



North Tyneside Council

Planning Committee

21 December 2017

To be held on **9 January 2018** in room 0.02, Ground Floor, Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY **commencing at 10.00am.**

Agenda Item	Page
1. Apologies for absence To receive apologies for absence from the meeting.	
2. Appointment of substitutes To be informed of the appointment of any substitute members for the meeting.	
3. To receive any declarations of interest You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest. You are also requested to complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting. You are also invited to disclose any dispensation from the requirement to declare any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
4. Minutes To confirm the minutes of the meeting held on 21 November 2017.	3

Continued overleaf

Members of the public are welcome to attend this meeting and receive information about it.

North Tyneside Council wants to make it easier for you to get hold of the information you need. We are able to provide our documents in alternative formats including Braille, audiotape, large print and alternative languages.

For further information please call 0191 643 5359.

5.	Planning officer reports	12
	To give consideration to the planning applications contained in the above report relating to:	
5.1	17/01734/FULH 40 Edgemount, Killingworth (Camperdown Ward)	17

Members of the Planning Committee:

Councillor Anne Arkle	Councillor Frank Lott (Chair)
Councillor Brian Burdis	Councillor Wendy Lott
Councillor Sandra Graham	Councillor Gary Madden
Councillor Muriel Green	Councillor Paul Mason
Councillor Ed Hodson	Councillor David McMeekan (Deputy Chair)
Councillor John Hunter	

Planning Committee

21 November 2017

Present: Councillor F Lott (Chair)
Councillors B Burdis, S Graham, M A Green,
John Hunter, W Lott and D McMeekan.

PQ31/11/17 Apologies

Apologies for absence were received from Councillor P Mason.

PQ32/11/17 Substitute Members

There were no substitute members.

PQ33/11/17 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

PQ34/11/17 Minutes

Resolved that the minutes of the meeting held on 31 October 2017 be confirmed as a correct record and signed by the Chair.

PQ35/11/17 Car Parking

The Committee asked that the difficulties experienced by councillors in finding a car parking space at Quadrant ahead of the meeting be recorded and the matter be referred to the Senior Leadership Team or the Members Support Group for consideration.

PQ36/11/17 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.

Application No:	17/01146/FUL	Ward:	St Mary's
Application Type:	full planning application		
Location:	Visitors Centre, St Marys Island, St Marys Island Access Road, Whitley Bay, Tyne And Wear		
Proposal:	Proposal: Refurbishment of lighthouse, refurbishment and internal re-planning of visitor centre, partial demolition of visitor centre entrance, construction of a single storey extension to visitor centre east elevation, construction of a two storey extension in place of demolished visitor centre entrance, construction of ancillary external storage and plant rooms and renewal of causeway. (Additional and amended drawings and information uploaded to application on 17/10/2017.)		
Applicant:	North Tyneside Council		

The Committee gave consideration to a report of the planning officers in relation to the application, together with addenda circulated prior to, and at, the meeting. A planning officer presented details of the application with the aid of various maps, plans and photographs.

In accordance with the Committee's Speaking Rights Scheme, Sally Bennett of St Mary's Seal Watch was permitted to speak to the Committee. Seal Watch supported in principle the refurbishment of the visitor centre and the provision of improved educational facilities. However the detailed proposals contained within this planning application were not in the best interests of the ecology of the area and the benefits of the proposed development would not outweigh the detrimental impact it would have on wildlife. Particular reference was made to the poor design of the proposed viewing platforms which would have minimal benefits for visitors but cause considerable harm to wildlife. There were concerns regarding the effectiveness of the proposed viewing deck management plan, the arrangements for monitoring the impact of the development on wildlife and the measures to be taken to encourage visitors not to visit the rocky shore. It was stated that the causeway should be reconstructed at its existing level as any increase in height would have a negative impact on wildlife. The committee were urged to reject the application in its present form.

Sophie Gooch, an Environmental Consultant from Fairhursts, was permitted to speak to the Committee on behalf of the applicants, North Tyneside Council, to respond to the points raised by the speakers. She stated that alternative designs for the viewing platform had been looked at but it was considered that the proposed design together with the development of a management plan and the monitoring of its impact on wildlife would achieve the right balance between the development of the visitor centre and its impact on the ecology of the island. Reference was made to the broader approach being taken to minimise disturbance to the seals and other wildlife by encouraging visitors not to visit the rocky shore and to keep dogs on leads. The applicant had agreed to reconstruct the causeway with a 5 metre section remaining at the existing level so that access to the island would remain at the same times. The breakout could be located at any of several low points along the causeway. Following submission of a revised Environmental Statement, Natural England, the Royal Society for the Protection of Birds, Northumberland Wildlife Trust and the Council's Biodiversity Officer no longer objected to the application and therefore there were no grounds for refusing the application.

