

(Note: These minutes are subject to confirmation at the next meeting of the Committee scheduled to be held on 12 December 2017.)

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

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 35 of the Town & Country (Development Management Procedure) (England) Order 2015:

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 35 of the Town & Country (Development Management Procedure) (England) Order 2015:

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 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.

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 35 of the Town & Country (Development Management Procedure) (England) Order 2015:

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 35 of the Town & Country (Development Management Procedure) (England) Order 2015:

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 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.

### **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.