



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:
Moulders Arms Public House
FAO Ms Jill Palmer
Birtley Lane
Birtley
DH3 2LW

Application No: ST/0819/16/FUL
Date of Issue: 19/12/2016

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: To open the ground floor shop as a micro bar changing the use from retail use to a licensed premises.

LOCATION: 122 Westoe Road, South Shields, NE33 3PF

In accordance with your application dated 03 August 2016

REASON(S) FOR REFUSAL:

- 1 Although the application site forms part of a Local Neighbourhood Shopping Centre (as shown on the adopted South Tyneside Local Development Framework Site Specific Allocations development plan document), there is a significant number of residential properties within close proximity to this application site and the majority of commercial activity undertaken within this area takes place during the day and not at an evening. The proposed use and its evening opening hours until 22:00hrs and 23:00hrs and the noise and general disturbance caused by activities associated with it would be detrimental to the existing levels of amenity enjoyed by these neighbouring residents. As such the proposal would not therefore accord with the adopted South Tyneside Local Development Framework Development Management Policy DM1(B).
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NOTES TO APPLICANT:

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

Plans received 15/08/2016

- 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.
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A handwritten signature in black ink, appearing to read 'G. Mansbridge', written in a cursive style.

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.

