



**NOTICE OF REFUSAL OF OUTLINE
PLANNING PERMISSION**

**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure)
(England) Order 2015**

Contact Name and Address:

Mr J Elves
22 The Fellside
Newcastle upon Tyne
NE3 4LJ

Application No: ST/0712/15/OUT

Date of Issue: 06/11/2015

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

PROPOSAL: Outline application for the construction of 3no. dwellings with all matters reserved.

LOCATION: Vacant Site, Cavalier View, Hebburn, NE31 1DH

In accordance with your application dated 14 July 2015

REASON(S) FOR REFUSAL:

- 1 The application site forms part of a wider strategic landscape buffer that has been set aside to provide separation between the housing development accessed from Cavalier View and the Predominantly Industrial Area (as identified by adopted LDF Site-Specific Allocations Policy SA3 and the Site-Specific Allocations proposals map) lying adjacent to the north/north east, a large area of which (including functional dry dock) has been used for general ship building/repairs and marine related heavy industrial activities for many years. The activities associated with the adjacent Predominantly Industrial Area are undertaken throughout the day and night and by nature they generate significant levels of noise, air borne particles, vibration and general disturbance. Given the close proximity of this development to this area the mitigation suggested as part of this development would not be sufficient to safeguard future occupiers of the development from harm caused by the activities associated with the Predominantly Industrial Area and as such the proposal would be contrary to South Tyneside Local Development Framework adopted Development Management Policies DM1(A, B) and DM2(A).
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NOTES TO APPLICANT:

For the avoidance of doubt this decision relates to the following plans and/or specifications:

Drg No. 1 A received 27/08/2015

- 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. However, the proposed development is contrary to the policies referred to in the reason(s) for refusal and it has not been possible to reach an agreed solution in this case.



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 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.

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

- 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.