South Tyneside Council

Reference:	250387
Location:	2-4 Station Approach East Boldon NE36 0AB
Ward:	Cleadon and East Boldon
Description:	Removal of 2 flues from restaurant roof and the installation of a new extraction system and a cold room condenser unit to kitchen roof (part retrospective)
Recommendation:	Grant Permission with Conditions
Case Officer:	Emma Thomas
Case Officer Contact No.:	0191 4247593 or 07741105284

Description of the Site

The application site is located on the north side of Station Approach next to Cleadon Lane Industrial Estate and close to the junction of Station Approach and Cleadon Lane.

Description of the Proposal

This application seeks full planning permission for the removal of 2 flues from restaurant roof and the installation of a new extraction system and a cold room condenser unit to kitchen roof (part retrospective).

Relevant Planning History

The planning history of the site is as follows:

Ref - ST/0865/23/FUL
Description - Single storey rear extension to restaurant building with addition of extractor flue
Decision – Grant Permission with Conditions
Decision Date - 10/05/2024

Summary of Consultation Responses

The following responses were received in response to the statutory consultation period which ended on 28/07/2025.

Environmental Health Initial Comment –

The applicant has provided thorough information relating to the odour extraction system that will be in place, including a risk assessment using a methodology that examines a number of

different criteria relating to odour control. Using this assessment, the applicant has concluded that an enhanced form of odour control is required and has provided details of the system to be used which should ensure that there is no unreasonable impact on neighbouring residential amenity as a result of cooking odours.

However, the same level of information has not been provided with regards to the noise levels that will be produced by the air conditioning units or the extraction flue for the cooking odours. The applicant has provided little information on this, only submitting catalogues of equipment with no indication on the units which will be used or noise levels.

Please can the applicant provide significant detail on the expected noise levels at the closest noise sensitive receptors as a result of the air conditioning units, the extraction system and a combination of the two please.

Environmental Health Final Comment *(following receipt of a noise report)* –

The assessment is required to ensure that the application complies with the requirements of planning with specific regards to noise impact on existing residents as a result of the installation of an extraction system and air conditioning system at 2 – 4 Station approach.

An assessment has been carried out using appropriate methodology, with a BS4142 assessment being undertaken to predict the impact of the units in relation to the existing background noise levels at the quietest times of the day.

The assessment concludes that the sound levels of the units will not impact on residential amenity. As the methodology used is satisfactory I am in agreement with this conclusion.

The noise assessment does detail some significant additional acoustic insulation to be installed within and on the kitchen extraction system, this is outlined through section 11 of the assessment, as the noise levels are predicted with this mitigation in place, it must be installed to ensure that the prediction methodology is accurate, in addition, the consultant has recommended the repositioning of the air condition system and this must also be carried out to ensure that there will be no noise impact on residential amenity.

The applicant should be aware that should the noise levels from the system impact on neighbouring residents, the Environmental Health team may be asked to investigate potential noise nuisance under Section 79 of the Environmental Protection Act 1990.

Summary of Representations

1no. representations have been received in objection to the proposal. The issues raised are summarised as follows

- Did not object to the initial plans in 2024 as the external look of the extension appeared to be sympathetic to the almost 100 year old building. However there has been several changes to the build and does not match the original plans.
- Change to the internal layout which would create more fumes and smells.
- Changes to the extractors - the cowled extractor is now a "roof hood" (no size specified - they range in height from 1 meter to 2.6 meters high). The original extractor was horizontal, cowled and the egress was several meters further away from the boundary than the proposed new siting of the "roof hood".
- The Odour Risk Assessment had an Impact Risk of "High - 25" Was this assessment made with the original 8 burner hob or the revised 12 burner hob?

- The already installed roof mounted condenser unit is unsightly from both Cleadon Lane and Station Approach.

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 East Boldon Neighbourhood Plan and 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.

The following policies of the East Boldon Neighbourhood Plan are relevant to this planning application:

- EB1 – Sustainable development
- EB2 – General location of new development
- EB3 – Design
- EB8 – Employment
- EB10 – Cleadon Lane Industrial Estate

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

- LDF Policy DM1 (A and B)

The following policies and guidance are also relevant to this planning application:

- Supplementary Planning Document 9 (Householder Development)

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:

- Design and visual impact;
- Impact on residential amenity; and
- Impact on highway safety

Design and Visual Impact

The property has been operational as a restaurant for a number of years. No changes are proposed to the front of the property and although the proposed extraction system and condenser unit would be partially visible from Station Approach, it would be over a distance across a private car park. It is considered that the proposal would have no unacceptable visual impacts on the public domain, and instead would convey sensitive consideration to its surroundings having regard to its scale, proportion and use of materials. A condition is recommended to control that the development be constructed in accordance with details specified in the application. Subject to compliance with this condition it is considered that the proposal would accord with the East Boldon Neighbourhood Plan Policy EB3 (Design) and South Tyneside Local Development Framework (LDF) Development Management Policy DM1 (A).

Impact on Residential Amenity

The closest residential properties are located along Cleadon Lane (Kingston and Braeside) to the rear of the restaurant with a commercial premises (Smiths Barbers, 2 Cleadon Lane) in-between. An objection has been received from Kingston and they have stated that the change to the internal layout would create more fumes and smells and the cowled extractor is now a roof hood. The Environmental Health Officer commented on the application stating that the sound and noise level of the units would not have a significant adverse impact on residential amenity and as the methodology used is satisfactory and they are in agreement with this conclusion. Therefore the proposed development is considered to have no unacceptable impacts on the amenities of occupiers of any neighbouring residential properties, including in relation to noise and fumes. It would therefore accord with adopted South Tyneside LDF Development Management Policy DM1 (B).

Conclusion

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.

Having regard for the above it is considered that the proposal would result in no significant harm to the visual amenity of the area, the residential amenity of any neighbouring 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.

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

- Drg. No. 231101-1 Rev B - Existing and Proposed Front Elevations – Received 04/08/2025
- Drg. No. 231101-7 Rev C - Existing and Proposed Layout Plan - Received 04/08/2025
- Drg. No. 231101-4 Rev C - Existing and Proposed North East Elevation - Received 04/08/2025
- Drg. No. 231101-2 Rev C - Existing and Proposed Rear Elevation - Received 04/08/2025
- Drg. No. 231101-5 Rev C - Existing and Proposed Roof & Site Plan - Received 04/08/2025
- Drg. No. 231101-3 Rev C - Existing and Proposed South West Elevation - Received 04/08/2025

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 as stated on drawing numbers 231101-4 Rev C, 231101-2 Rev C, 231101-5 Rev C, 231101-3 Rev C (received 04/08/2025). Unless otherwise agreed in writing by the Local Planning Authority pursuant to this condition.

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

4 The extraction system and condenser unit shall be installed in accordance with the approved equipment specifications as detailed below

- Roof Hood Information Sheet - Received 20/06/2025
- Extraction Silencers Information Sheet - Received 20/06/2025
- Extraction Fan Information Sheet - Received 20/06/2025
- Extraction Filters Information Sheet - Received 20/06/2025

To secure an acceptable standard of development and to minimise odour pollution in the interests of residential amenity in accordance with South Tyneside Local Development Framework policies DM1 and DM3.

Informatives

1 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 Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

2 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: Emma Thomas
Signed: Emma Thomas
Date: 18/09/2025

Authorised Signatory: Seán Gallagher
Date: 18/09/2025