Planning Committee

Extraordinary Meeting

**29 September 2014**

Present: Councillor J O’Shea (Chair)

Councillors B Caithness, D E Corkey, S Graham,

L Darke, M A Green, John Hunter, D Lilly, S Mortimer and D Sarin.

**PQ34/09/14 Apologies**

Apologies for absence were submitted by Councillors J M Allan, A Arkle, G Bell, M Hall and C Johnson.

**PQ35/09/14 Substitute Members**

Pursuant to the Council’s Constitution the appointment of the following substitute member was reported:

Councillor S Graham for Councillor M Hall.

**PQ36/09/14 Declarations of Interest and Dispensations**

Councillor D Sarin stated that as he was speaking against application 14/01191/FUL 24 Front Street, Preston, North Shields, as part of the speaking rights scheme, he would not take part in the decision making on the application and would leave the room after he had spoken.

**PQ37/09/14 Planning Officer’s Reports**

**Resolved** that (1) Permission to develop pursuant to the General Development Provisions of the Town and Country Planning Act 1990 and the Orders made thereunder, be granted for such class or classes of development or for such limited purpose or purposes as are specified, or not granted as the case may be, in accordance with the decisions indicated below; and

(2) Any approval granted for a limited period be subject to the usual conditions relating to the restoration of land, removal of buildings and discontinuance of temporary use.

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| Application No: | **14/00982/FULH** | Ward: | **Cullercoats** |
| Application Type: | Householder full application |
| Location: | Garden House, Preston North Road, North Shields, Tyne and Wear NE29 9PX |
| Proposal: | First floor side extension over existing balcony to form new master bedroom and partial balcony to rear and side of property. Replace existing brown tiles to front elevation with new Marley Eternit Garsdale Blue Black tiles (Re-submission 14/00451/FULH) |
| Applicant: | Mr Malcolm Garrington |
| Agent: | AJ Walton Architecture |

The application had been deferred for a site visit at the meeting held on 16 September 2014. The site visit had taken place prior to this committee meeting on the morning of 29 September 2014.

The planning officer presented the application to the committee.

Mr Crane, a local resident and objector to the application, had been granted speaking rights and was permitted to address the committee. Mr Crane thanked the committee for undertaking the site visit and for seeing the proximity of the development and the impact it would have on his and his neighbours’ amenity. Mr Crane referred to the reasons for refusal of the original application and how in his view the amendments made did not address the issues and make the development acceptable; the proposal was still contrary to Policy H11 and DCPS no. 9 of the North Tyneside Unitary Development Plan. Mr Crane referred to the height of the proposed double storey wall; the distance from his living room and standard separation distances; that the development would stretch across the full length of his house; that some aspects of the development encroached onto his property. Mr Crane stated that the impact on his amenity and quality of life was so significant that the development should not be permitted. Mr Crane also referred to the sunlight survey which he stated had been conducted in March and that the sun did reach the patio in the afternoon in the summer.

Councillor Barrie, as ward councillor, was permitted to address the committee. Councillor Barrie stated he was supporting Mr and Mrs Crane in objecting to the proposals and thanked the committee for undertaking the site visit. Councillor Barrie stated that committee should give weight to policy H11 and DCPS no. 9; the impact on neighbouring amenity and the loss of light, outlook and privacy was so significant that the application should be refused. The loss of light and privacy to the lounge dining area of Mr Crane’s property would be huge and numbers 1, 3 and 5 Preston Wood would also be affected. The original application had been refused and this should be refused as although revised it would still result in an unacceptable loss of residential amenity due to its overbearing impact and loss of outlook.

Members of the committee asked questions of Mr Crane and Councillor Barrie.

