



North Tyneside  
Council

North Tyneside Council  
Planning, Quadrant  
The Silverlink North  
Cobalt Business Park  
North Tyneside  
NE27 0BY

Mr Randeep Singh Sahajpal  
C/O Anton Lang Planning Services LTD  
Dr Anton Lang Mrtpi  
3 Darras Drive  
North Shields  
Tyne And Wear  
NE29 8RW

Application No:  
**23/00766/FUL**

Date of decision issue:  
7 August 2023

## **TOWN AND COUNTRY PLANNING ACT 1990 (as amended)**

**Town and Country Planning (Development Management Procedure) (England)  
Order 2015 (DMPO)**

# **GRANT OF PLANNING PERMISSION**

TAKE NOTICE that in pursuance of its powers under the above mentioned Act and Regulations North Tyneside Council as Local Planning Authority hereby **GRANTS** planning permission

**For: Retention of Use Class E across existing ground floor commercial unit (specifically a proposed change of use from existing hair salon under Use Class E(c) to a restaurant/cafe under Use Class E(b) for sale of food and drink for consumption (mostly) on the premises with some ancillary takeaway) and installation of two extraction duct systems: one at the side and one at the rear of property, both exiting to be external at ground floor ceiling level to both terminate above the existing eaves level of two storeys through ducting and high velocity, directionally-upwards cowl units. Revised scheme with higher flue termination points at ridge level and additional noise survey work - resubmission of 22/01283/FUL**

**at: 3 Darras Drive North Shields Tyne And Wear NE29 8RW**

in accordance with the application numbered 23/00766/FUL, deemed valid by the Council on 12 June 2023, and the plans stamped as approved on 7 August 2023.

### **SUBJECT TO CONDITIONS as follows:**

- 1) The development to which the permission relates shall be carried out in

complete accordance with the following approved plans and specifications:

- Application form
- Site location plan
- Randeep Singh 3 Darras Drive, North Shields, NE29 8RW Change of use from hairdresser to cafe (V.1 Flues terminate at ridge height)

Reason: To ensure that the development as carried out does not vary from the approved plans.

2) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

3) The construction site subject of this approval shall not be operational and there shall be no construction, deliveries to, from or vehicle movements within the site outside the hours of 0800-1800 Monday - Friday and 0800-1400 Saturdays with no working on Sundays or Bank Holidays.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

4) Notwithstanding condition 1, prior to the extract ducts being installed revised plans to show the ducts terminating above ridge level and details of an appropriate means of enclosure/screening and colour treatment shall be submitted to and approved in writing by the Local Planning Authority. The development shall therefore be carried out in accordance with the approved details.

Reason: To ensure adequate dispersal of cooking odours in the interests of residential amenity and to protect the visual amenity of the area; having regard to policies DM6.1 and DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

5) The noise rating level from external plant and equipment shall not exceed 5 dB above the existing background noise level of 30 dBLA90 1hr as measured in accordance with BS4142.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework.

6) Within one month of the plant and equipment being installed acoustic testing must be undertaken to verify compliance with condition 5 and a report of the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework

7) Prior to the plant being brought into use a scheme of sound insulation works for the separating floor between the restaurant/cafe and the first floor residential flat, shall be implemented in accordance with section 4.1.8 of noise report 22-51-932. The scheme shall achieve a minimum sound insulation value of 60 dB DnTw for the separating floor.

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning

Policy Framework.

8) The odour abatement system as show on the drawings/specifications listed below shall be installed prior to the extract ducts being brought into use and thereafter retained and maintained in accordance with the manufacturers instructions.

- Purified air Overall Dimensions of ESP3000 Drawing No.E2
- Purified air Overall Dimensions of ESP4500 Drawing No.E3
- Side withdrawl filter housing Drawing No.FF310718
- Side withdrawl filter housing Drawing No.FF12122017-9
- Contra rotating cased axial fans TCBBx2/TCBTx2 Series
- Purified air Specification and EMAQ Report Fish and chip shop range 5th May 2022
- Purified air Specification and EMAQ Report Canopy 5th May 2022
- Ducting specification for a fish frying range
- Purified air Sitesafe carbon filters
- Purified air Sitesafe carbon units
- Roof hood (lindab)
- Systemair KBR 315DV thermos fan

Reason: To safeguard the amenity of nearby residents having regard to policy DM5.19 of the North Tyneside Local Plan (2017) and National Planning Policy Framework

**Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):**

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.



John Sparkes  
Director of Regeneration and Economic Development

**How did we do ?**

We strive to provide our customers with a great experience and welcome your feedback to help us continuously improve our services. We would be grateful if you could spare a moment to complete a short customer survey. You can do this at any point during the application process using this link: <https://forms.office.com/r/p87BEi1uf>

**If you have any queries about this decision, please contact the case officer Rebecca Andison on 0191 643 6321 or email**

rebecca.andison@northtyneside.gov.uk

## INFORMATION FOR APPLICANTS

1) The applicant's attention is drawn to the requirements of the Building Regulations. The applicant must submit a formal Building Regulation application to ensure full compliance with the Building Regulations.

The Council's Building Control offer a pre-submission facility where major design issues such as fire safety, means of escape, access to buildings, structural stability and sound resistance can be agreed. Contact Building Control on: Tel.: 0191 643 2200 or by Email: [building.control@northtyneside.gov.uk](mailto:building.control@northtyneside.gov.uk) or via the web site at [www.northtyneside.gov.uk/environment/buildingcontrol](http://www.northtyneside.gov.uk/environment/buildingcontrol)

2) It is an offence to obstruct the public highway (footway and/or carriageway) by depositing materials without obtaining beforehand, and in writing, the permission of the Council as Highway Authority.

Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a particular hazard to those who are disabled, either by lack of mobility or impaired vision.

Please assist the Council by instructing your building contractor and materials suppliers that obstruction of the highway will not be tolerated by the Council, which is prepared to take legal action against those responsible for such obstructions.

Should you find it impossible to avoid placing materials on the public highway, contact the Highways Maintenance Section (tel 0191 643 6130) in advance to discuss the circumstances. In such cases the Council may authorise the placing of materials subject to specified conditions being met.

3) Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over adjoining property.

All foundations, gutters and downpipes should be wholly within the application site.

**Note 1** A condition of this permission requires that the development shall be carried out in complete accordance with the approved plans. Failure to do so could render the development unauthorised. Any material change to the approved plans will require a formal planning application to vary this condition or apply for a non-material amendment to the plans and the approval of the Local Planning Authority prior to any change being made. If you require any further information or advice regarding this permission please contact Development Management on 0191 6432310.

**Note 2** The development subject of this permission may be liable for a Community Infrastructure Levy (CIL) payment. Please see the additional informative included. Failure to follow the CIL process will result in surcharges being applied to the CIL amount due for payment.

## Appeals to the Secretary of State

- 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 you must do so within six months of the date of this notice. Appeals can be made online at <https://www.gov.uk/appeal-planning-decision>. If you require assistance with the online appeal process, please contact the Planning Inspectorate at [enquiries@planninginspectorate.gov.uk](mailto:enquiries@planninginspectorate.gov.uk) or tel: 0303 444 5000.
- If this decision on a planning application relates to the same or substantially the same land and development as is already the subject of an enforcement notice, 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 issue of this notice.
- 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.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he 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](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are available at [www.gov.uk](http://www.gov.uk).

## Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonable beneficial use in its existing state nor can he render the land capable of a reasonable 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 (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require 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.

### **Compensation**

- In Certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.  
These circumstances are set out in sections 114 and related provisions of the Town and Country Planning Act 1990.