



South Tyneside Council

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

Contact Name and Address:
Pizza Porter
FAO Mr Mohammad Alizada
187 Laygate
South Shields
NE33 5RG

Application No: ST/1072/15/VC
Date of Issue: 22/12/2015

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 vary Condition 4 of Appeal Decision Ref: A/99/1018724 (that granted consent for a restaurant and takeaway on the ground floor with office or flat above) to extend the opening hours of the takeaway from 23.30 to 02.00 Mon - Sun.

LOCATION: Pizza Porter, 187 Laygate, South Shields, NE33 5RG

In accordance with your application dated 09 November 2015

REASON(S) FOR REFUSAL:

- 1 The proposal would be materially detrimental to the amenities of occupiers of the first floor residential accommodation above the application premises and to other residential properties in the immediate vicinity. This would be by way of harmful noise emissions associated with this type of use, including a material increase in levels of general noise / disturbances generated by the comings and goings of vehicles and pedestrians, at times when occupiers of residential properties should be entitled to expect a reasonable degree of tranquillity. The proposal would therefore not be acceptable in relation to impact upon residential amenity, and so would be contrary to Local Development Framework (LDF) Development Management Policies DM1 (Criteria B) and DM3.
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NOTES TO APPLICANT:

- 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 but if the local planning authority's decision was to refuse planning permission for a minor commercial application then you must do so within 12 weeks of the date of this notice unless:

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference no. if applicable], 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 this notice; or
- 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, or 12 weeks in the case of a minor commercial appeal, of the date of this notice, whichever period expires earlier.

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.