



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

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**Contact Name and Address:**

Anton Lang Planning Services Ltd.  
FAO Dr Anton Lang  
PO Box 462  
Newcastle Upon Tyne  
NE3 9DY

**Application No:** ST/0535/15/VC

**Date of Issue:** 30/07/2015

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In pursuance of their powers under the above mentioned Acts, South Tyneside Council as Local Planning Authority **REFUSE** planning permission for the following development:

**PROPOSAL:** Application under Section 73 of the Town and Country Planning Act 1990 to allow variation of Condition 2 of approved planning application Ref. ST/1331/12/VC seeking 1 1/2 hours extension of business opening hours until 10.30pm Monday through to Saturday and until 8.30pm Sundays, as well as retaining existing hours.

**LOCATION:** Benny's Pomodoro, 68A Stanhope Road, South Shields, NE33 4BS

In accordance with your application dated 03 June 2015

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**REASON(S) FOR REFUSAL:**

- 1 By reason of the increased noise and other disturbance likely to be caused by the operation of the business and by customers arriving and departing in vehicles and on foot returning from a night out, the extending of the opening hours of the premises into the late evening would be materially detrimental to the residential amenities of adjacent and nearby houses and flats. This is contrary to policy DM1 which requires proposals to convey sensitive consideration to their surroundings and that they are acceptable in relation to their impact upon the local environment and residential amenity.
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George Mansbridge  
Head of Development Services

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

## **NOTES**

### **APPEALS TO THE SECRETARY OF STATE**

#### **1 Only the applicant possesses the right of appeal**

If you are aggrieved by the decision of the Local Planning Authority to refuse permission then you may appeal to the Secretary of State for Communities and Local Government in accordance of section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances, which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.

Appeals can be made online using the Planning Inspectorates planning appeal service through the Planning Portal at <http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal>. You must use a standard Planning Appeal Form when making your appeal. Please be aware that details of planning appeals are available on the internet and may include a copy of the original planning application form and relevant supporting documents supplied to ourselves, either by you, or your agent, together with the completed appeal form, and information that you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More information about data protection and privacy matters is available on the planning portal website.

Alternatively if you do not wish to submit your appeal electronically, a form is obtainable from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. Email: [enquiries@planning-inspectorate.gsi.gov.uk](mailto:enquiries@planning-inspectorate.gsi.gov.uk) or telephone 0303 4440000. Please note that you must state the appeal form that you require.

### **PURCHASE NOTICES**

- 2 If permission to develop land is refused, 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.