Members of the Committee asked questions of the speakers, the applicant's representative and officers and made comments. In doing so the Committee gave particular consideration to:

- a) the significance of St. Mary's Island as a haul out for seals;
- b) the source and weight of evidence to demonstrate that the viewing platforms would have a detrimental impact on seals;

- c) the proposed arrangements for monitoring the impact of the viewing platforms on wildlife;
- d) the measures that would be taken if it were demonstrated that its use was having an adverse effect;
- e) the proposed arrangements for managing access to the viewing platforms;
- f) details of the internal and external access points to the viewing platforms; and
- g) the proposed condition to regulate the hours of demolition and construction works.

Prior to determining the application the Committee agreed that a site visit was not required and that it had sufficient information on which to base its decision.

Decision

Application refused on the grounds that the proposed external viewing platforms would cause undue noise and disturbance to wildlife. Insufficient information has been submitted to mitigate the adverse impact to biodiversity contrary to the advice in National Planning Policy Framework and policies S5.4, DM5.5 and DM5.6 of the North Tyneside Local Plan 2017.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was not therefore possible to approve the application. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

Application No:	17/01145/LBC	Ward:	St Mary's
Application Type:	Listed building consent		
Location:	Visitors Centre, St Marys Island, St Marys Island Access Road, Whitley Bay, Tyne And Wear		
Proposal:	Proposal: Refurbishment of lighthouse, refurbishment and internal re-planning of visitor centre, partial demolition of visitor centre entrance, construction of a single storey extension to visitor centre east elevation, construction of a two storey extension in place of demolished visitor centre entrance, construction of ancillary external storage and plant rooms and renewal of causeway.		
Applicant:	North Tyneside Council		

The Committee gave consideration to a report from a planning officer in relation to the application. The Committee were presented with details of the application as part of the presentation in relation to application 17/01146/FUL (above).

In considering the application the Committee took into account the issues raised during consideration of application 17/01146/FUL and its decision to refuse it.

Decision

Application refused on the grounds that the proposed design and materials of the viewing platforms would adversely affect the character and appearance of a Grade II listed building and the St Mary's Conservation Area contrary to the advice in National Planning Policy Framework and policies S6.5, DM6.6 and AS8.15 of the North Tyneside Local Plan 2017.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was not therefore possible to approve the application. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

Application No:	17/01256/FULH	Ward	Benton
Application Type:	Householder full application		
Location:	27 The Oval, Benton, NEWCASTLE UPON TYNE, NE12 9PP		
Proposal:	Single storey and two storey extensions to the side and rear elevations including first floor balcony. Alterations to form flat roof with roof lights. Demolish existing garage and form enclosed parking area (Amended plans received 25.10.17)		
Applicant:	Mr Richard Hammond		

The Committee gave consideration to a report of the planning officers in relation to the application, together with an addendum circulated prior to the meeting. A planning officer presented details of the application with the aid of various maps, plans and photographs.

In accordance with the Committee's Speaking Rights Scheme, Eleanor Rickard, of 19 The Oval, was permitted to speak to the Committee. Ms Rickard was accompanied by Susan Lightbown, another resident of The Oval. She stated that she was speaking on behalf of 9 householders who had submitted objections on the grounds of privacy, visual amenity and design. The proposed 2 storey extension and first floor balcony would lead to a loss of privacy for adjacent properties. The revised roof design, the design and size of the storage space and the extension of the property towards, not away, from neighbouring homes would be detrimental to the visual amenity of the area. Ms Rickard urged the Committee to reject the application.

Richard Hammond and Stephanie Cable, the applicants and occupiers of 27 The Oval, were permitted to speak to the Committee to respond to the points raised by Eleanor Rickard. Mr Hammond described how the proposed parking area, single storey extension, two storey extension and first floor balcony would improve the visual appearance of the property. He outlined the measures that would be taken to protect the privacy of neighbours, including the installation of opaque windows and, if necessary, a privacy screen around the balcony. The design conformed with the predominant styles and materials used in the area and described in the Area Character Appraisal. It was not possible to extend the property on its eastern elevation because of the lower level of the land.

Members of the Committee asked questions of the speakers, the applicants and officers and made comments. In doing so the Committee gave particular consideration to:

- a) the access road to 27 The Oval, neighbours' access rights to it and its use by construction vehicles;
- b) the impact of the first floor balcony on the privacy of neighbours; and
- c) the visual impact of the proposed extension to the north west of the property which would be 1.6m taller than the existing extension.

The Committee agreed that should the application be approved it should be conditional on the applicant submitting for approval details of a privacy screen to be installed to the first floor balcony to protect the privacy of neighbouring properties.