Dr. Anton Lang, on behalf of the applicant, was permitted to address the committee in response and stated that he believed the development offered benefits. Residential amenity would be improved as there would be an enclosed space on the balcony which would result in less activity; there were no new windows on the gable side and the privacy standard minimum distances were maintained. The sunlight assessment used a computer model and had calculated the impact of the development in spring, summer and autumn; the building was to the north of the objector’s property and the effect on light would be marginal. The balcony existed, there would be a small corridor around the side of the extension which would allow overlooking into the objector’s property but it was the ‘tucking back’ of this part of the extension which made the development acceptable and therefore this corridor was required.

Members of the committee asked questions of Dr Lang, including what use would be made of the small corridor of balcony which overlooked the objector’s property.

Members of the committee then asked questions of the officers and made comments. During the debate it was agreed that, subject to the application receiving planning permission, a condition relating to the building of a dwarf wall on the balcony be included. This wall should be no higher than the current balcony wall, between the parapet wall and the south east corner of the extension, and restrict access to that section of the balcony which overlooked the property to the south to protect their privacy.

**Decision**

Application approved, subject to the conditions below, as the impact of the proposal on residential amenity, the streetscene and character of the area was acceptable in accordance with the National Planning Policy Framework and the North Tyneside Unitary Development Plan.

1. The development to which the permission relates shall be carried out in complete accordance with the approved plans and specifications.

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

1. 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.

1. The materials to be used for the external surfaces, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority otherwise first agrees in writing.

Reason: To secure a satisfactory external appearance having regard to policy H11 and DCPS No.9 of the North Tyneside Unitary Development Plan 2002.

1. No windows, doors or openings of any kind shall be inserted in the southern elevation of the extension hereby permitted without prior, express planning permission of the Local Planning Authority.

Reason: To safeguard the privacy of occupiers of the adjoining properties having regard to policy H11 and DCPS No.9 of the North Tyneside Unitary Development Plan 2002.

1. Prior to the commencement of any site clearance works or of the development protected fencing shall be erected around the sycamore tree located to the north of the entrance in accordance with BS 5837. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding or post and rail fencing, to a height of 1.5 metres, well braced to resist impacts and supporting either cleft chestnut pale or chain link fencing and sited at a minimum distance from the tree equivalent to the crown spread.

The area surrounding each tree/hedge within the approved protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:

1. There shall be no changes in ground levels.
2. No materials or plant shall be stored.
3. No buildings or temporary buildings shall be erected or stationed.
4. No materials or waste shall be burnt.
5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.
6. In carrying out the development, the developer shall conform with the recommendations in BS 5837:2012 in relation to the protection of trees during construction.

Reason: To ensure trees and hedges to be retained are adequately protected from damage during the execution of the works hereby permitted, in the interests of visual amenity having regard to policy E14 of the North Tyneside Unitary Development Plan 2002.

1. Notwithstanding the details shown on the approved plans, prior to the extension being brought into use revised plans to show a dividing wall running between the south east corner of the extension and the existing parapet wall, must be submitted to and approved in writing by the Local Planning Authority. The wall must separate the rear balcony from the flat roof on the south east side of the extension and prevent that flat roofed area being used as a balcony. The wall must be constructed in accordance with the agreed details prior to occupation of the extension and thereafter retained.

Reason: To protect the privacy of neighbouring residents; having regard to Policy H11 and DCPS No.9 of the North Tyneside Unitary Development Plan 2002.

Statement under Article 31(1)(cc) of the Town & Country (Development Management Procedure) (England) Order 2010 (as amended):

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 Paragraphs 186-187 of the National Planning Policy Framework.

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| Application No: | **14/01191/FUL** | Ward: | **Preston** |
| Application Type: | Full planning application |
| Location: | 24 Front Street, Preston, North Shields Tyne and Wear NE29 9LH |
| Proposal: | Change of use from a single dwelling into 2no dwellings with associated external alterations including proposed flat roof dormer window |
| Applicant: | Mr William McDowell |
| Agent: | GW Architectural Design |

The application had been deferred for a site visit at the meeting held on 16 September 2014. The site visit had taken place prior to this committee meeting on the morning of 29 September 2014.

