South Tyneside Council

NOTICE OF GRANT OF PLANNING PERMISSION

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

Contact Name and Address:
RPS Group
F.A.O. Mr Adam Pyrke
20 Farringdon Street
London
EC4A 4AB

Application No: ST/0396/22/FUL
Date of Issue: 17/03/2023

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

Proposal: Erection of single-storey building for mixed restaurant and hot food takeaway incorporating a drive-thru facility and associated reconfiguration of car park and landscaping.
Location: Asda, North Road, Boldon Colliery, NE35 9AR

SUBJECT TO THE FOLLOWING CONDITION(S) AND REASON(S):

1 The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

2 The development shall be carried out in accordance with the approved plans as detailed below:

4179-PL-04 Rev. E (proposed site plan) received 12/05/2022
4179-PL-06 Rev. B (landscape plan) received 12/05/2022
4179-PL-03 (proposed plans and elevations) received 12/05/2022

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

3 The development hereby permitted shall be carried out in accordance with the drainage strategy, as set out in Drainage Strategy Report (Rev. 1 by Saldanha Design and Management Ltd.) received 06/12/2022.

To ensure that the discharge of surface / foul water from the development does not increase the risk of flooding in accordance with South Tyneside Local Development Framework Policies ST2 and DM1(K).

4 The single storey building shall be carried out in accordance with the facing materials as shown on 4179-PL-03 (proposed plans and elevations) received 12/05/2022, unless otherwise agreed in writing by the Local Planning Authority pursuant to this condition.

In the interests of visual amenity in accordance with South Tyneside Local Development Framework Policies ST2 and DM1(A).

5 The development hereby permitted shall not be brought into use until the kitchen extraction system has been fully installed, as per the recommendations at paragraph 6.4 of the Commercial Kitchen Odour Risk Assessment (by Miller Goodall Ltd.) and set out on drawing 0000/M100 Rev. B (by Ashworth), both received 12/05/2022. All equipment installed as part of the system shall thereafter be operated and maintained for so long as the development permitted continues.

In the interests of amenity and residential amenity in accordance with South Tyneside Local Development Framework Policies DM1(A & B) and DM3.

6 The development hereby permitted shall not be brought into use until the delivery layby, large order bays, vehicle circulation route (around the single-storey building), cycle parking and bin storage to serve it as shown on 4179-PL-04 Rev. E (proposed site plan) received 12/05/2022 has been provided. The delivery layby, large order bays, vehicle circulation (around the single-storey building), cycle parking and bin storage shall thereafter be retained for their intended purpose.

In the interests of highway safety in accordance with South Tyneside Local Development Framework Policy DM1(G).

7 The development hereby permitted shall not be open to customers, whether they enter the building, use the drive-thru or use delivery services; between the hours of midnight and 08:00 on any day.

In the interests of amenity and residential amenity in accordance with South Tyneside Local Development Framework Policies DM1(A & B) and DM3.

8 The development hereby permitted shall not be brought into use, unless it is implemented and operated in accordance with the details contained in the Framework Travel Plan (by Mode Transport Planning) received 12/05/2022; and where the Local Planning Authority shall be informed in writing of the review reports it references at 7.3.1.

To promote sustainable modes of travel (particularly for employees of the development) in accordance with South Tyneside Local Development Framework Policy ST2.

NOTES TO APPLICANT:

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.

2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

A Inch

Andrew Inch
Senior Manager Planning

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

NOTES

1 This certificate is issued under the Town and Country Planning Acts, Regulations and Orders and does not constitute a permission, approval or consent by South Tyneside Council for any other purpose whatsoever. Applications must therefore be made to the appropriate Departments of the Council for any other permission, approval or consent (including Building Regulations approval or approval of South Tyneside Council as ground landlord where appropriate) which may be necessary in connection with the proposed development or anything incidental thereto, or the use to be made of the premises which form the subject of such development.

2 You may also require permissions, approvals or consents under other legislation, or from bodies other than South Tyneside Council. This could include works affecting a public sewer, gas main, or electricity line, works within the adopted highway, works affecting a public right of way, property covenants, legislation relating to disabled persons, land drainage consent, waste management consent, scheduled monument consent or works affecting protected habitats or species.

3. Any non-material change to the approved plan(s) that form part of this permission would require the submission of an application for a non-material change under section 96A of the Town and Country Planning Act 1990. Whether changes to a proposed development are considered non-material is a matter for Planning Authority discretion.

4 The approved development should be implemented in strict compliance with all of the planning conditions, and in particular any which require details to be approved prior to the commencement of the development. Failure to do so may result in any commencement of development being unauthorised, which could be liable to enforcement action.

5 If you wish to change, or not comply with, any of the planning conditions attached to the permission, then you will need to submit a new application for planning permission under section 73 of the Town and Country Planning Act 1990. This does not affect your statutory rights of appeal against any of the planning conditions. This includes if you wish to not comply with a condition attached to a permission which details the approved plan(s), so as to make a minor material change to the approved plan(s). A minor material change is defined as one whose scale and nature results in a development that is not substantially different from that which has been approved.

6 Your attention is drawn to your responsibilities under the Chronically Sick and Disabled Persons Act 1970 and the Disability Discrimination Act 1995 relating to disabled persons, to ensure that adequate attention has been paid to their needs. If the proposed development involves new or existing buildings to which the public are to be admitted, or offices, shops, railway premises, factories or educational buildings, provision should be made for the means of access, parking and sanitary conveniences to meet the needs of disabled people. In addition, appropriate signposting of the facilities should be provided. In carrying out these statutory obligations your attention is drawn to the "Code of Practice for Access for the Disabled to Buildings" (BS5810:1979). You are advised to seek professional advice to ensure that you meet your legal obligations under the Disability Discrimination Act 1995, especially with regard to Part III thereof.

APPEALS TO THE SECRETARY OF STATE

7 **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 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 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://www.gov.uk/appeal-planning-decision

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

8 If permission to develop land is granted subject to conditions, 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.