Decision

Application approved, subject to the conditions set out in the planning officer's report and a condition requiring the applicant to submit for approval details of a 1.7m high screen to be installed to the first floor balcony (south west elevation), as the development was considered to be acceptable in terms of its impact on residential amenity and the character and appearance of the conservation area in accordance with the relevant policies contained within the National Planning Policy Framework and the Council's Local Plan 2017.

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

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

Application No:	17/01224/REM	Ward	Northumberland
Application Type:	Approval of reserved matters.		
Location:	Field North of 45 Sunholme Drive, Wallsend		
Proposal:	Reserved matters for the submission of details of appearance, landscaping, layout and scale in respect of erection of 130 dwellings, garages and car parking together with associated boundary treatment and infrastructure pursuant of hybrid application 12/02025/FUL (Amended site plan received 6.10.17, drainage and highway plans received 16.10.17). Discharge of conditions for Phase B (Part 1) only: 12 (gas), 13 (gas), 14 (contaminated land), 20 (refuse storage), 26 (pollution prevention), 36 (bus stop), 38 (cycle storage), 39 (multi user links), 41 (traffic calming), 42 (surface water disposal), 43 (foul disposal) of 12/02025/FUL.		
Applicant:	Persimmon Homes		

The Committee gave consideration to a report from a planning officer in relation to the application. A planning officer presented details of the application with the aid of various maps, plans and photographs.

Members of the Committee asked questions of officers and made comments. In doing so the Committee gave particular consideration to:

- a) the ongoing planting of the landscape buffer associated with Phase A of the development;
- b) the size and species of trees to be planted as part of the landscaping scheme; and
- c) the number and location of affordable homes to be constructed as part of Phase B of the development.

Decision

Application approved subject to the conditions set out in the planning officer's report as the development was considered to be acceptable in terms of its layout, scale, appearance and landscaping in accordance with the relevant policies contained in the National Planning Policy Framework and the Council's Local Plan 2017.

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.

Application No:	17/01197/FUL	Ward:	Camperdown
Application Type:	full planning application		
Location:	Land East of 16 Front Street, Annitsford.		
Proposal:	Development of 10 dwellings on land to the east of Front Street, Annitsford		
Applicant:	W Hedley & Sons		

The Committee gave consideration to a report from a planning officer in relation to the application and an addendum circulated prior to the meeting. A planning officer presented details of the application with the aid of various maps, plans and photographs.

Decision

Application refused on the grounds that:

- a) the proposed development would result in the loss of open space which is contrary to the site's designation in the Local Plan. As such the proposed development is contrary to Policies DM5.2 and DM5.3 of the North Tyneside Local Plan (2017) and NPPF; and
- b) the applicant has provided insufficient information to demonstrate that the development is acceptable in terms of its impact on flood risk and drainage. In the absence of sufficient information, the impact of the development cannot be fully assessed. As such the proposed development is contrary to Policies DM5.12, DM5.13, DM5.14, DM5.15 of the North Tyneside Local Plan (2017) and NPPF.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was not therefore possible to approve the application. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

Application No: 16/01201/FUL Ward: St Mary's
 Application Type: full planning application
 Location: Land South of Earsdon Road, Shiremoor
 Proposal: Proposed use of land for car boot fair Sundays and Bank Holidays. Mid March - 31st October. Provide one metal container (temporary) to house toilets (to be removed outside the above dates).
 Applicant: Nobles Promotions Ltd

The Committee gave consideration to a report from a planning officer in relation to the application. A planning officer presented details of the application with the aid of various maps, plans and photographs.

Members of the Committee asked questions of officers and made comments. In doing so the Committee gave particular consideration to:

- a) the need for, and detail of, the proposed highways improvements; and
- b) the location of the container to be installed on the site and its proximity to a nearby burn.

The Committee agreed that should the application be approved it be conditional on the applicant submitting details of the location of the container and associated drainage for approval to prevent any pollution into the burn.

Decision

Application approved, subject to the conditions set out in the planning officer's report and a condition requiring the applicant to submit to the authority details of the location of the container and drainage, as the development was considered to be acceptable in terms of its impact on the green belt, residential amenity, the wildlife corridor, the landscape, archaeology and highway safety in accordance with the relevant policies contained in the National Planning Policy Framework and the Council's Local Plan 2017.

Resolved that the Head of Law and Governance and the Head of Environment, Housing and Leisure be authorised to undertake all necessary procedures under Section 278 of Highways Act 1980 to secure the following highways improvements:

- a) Left in only arrangement at site access;
- b) Left out only arrangement at site egress;
- c) Advance warning signs on A186 Earsdon Road; and
- d) Associated street lighting, drainage, road markings, Traffic Regulation Orders, street furniture and signage.