The planning officer presented the application to the committee.

Mrs Edwards, an objector on behalf of the 4th Tynemouth Scouts, was permitted to address the committee. Mrs Edwards stated the Scout Hall, which was adjacent to the development site, could be used by up to 70 Beavers, Cubs and Explorers and that many of them were local residents and had not been consulted on the proposals. Most nights the hut was in use and busy with parents, carers and siblings and the only access route was the lane adjacent to the Hall. There would be serious consequences to the safety of the children if this was used as an access route to the development, especially as that was where the fire doors exited. The creation of parking bays would also create further obstructions and there was insufficient space to turn which would lead to cars reversing down the lane. It would also remove a garden area which could increase flooding danger as a soak-away area would be removed. The character of the area would change and the noise and disturbance created would be detrimental to the area.

Councillor Sarin was permitted to address the committee as ward councillor. Councillor Sarin stated that he was representing the views and concerns of his residents and had been given a petition signed by 430 people. The parking provided by the applicant was insufficient, it did not meet the authority’s minimum standards, nor were they of the standard dimension. The road was very narrow and would require cars to reverse onto the highway which was dangerous and could lead the new residents to park on the street which had limited parking space. There was no detail on refuge storage and collection. The area was a quiet village and there could be a number of people living at the property which meant it was an intensification of use and overdevelopment. No consultation had taken place with residents, their opinion had been disregarded and the intention of the developers was unknown. Councillor Sarin requested an open and honest consultation to allay residents’ fears about the proposed use.

Councillor Sarin left the meeting room after he had answered the committee’s questions.

The applicants, Mr McDowell and Mr Horne, were permitted to address the committee in response. Mr Horne stated they had owned the property for 10 years and gave the history of their involvement with the site. It was explained that they had originally intended to use the property to provide supported independent living for members of their family with Downs Syndrome. For various reasons the idea was not possible and it had been decided to convert the building into two family homes; a 4/5 bedroom family home at the front and a 2 bedroom home at the rear. Mr Horne stated categorically that his properties would not be used as a bail hostel, they were for private rent and he was unaware of the petitions about the proposals. The parking spaces had been required by the planning officers and if it was preferred for there to be no parking places provided at the rear of the property that would be acceptable.

Members of the committee asked questions of Mr McDowell and Mr Horne.

Members of the committee then asked questions of the officers and made comments.

During the discussion on the application is was agreed, subject to the application receiving planning permission, to amend proposed condition number 4 so as not to require the provision of two parking bays and retain the existing garden and trees in the interest of highway safety.

**Decision**

Application approved, subject to the following conditions, as the principle of the proposal was acceptable as was the impact on neighbour’s living conditions and the character and appearance of the area. The proposals complied with the National Planning Policy Framework and the North Tyneside Unitary Development Plan.

1. The development to which the permission relates shall be carried out in complete accordance with the approved plans and specifications.

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

1. 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.

1. The materials to be used for the external surfaces, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority otherwise first agrees in writing.

Reason: To secure a satisfactory external appearance having regard to policy H11 and DCPS No.9 of the North Tyneside Unitary Development Plan 2002.

1. Notwithstanding the details shown on the approved plans, no parking shall be provided at the rear of the site, and the trees and garden shall be retained.

Reason: In the interest of highway safety; having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

1. No development shall take place until details of facilities to be provided for the storage of refuse at the premises have been submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled refuse bins shall be provided in accordance with the approved details, prior to the occupation of any part of the development and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

1. 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 E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.

1. No development shall take place until a schedule and/or samples of all surfacing materials has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory appearance having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no development falling within Classes A,B, C, D and E of Part 1 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.

Reason: In order that the Local Planning Authority can properly consider the effect of any future proposals on the character and amenity of the locality having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

Statement under Article 31(1)(cc) of the Town & Country (Development Management Procedure) (England) Order 2010 (as amended):

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 Paragraphs 186-187 of the National Planning Policy Framework.