South Tyneside Council

Reference:	250268
Location:	Asda North Road Boldon Colliery 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. An amended plan was received to clarify the precise details of the proposal. As no public representations had been received neighbours were not re-notified of this amended plan.

Relevant Planning History

The relevant planning history of the site is as follows:

ST/0290/24/FUL – Removal of existing redundant plant condenser and replace with new Plant - Approved

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 19/06/2025.

Environmental Health Officer
No issues or objections to raise. This looks to be the replacement of existing plant and will not impact on residential amenity due to the ambient noise levels in this area and the significant separation distance to the closest residential receptor.

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

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, a Development Management Policies Development Plan Document (DPD) 2011, and a Site Specific Allocations Development Plan Document DPD 2012.

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

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

On 4 March 2025, the Council was directed by the Secretary of State for the Ministry of Housing, Communities & Local Government to submit the South Tyneside Local Plan for examination by 12 March 2025 in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Plan has now been submitted and is at the examination stage. Paragraph 49 of the National Planning Policy Framework (2024) states that local planning authorities may give weight to relevant policies in emerging plans according to:

1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
2. the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and,
3. the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Whilst the draft Local Plan is now at a more advanced stage of preparation, the weight that can be given to individual Policies in the Plan varies dependent upon the extent and nature of objections to those Policies. In this regard, it is considered that certain Policies can only be afforded very limited or limited weight whilst others can be afforded significant weight in assessing this planning application. Relevant Policies are as listed below (with text provided after each Policy regarding the weight that officers consider can be afforded to that Policy):

- Policy SP1: Presumption in favour of Sustainable Development (limited)
- Policy 47 Design Principles (very limited)

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.

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 be 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 Rev A received 30/06/2025

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 Rev A received 30/06/2025.

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

Informatives

1 Approval of a Biodiversity Gain Plan NOT REQUIRED before development commences

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

However, based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply - please refer to Biodiversity net gain: exempt developments - GOV.UK (www.gov.uk).

Case officer: Nick Graham
Signed: N. Graham
Date: 10/07/2025

Authorised Signatory: *G. Simmonette*
Date: 10/07/2025