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

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

Application No: 17/01425/FUL Ward: Wallsend
Application Type: Full planning application
Location: New Winning Tavern, Church Bank, Wallsend
Proposal: Refurbishment and change of use from tavern and attached apartment, to create 10no apartments including two rear two storey extensions, with associated external landscaping works and parking
Applicant: Marine Buildings Ltd.

The Committee gave consideration to a report from a planning officer in relation to the application and an addendum circulated at the meeting. A planning officer presented details of the application with the aid of various maps, plans and photographs.

Decision

Application approved, subject to the conditions set out in the planning officer's report, as the development was considered to be acceptable in terms of its impact on residential amenity, the character and appearance of the area, highway safety and designated heritage assets in accordance with the relevant policies contained in the National Planning Policy Framework and the Council's Local Plan 2017.

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.

PQ37/11/17 Woodlands, North Shields Tree Preservation Order 2017

In July 2017 the Council had made a Tree Preservation Order (TPO) to protect trees in the area around Woodlands, North Shields. The trees were all mature specimens with a strong visual presence being seen from the public highways and footpaths. The collective tree group was considered to be a unique feature adding to the character of the area and had sufficient amenity value to warrant a TPO. The trees had been subject to a TPO made in 1981 but it had come to light that the Order of 1981 had not been confirmed and could not be enforced. Notice of the TPO had been served on affected residents and four representations had been received from the occupiers of properties in the area. Details of the representations were presented to the Committee. An addendum was circulated to the Committee at the meeting setting out further representations received from one resident.

Following receipt of the representations two inaccuracies had been identified in the order. It was therefore recommended that the TPO be confirmed with the following modifications to correct the detail of the order:

- a) the description of the trees included in Group G4 be modified to state "Group consisting of 2no Silver Birch trees."; and
- b) the location of tree T12 be modified to state "The following tree is measured from the South-East corner of No. 11 Woodlands".

The Committee gave consideration as to whether the 2017 Order should be confirmed with the modifications set out above in the light of the representations received.

The representations included objections to the confirmation of the Order on the grounds that the trees caused damage to property and drains, they blocked natural light, the

necessity and cost of pruning works, the risk to security, dampness, a risk of falling branches and problems caused by falling leaves. In response the Council's Landscape Architect advised the Committee that confirmation of the TPO would not prevent any necessary tree work from being carried out subject to the Council's consent. Permitted works could help improve surveillance and general site security; increase light levels, reduce leaf fall, minimise danger and prevent structural damage to property where proven.

The committee concluded that the TPO should be confirmed with the modifications set out above to maintain and safeguard the contribution made by these trees to the landscape and visual amenity of the area.

Resolved that The Woodlands, North Shields, Tyne & Wear Tree Preservation Order 2017 be confirmed with the modifications set out above.

PLANNING COMMITTEE

Date: 9 January 2018

PLANNING APPLICATION REPORTS

Background Papers - Access to Information

The background papers used in preparing this schedule are the relevant application files the numbers of which appear at the head of each report. These files are available for inspection at the Council offices at Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside.

Principles to guide members and officers in determining planning applications and making decisions

Interests of the whole community

Members of Planning Committee should determine planning matters in the interests of the whole community of North Tyneside.

All applications should be determined on their respective planning merits.

Members of Planning Committee should not predetermine planning applications nor do anything that may reasonably be taken as giving an indication of having a closed mind towards planning applications before reading the Officers Report and attending the meeting of the Planning Committee and listening to the presentation and debate at the meeting. However, councillors act as representatives of public opinion in their communities and lobbying of members has an important role in the democratic process. Where members of the Planning Committee consider it appropriate to publicly support or oppose a planning application they can do so. This does not necessarily prevent any such member from speaking or voting on the application provided they approach the decision making process with an open mind and ensure that they take account of all the relevant matters before reaching a decision. Any Member (including any substitute Member) who finds themselves in this position at the Planning Committee are advised to state, prior to consideration of the application, that they have taken a public view on the application.

Where members publicly support or oppose an application they should ensure that the planning officers are informed , preferably in writing , so that their views can be properly recorded and included in the report to the Planning Committee.

All other members should have regard to these principles when dealing with planning matters and must avoid giving an impression that the Council may have prejudged the matter.

Planning Considerations

Planning decisions should be made on planning considerations and should not be based on immaterial considerations.

The Town and Country Planning Act 1990 as expanded by Government Guidance and decided cases define what matters are material to the determination of planning applications.

It is the responsibility of officers in preparing reports and recommendations to members to identify the material planning considerations and warn members about those matters which are not material planning matters.

Briefly, material planning considerations include:-

- North Tyneside Local Plan (adopted July 2017);
- National policies and advice contained in guidance issued by the Secretary of State, including the National Planning Policy Framework, Planning Practice Guidance, extant Circulars and Ministerial announcements;
- non-statutory planning policies determined by the Council;
- the statutory duty to pay special attention the desirability of preserving or enhancing the character or appearance of conservation areas;
- the statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses;
- representations made by statutory consultees and other persons making representations in response to the publicity given to applications, to the extent that they relate to planning matters.

