



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:

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Application No: ST/0710/20/FUL

Date of Issue: 18/12/2020

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: Change of use the ground floor from A1 Retail shop to Indian Takeaway with flue extraction to the rear

Location: 509 Stanhope Road, South Shields, NE33 4QX

REASON(S) FOR REFUSAL:

1 Central government planning policy encourages healthy lifestyles, including through the provision of access to healthier food. The Council's Local Development Framework Supplementary Planning Document 22: 'Hot Food Takeaways and Health' recognises that, in general, fast food is often a popular choice with children and younger people and can be considered a contributing factor to the increasing levels of obesity due to it consisting mostly of energy dense food which is high in saturated fats and salt, and low in nutrient levels.

The proposal is situated within the Biddick Hall & All Saints Ward of the Borough of South Tyneside where childhood obesity levels for year 6 pupils exceeds 10%. The most up to date data (2019/20) from the National Child Measurement Programme shows that 32.8% of year 6 children in this ward are very overweight/obese.

As such, the proposed hot food takeaway would be contrary to the National Planning Policy Framework and associated National Planning Practice Guidance with regard to health and well-being. It would also fail to accord with the guidance contained within the Council's Local Development Framework Supplementary Planning Document 22: 'Hot Food Takeaways and Health' which supports the Council's strategic aims in tackling unhealthy lifestyles and obesity.

2 There are already three hot food takeaways within this relatively small block of properties on Stanhope Road, within the Boldon Lane District Shopping Centre. The proposed change of use of this ground floor retail unit to a hot food takeaway would result in an overconcentration of hot food takeaways in this area and further reduce the retail choice and retail function of the shopping centre. The proposed development would thereby result in a materially harmful impact on the vitality and viability of the shopping centre. As such, the proposed development would be contrary to Core Strategy Policy SC2 and Development Management Policy DM3 of the South Tyneside Local Development

Framework.

NOTES TO APPLICANT:

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

Drg No 0002 received 05/10/2020

Drg No 0001 received 01/09/2020

- 1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework 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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Peter Mennell
Head of Regeneration and Housing

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.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

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.