conserve protected species and their habitat in accordance with policy N4 of the Local Plan.

**STATEMENT OF COOPERATIVE WORKING:** The Local Planning Authority considers that the application as originally submitted is a satisfactory scheme and therefore no negotiations have been necessary.



Signed:

**Andrew Carter**  
**Assistant Director Economic Growth**

Date: 12 August 2020

**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.

**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.