There is much case law on what are material planning considerations. The consideration must relate to the use and development of land.

Personal considerations and purely financial considerations are not on their own material; they can only be material in exceptional situations and only in so far as they relate to the use and development of land such as, the need to raise income to preserve a listed building which cannot otherwise be achieved.

The planning system does not exist to protect private interests of one person against the activities of another or the commercial interests of one business against the activities of another. The basic question is not whether owners and occupiers or neighbouring properties or trade competitors would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings, which ought to be protected in the public interest.

Local opposition or support for the proposal is not in itself a ground for refusing or granting planning permission, unless that opposition or support is founded upon valid planning reasons which can be substantiated by clear evidence.

It will be inevitable that all the considerations will not point either to grant or refusal. Having identified all the material planning considerations and put to one side all the immaterial considerations, members must come to a carefully balanced decision which can be substantiated if challenged on appeal.

Officers' Advice

All members should pay particular attention to the professional advice and recommendations from officers.

They should only resist such advice, if they have good reasons, based on land use planning grounds which can be substantiated by clear evidence.

Where the Planning Committee resolves to make a decision contrary to a recommendation from officers, members must be aware of their legislative responsibilities under Article 35 of the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended) to:

When refusing permission:

- state clearly and precisely the full reasons for any refusal including specifying all the policies and proposals in the development plan relevant to the decision; or

When granting permission:

- give a summary of the reasons for granting permission and of the policies and proposals in the development plan relevant to the decision; and
- state clearly and precisely full reasons for each condition imposed, specifying all policies and proposals in the development plan which are relevant to the decision; and
- in the case of each pre-commencement condition, state the reason for the condition being a pre-commencement condition.

And in both cases to give a statement explaining how, in dealing with the application, the LPA has worked with the applicant in a proactive and positive manner based on seeking solutions to problems arising in relation to dealing with the application, having regard to advice in para.s 186-187 of the National Planning Policy Framework.

Lobbying of Planning Committee Members

While recognising that lobbying of members has an important role in the local democratic process, members of Planning Committee should ensure that their response is not such as to give reasonable grounds for their impartiality to be questioned or to indicate that the decision has already been made. If however, members of Committee express an opinion prior to the Planning Committee this does not necessarily prevent any such member from speaking or voting on the application provided they approach the decision making process with an open

mind and ensure that they take account of all the relevant matters before reaching a decision. Any Member (including any substitute Member) who finds themselves in this position at the Planning Committee are advised to state, prior to consideration of the application, that they have taken a public view on the application.

Lobbying of Other Members

While recognising that lobbying of members has an important role in the local democratic process, all other members should ensure that their response is not such as to give reasonable grounds for suggesting that the decision has already been made by the Council.

Lobbying

Members of the Planning Committee should ensure that their response to any lobbying is not such as to give reasonable grounds for their impartiality to be questioned. However all members of the Council should ensure that any responses do not give reasonable grounds for suggesting that a decision has already been made by the Council.

Members of the Planning Committee should not act as agents (represent or undertake any work) for people pursuing planning applications nor should they put pressure on officers for a particular recommendation.

1 17/01734/FULH Camperdown
40 Edgemount Killingworth NEWCASTLE UPON TYNE NE12 6GG

Item No: 5.1
Application No: 17/01734/FULH
Author: Julia Dawson
Date valid: 20 November 2017
Target decision date: 15 January 2018
☎: 0191 643 6314
Ward: Camperdown

Application type: Householder Full application

Location: 40 Edgemount, Killingworth, NEWCASTLE UPON TYNE, NE12 6GG,

Proposal: Demolition of existing conservatory. Construction of a single storey rear and part side extension. Addition of a window to ground floor west gable

Applicant: Mr Paul Dawson, 40 Edgemount Killingworth NEWCASTLE UPON TYNE NE12 6GG

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for consideration are:

- (i) Impact on Residential Amenity, and;
- (ii) Impact on Character and Appearance.

2.0 Description of the Site

2.1 The site to which the application relates is a two storey detached dwelling located within an established residential area. The host property is south facing onto Edgemount in Killingworth. It has previously been extended by way of a conservatory to the western side of the rear elevation. A single storey rear kitchen projection (original to the dwelling) projects approximately 1.2m beyond the main two storey rear elevation. This is located approximately 1m from the shared boundary with No.41 to the east.

2.2 No.41 is a semi detached dwelling, the rear elevation of which projects slightly further to the north/rear than the host property's rear elevation. No.41 is positioned slightly away from the shared boundary and also has a similar single storey rear kitchen projection. No.41 has a conservatory located several metres to the east of the shared boundary.

