# South Tyneside Council

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| **Reference:** | ST/0290/24/FUL |
| **Location:** | Asda<br>North Road<br>Boldon Colliery<br>NE35 9AR |
| **Ward:** | Boldon Colliery |
| **Description:** | Removal of existing redundant plant condenser and replace with new Plant |
| **Recommendation:** | Grant Permission with Conditions |
| **Case Officer:** | Nick Graham |
| **Case Officer Contact No.:** | 0191 4247427 or 07741108995 |

## Description of the Site

This application relates to the Asda store at Boldon Colliery.

## Description of the Proposal

This application seeks full planning permission for the removal of an existing redundant plant condenser and replace with new plant on the roof of the building.

## Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 05/06/2024.

Environmental Health Officer
Given the distance to residential receptors and ambient noise levels in the area I would not have any concerns regarding this application in terms of noise impact on residential amenity.

No comments in relation to land contamination or flood risk / drainage.

## Summary of Representations

No responses received.

## Relevant planning policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

The statutory development plan comprises the Council's adopted Local Development Framework (LDF) development plan documents. Those LDF documents of relevance to this application comprise of the Core Strategy 2007, and a Development Management Policies Development Plan Document (DPD) 2011.

The following policies of the South Tyneside Local Development Framework Core Strategy are relevant to this planning application:

- DM1 (A and B) – Management of Development
- Policy EA3 – Biodiversity and Geodiversity
- Policy EA5 – Environmental Protection

A Regulation 19 version of the South Tyneside Local Plan was recently subject to consultation from 15/01/2024 to 03/03/2024 and this marked the second of two statutory consultation periods in the plan-marking process. While the draft Local Plan is now at a more advanced stage of preparation, with the Regulation 19 consultation completed, the extent to which there are unresolved objections to particular policies is currently being assessed and therefore only very limited weight can be afforded to policies in the emerging local plan at the current time having regard to paragraph 48 of the NPPF. As such, any relevant emerging local plan policies that are listed below are not appraised in detail in the assessment set out below:

- Policy SP1 – Presumption in favour of Sustainable Development
- Policy 47 – Design Principles

National planning policy is also a material consideration in determining this planning application. Relevant national policy comprises the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), the National Design Guide and the National Model Design Code.

The following paragraphs of the NPPF are relevant to this planning application:

- Paragraph 135 – Design
- Paragraph 180 – Noise

## Assessment

The key issues in the assessment of this planning application are as follows:

- Visual Amenity
- Residential Amenity

Visual Amenity

The proposal would replace existing plant to the roof of the Asda store and would not be readily visible from the public domain. In this regard the proposal is considered to be acceptable and in accordance with LDF Policy DM1 (A).

Residential Amenity

Given the location of the development relative to the closest residential properties, noting there is existing plant on the roof of the store, and that the Environmental Health Officer considers there would ne no impacts on the amenity of nearby residential properties. In this regard the proposal is considered to be acceptable and in accordance with LDF Policy DM1 (B) and Core Strategy Policy EA5.

Ecology

In terms of Biodiversity Net Gain, the proposed development would be located on the roof of the existing building and would not affect on site habitat. This would fall under de minimus exemption under Regulation 4 of the Biodiversity Gain Requirements (Exemptions) Regulation 2024.

Therefore, on the basis of the above, the development would be in accordance with Policy EA3 of the LDF Core Strategy and the NPPF with respect of ecology.

Other matters

No concerns have been raised by Environmental Health in relation to land contamination and flooding and given the location of the development on the roof of the building it not considered any issues would occur in respect of these matters.

## Conclusion

Having regard for the above it is considered that the proposal would result in no significant harm to the character of the area or residential amenity of nearby properties.

As a result, it is considered that the proposed development complies with all relevant local and national planning policy and guidance. Consequently, this application is recommended for approval.

In deciding whether to grant planning permission the Council must have due regard to the 3 equality aims contained in Section 149 of the Equality Act 2010 (the public sector equality duty). A preliminary assessment of the potential equality impacts of any grant of planning permission in this case has been undertaken. There are no apparent equality impacts of the proposed development which give rise to the need to undertake a more detailed equality impact assessment.

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

## Recommendation

Grant Permission with Conditions

## Conditions

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 plan(s) as detailed below

Proposed Roof Plan Drg. No. PL_04 received 02/05/2024

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 external surfaces of the development hereby permitted shall be in accordance with those as shown on Proposed Roof Plan Drg. No. PL_04 received 02/05/2024.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with South Tyneside LDF Development Management Policy DM1.

**Case officer: Nick Graham**
**Signed: N. Graham**
**Date**: **17/06/2024**

**Authorised Signatory:** *G. Simmonette*
**Date**: **18/06/2024**