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:
South Tyneside Council
FAO Mr Joseph Corrigan
Westoe Road
South hShields
NE33 2RL

Application No: ST/0650/24/FUL
Date of Issue: 22/01/2025

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: Extension of existing vehicle access
Location: 185 Temple Park Road, South Shields, NE34 0EW

REASON(S) FOR REFUSAL:

1 The Local Planning Authority consider the proposed works to widen the existing vehicular access crossing would be contrary to British Standard:3998 2010 "Tree Work - Recommendations", through incursion, without robust justification, of the widened crossing into a sizeable portion of the root protection area of a Whitebeam tree located within the highway verge adjacent to the application site resulting in harm to the health and future retention of this street tree which in turn would be harmful to the visual amenities of the locality . Therefore, the proposal would be contrary to Policy DM1 (C) of the South Tyneside Local Development Framework and paragraphs 136 and 187 of the National Planning Policy Framework.

NOTES TO APPLICANT:

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

Access Crossing Layout Drg No 32-1 received 24/10/2024
Existing and Proposed Layout received 19/11/2024
General Layout Plan received 19/11/2024
Proposed Layout Drg No 32-2 received 22/11/202

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF (National Planning Policy Framework).

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Andrew Inch
Senior Manager Planning

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://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

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.