2.3 The neighbouring dwelling to the west, No.39, has a slightly different orientation to the host dwelling and is located several metres from the shared

boundary. The rear boundary of the host site abuts the side boundary of No.33 Edgemount, which is located to the north and positioned at a right angle to the host property.

3.0 Description of the Proposed Development

3.1 The proposal relates to the demolition of the existing conservatory and the construction of a single storey rear extension and part side extension.

4.0 Relevant Planning History

4.1 None.

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

6.1 National Planning Policy Framework (March 2012)

6.2 National Planning Practice Guidance (As Amended)

6.3 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

PLANNING OFFICERS REPORT

7.0 Main Issues

7.1 The main issues for consideration are:

- (i) Impact on Residential Amenity; and
- (ii) Impact on Character and Appearance.

8.0 Impact on Residential Amenity

8.1 One of the twelve core principles of The National Planning Policy Framework is to always seek to ensure a good standard of amenity for all existing and future occupants of land and buildings.

8.2 Policy S1.4 'General Development Principles' of the North Tyneside Local Plan (2017) states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development. In accordance with the nature of development those proposals should (amongst other criteria):

- b. Be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

8.3 Policy DM6.1 'Design of Development' states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area. Proposals are expected to demonstrate (amongst other criteria):

- b. A positive relationship to neighbouring buildings and spaces; and
- f. A good standard of amenity for existing and future residents and users of buildings and spaces.

8.4 Policy DM6.2 'Extending Existing Buildings' states that when assessing applications for extending buildings the Council will consider (amongst other criteria):

- c. Implications for amenity on adjacent properties and land such as outlook, loss of light or privacy;
- d. The cumulative impact if the building has been previously extended;
- f. The form, scale and layout of existing built structures near the site.

8.5 One objection has been received from the occupier of the adjacent dwelling to the east, No.41. The content of this is noted. However, it is not considered that the proposed extension will result in such a harmful and adverse impact on the residential amenity of the occupants of this property that refusal can be justified on these grounds.

8.6 The proposed single storey extension will replace the existing conservatory, where it will project a maximum of 4m from the main rear elevation. It will then span across the remainder of the elevation (including the existing single storey rear kitchen projection). It will project approximately 3m beyond the rear elevation of the existing kitchen. Due to the relationship between the host dwelling and No.41 the proposed extension will project beyond the rear elevation of No.41's kitchen by approximately 1.5m. It will be located approximately 0.6m from the shared boundary.

8.7 It is acknowledged that the proposed extension will be located to the west of No.41 and, as a result, during the winter months, there may be a small loss of evening sunlight to part of the conservatory and the rear kitchen window. However, this will not result in such a harmful impact on the living conditions of the occupants of No.41 or their enjoyment of their home that refusal is warranted on these grounds. Sunlight and daylight will still be obtained from above the new roof (this will slope down and reduce in height towards the rear elevation) and along a significant length of the shared boundary, as well as from the north and north east, and via the conservatory roof.

8.8 In addition, whilst part of the new side elevation will be visible from No.41's rear kitchen window and conservatory, a considerable length of the host garden adjacent to the shared boundary will remain undeveloped and the existing standard of outlook will not be significantly impeded. Outlook from the conservatory across No.41's own garden and across the remainder of the western boundary and the northern boundary will remain unchanged. It is noted that the existing boundary fence is relatively low at approximately 1.5m in height. However, this could be increased to 2m in height without planning permission

which would provide additional screening and further reduce any impact on outlook.

8.9 Furthermore, it is noted that a 4m deep single storey rear extension could be constructed to this property without the need for planning permission. The only reason that the current proposal requires planning permission is because of its width (in that it will extend 40cm beyond the main side/eastern elevation of the host dwelling). If the extension was reduced in width by 40cm, it would benefit from permitted development rights and would not require planning permission. It is not considered that the removal of this element of the proposal would have any significant material reduction on the impact of the proposed extension on the residential amenity of the occupants of No.41.

8.10 The occupant of No.41 has also raised concerns with regard to the distance of the proposed toilet window from his kitchen window from a health and safety perspective. This is not a material planning consideration. Nevertheless, it is not considered that the proposed window (which will be obscurely glazed and positioned approximately 0.6m away from the shared boundary) will result in any adverse impact on the living conditions of the occupants of No.41.

8.11 Due to the relationship between the host dwelling and No.39 (to the west) and No.33 (to the north), the distances to and the orientation of the habitable windows of these properties, the proposal will not harm the existing standard of outlook, daylight, sunlight currently enjoyed by the occupants of these properties.

8.14 Members must determine whether the proposed rear extension is acceptable in terms of its impact on the living conditions of the occupiers of neighbouring dwellings, with particular reference to No's 39 and 41. Officer advice is that the proposed extension is acceptable in this regard.

9.0 Impact on Character and Appearance

9.1 The National Planning Policy Framework states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design. NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development. It also confirms that authorities should set out their own approach to housing density to reflect local circumstances.

9.2 Policy DM6.1 'Design of Development' states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area. Proposals are expected to demonstrate:

- a. A design responsive to landscape features, topography, wildlife habitats, site orientation and existing buildings, incorporating where appropriate the provision of public art;
- b. A positive relationship to neighbouring buildings and spaces;
- c. A safe environment that reduces opportunities for crime and antisocial behaviour;
- d. A coherent, legible and appropriately managed public realm that encourages accessibility by walking, cycling and public transport;

- e. Sufficient car parking that is well integrated into the layout; and,
- f. A good standard of amenity for existing and future residents and users of buildings and spaces.

9.3 Policy DM6.2 Extending Existing Buildings states that extensions should complement the form and character of the original building. This should be achieved either by continuation of the established design form, or through appropriate contrasting, high quality design. The scale, height and mass of an extension and its position should emphasise a subservience to the main building. This will involve a lower roof and eaves height, significantly smaller footprint, span and length of elevations. When assessing applications for extending buildings the Council will consider (amongst other criteria):

- b. The location of the extension in relation to the street scene;
- d. The cumulative impact if the building has been previously extended;
- e. The effect that the extension will have on the existing property and whether it enhances the overall design; and
- f. The form, scale and layout of existing built structures near the site.

9.4 LDD11 'Design Quality' applies to all planning applications that involve building works. It states that extensions must offer a high quality of design that will sustain, enhance and preserve the quality of the built and natural environment. It further states that extensions should complement the form and character of the original building.

9.5 The design of the proposed extension is considered to be acceptable. It will replace the existing conservatory and rear projection with a single new rear extension. This has been well designed to include a lean to pitched roof and materials to match the host dwelling. This is appropriate for an extension of this type to a property of this style. It will be located within the rear garden where it will have no impact on main street scene and will not harm the character and appearance of the host dwelling or of the wider area.

9.6 In addition, the proposal will be viewed as an additional component to the host dwelling, and will be located in a rear street scene where there are existing extensions, including No.41's conservatory and conservatories to its neighbouring dwellings. A variety of extensions of various styles and sizes have also been constructed to the rear of dwellings on this residential development. In this context the proposed extension will not appear incongruous.

9.7 Members must determine whether the proposed extension is acceptable in terms of its impact on the character and appearance of host property and surrounding area. Officer advice is that the proposed extension is acceptable in this regard.

10.0 Other Matters

10.1 Policy DM5.18 Contaminated and Unstable Land states that where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report which:

- a. Shows that investigations have been carried out to assess the nature and extent of contamination or stability issues and the possible effect it may have on

the development and its future users, biodiversity, the natural and built environment; and

b. Sets out detailed measures to allow the development to go ahead safely and without adverse affect, including, as appropriate:

i. Removing the contamination;

ii. Treating the contamination;

iii. Protecting and/or separating the development from the effects of the contamination;

iv. Validation of mitigation measures; and

v. Addressing land stability issues.

Where measures are needed to allow the development to go ahead safely and without adverse affect, these will be required as a condition of any planning permission.

10.2 The application site is located within a high risk Coal Authority referral area and a contaminated land buffer zone. As such, it is considered necessary and reasonable to attach a condition to the grant of approval to ensure that appropriate gas protection measures are incorporated into the footprint of the new build.

11.0 Conclusion

11.1 The proposed extension is considered to be acceptable in terms of its impact on neighbouring amenity and the character and appearance of the site and surrounding area. With regard to all of the above, approval is recommended.

RECOMMENDATION: Application Permitted

Conditions/Reasons

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

- Application Form, 20.11.2017

- Location Plan, scale 1:1250 (Proposed Rear Sun-Lounge Extension at 40 Edgemount Killingworth, 09/17)

- Proposed Site Plan Scale 1:200

- Proposed Ground Floor Plan (Part), Proposed Front Elevation (Part), Scale 1:50

- Proposed Elevations (rear, side part-west, side part-east), scale 1:50

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

2. Standard Time Limit 3 Years FUL

MAN02 *

3. No (further) windows, doors or openings of any kind shall be inserted in the flank elevations of the development 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 policies S1.4, DM6.1 and DM6.2 of the North Tyneside Local Plan 2017.

- | | | | |
|----|---|------------|----------|
| 4. | Windows Fixed Obscure Glazing Required | WIN00
4 | *eastern |
| 5. | Gas protection measures for householder | GAS00
5 | * |

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 Paragraphs 186-187 of the National Planning Policy Framework.

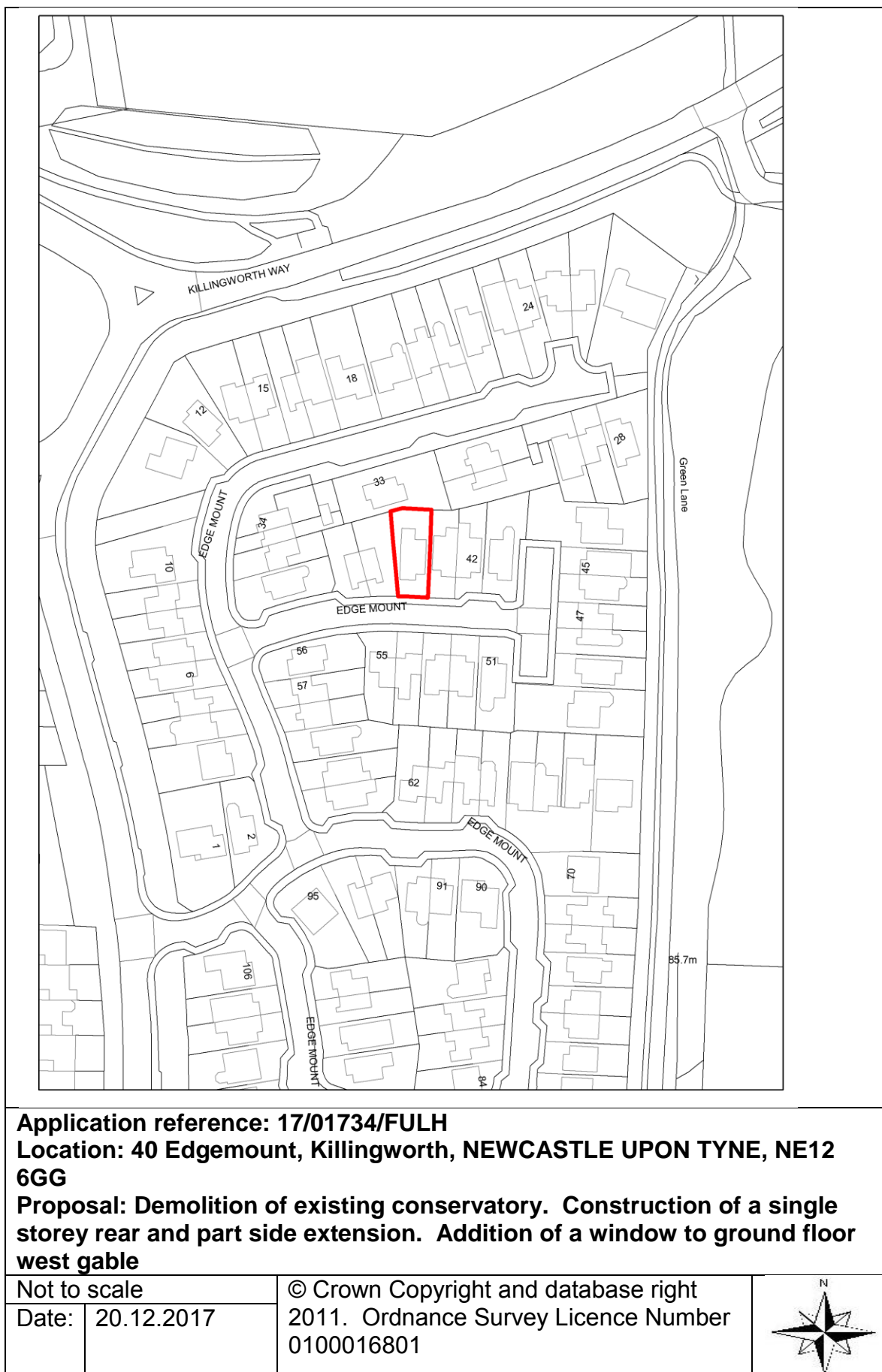
Informatives

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

Advice All Works Within Applicants Land (I29)

Coal Mining Referral Area , (FULH) (I43)



Consultations/representations

1.0 Representations:

One objection from neighbouring occupier (No.41):

- Proposal will extend past my rear kitchen wall by 1.5m almost to the same depth as my conservatory.
- Having a north facing garden this will limit further the small amount of direct sunlight to my conservatory which is only available in the late afternoon during the summer months.
- This is further evident by the proposed height of the vertical end wall extending beyond the gable end of the house and the encroachment to the boundary fence.
- Photos provided to show that from various seating positions within conservatory potentially how much more of this sunlight would be made unavailable. I would also like to be taken into consideration the distance of the proposed toilet window from my kitchen window from a health and safety perspective.