

(Note: These minutes are subject to confirmation at the next meeting of the Committee scheduled to be held on 24 April 2018.)

## **Planning Committee**

**3 April 2018**

Present: Councillor F Lott (Chair)  
Councillors E Hodson, M A Green,  
S Graham, John Hunter, W Lott,  
D McMeekan, T Mulvenna  
and P Mason.

### **PQ53/04/18 Apologies**

Apologies for absence were received from Councillor B Burdis.

### **PQ54/04/18 Substitute Members**

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

Councillor T Mulvenna for Councillor B Burdis.

### **PQ55/04/18 Declarations of Interest and Dispensations**

Councillor P Mason stated that 51 Athol Gardens, Whitley Bay 17/01660/FUL was located near his home but he had no prior knowledge of the application and he had not pre-determined the application.

Councillor D McMeekan stated that he had pre-determined application 18/00123/FULH, 106 Wallington Avenue, Cullercoats and consequently he would take no part in the discussion or voting on the application.

Councillor D McMeekan stated that he had pre-determined application 18/00137/FULH, 47 Wallington Avenue, Cullercoats and consequently he would withdraw from the meeting and take no part in the discussion or voting on the matter once he had spoken to the Committee under the terms of the Committee's Speaking Rights Scheme.

### **PQ56/04/18 Minutes**

**Resolved** that the minutes of the meeting held on 13 March 2018 be confirmed as a correct record and signed by the Chair.

## **PQ57/04/18 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:	17/01852/FUL	Ward:	Collingwood
Application Type:	Full planning application		
Location:	Car Park South of Units 13 and 14, Collingwood Centre, Preston North Road, North Shields		
Proposal:	Erection of a drive thru restaurant with associated access, disabled car parking, cycle stands, and hard and soft landscaping		
Applicant:	Erindale Ltd and Wm Morrison Supermarkets plc		

The Committee gave consideration to a report of the planning officers in relation to the application. A planning officer presented details of the application, together with details of application 17/01853/ADV, with the aid of various maps, plans and photographs.

In accordance with the Committee's Speaking Rights Scheme, Mr Gordon Dennett of 22 Heybrook Avenue was permitted to speak to the Committee in relation to this application and application 17/01853/ADV. Mr Dennett endorsed the views of the Director of Public Health and Councillors Grayson and Rankin who had highlighted the incompatibility of the proposed drive thru restaurant with the Council's policy aimed at reducing childhood obesity. He also conveyed to the Committee the strength of feeling among residents of Heybrook Avenue about the further significant loss of residential amenity that the application would represent if approved. In his view the planning officer's report had paid scant attention to problems such as loss of visual amenity, poor waste management, light pollution, anti-social activity and security risks, particularly the loss of a 3m high security wall. Experience had shown these problems were not amenable to effective planning conditions or control measures. Mr Dennett urged the Committee to defend the Council's stated commitment to healthy eating and avoid a serious loss of amenity for residents.

Mr Craig Barnes, of Barton Willmore, was permitted to speak to the Committee on behalf of the applicants and respond to the points raised by Mr Dennett. Mr Barnes stated that the applicants had received pre-application advice from the Council which had indicated that the application was acceptable in principle. He stated that where it was not possible to establish a dominant use for a proposed development then its use class should be deemed to be Sui Generis, in other words without a defined use class. Whilst he accepted the principle of policies to prevent unhealthy eating near schools he explained that Kentucky Fried Chicken restaurants allowed customers to choose from a range of foods and where necessary it operated a policy not to serve children in school uniforms. Mr Barnes believed the concerns raised by the Environmental Health Officer could be satisfactorily addressed by way of conditions and he outlined the economic benefits of the proposed development. The development was appropriate for the location and there were no objections in relation to highway safety. Mr Barnes stated there was insufficient justification to refuse the application and he asked the Committee to consider its benefits.

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

- a) the definition of Use Class A3, Use Class A5 and developments deemed to be Sui Generis and how these classifications applied to the application. Officer advice was that the application represented a mix of A3 and A5 use;
- b) the advice of the Director of Public Health on the impact of hot food takeaways and drive thru restaurants on levels of obesity;
- c) the location of the proposed restaurant in relation to John Spence Community High School;
- d) the practice in some Kentucky Fried Chicken restaurants not to serve children during school hours regardless of what they were wearing;
- e) the restaurant's policies and practices in relation to groups of young people congregating in and around the area;
- f) the outcome of the noise assessment undertaken by the applicants and the extent to which existing noise levels and the opening times of neighbouring units had been taken into account; and
- g) pre-application advice having been provided to the applicants prior to the adoption of the Local Plan 2017.

### Decision

Application refused on the grounds that:

1. The proposed use does not meet the criteria of Policy DM3.7 of the Local Plan (2017). The site is located in a ward where more than 15% of year 6 pupils are classified as very overweight, and is within 400m of John Spence High School. As such the proposed use would cause significant harm to the health of residents in the area and is contrary to Policy DM3.7 of the Local Plan (2017) and NPPF.
2. Insufficient information has been submitted to assess the impact of cooking odours and noise from customer activity, including car doors, radio and raised voices, on the amenity of residential occupiers. The proposal therefore fails to comply with the NPPF and Policies S1.4 and DM5.19 of the North Tyneside Local Plan 2017.
3. No information has been submitted to assess the impact of coal mining legacy on the proposed development. The applicant has failed to demonstrate that the site is safe, stable and suitable for development, and that issues of land instability can be satisfactorily overcome. The development is contrary to the NPPF and Local Plan Policy DM5.18.

Application No:	17/01853/ADV	Ward:	Collingwood
Application Type:	Full planning application		
Location:	Car Park South of Units 13 and 14, Collingwood Centre, Preston North Road, North Shields		
Proposal:	"KFC" Lettering Fascia sign to be attached to eastern and southern frontage. KFC logo Fascia sign to be attached to eastern frontage. 2no single wall mounted "Leader board" Fascia Signs to be attached to southern frontage. 4no wall mounted "Menu Board" Fascia Sign to be attached to southern frontage. "Menu Board" Fascia Sign will be orientated at an angle off the building towards vehicles using the drive through. 4no directional signs.		
Applicant:	Erindale Ltd and Wm Morrison Supermarkets plc		

The Committee gave consideration to a report of the planning officers in relation to the application. A planning officer presented details of the application, together with details of application 17/01852/FUL, with the aid of various maps, plans and photographs.

In considering the application the Committee took into account the points raised by Mr Dennett and Mr Barnes and during questioning as summarised above.

## Decision

Application refused on the grounds that:

1. The proposed advertisements will result in harm to the visual amenity of the area; contrary to the National Planning Policy Framework and Policy DM6.3 of the North Tyneside Council Local Plan.
2. The proposed advertisements will result in harm to highway safety due to their proximity to the highway and A1058/A192 roundabout; contrary to the National Planning Policy Framework.

Application No: 17/01660/FUL Ward: Monkseaton South  
Application Type: Full planning application  
Location: 51 Athol Gardens, Whitley Bay  
Proposal: Erection of new detached dwelling within garden of number 51 and single storey rear extension to number 51  
Applicant: Mr Alan Spence

The Committee gave consideration to a report of the planning officers in relation to the application, together with an addendum circulated to members of the Committee prior to the meeting and containing a revised officer recommendation. 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, Mr George Partis of 49 Athol Gardens was permitted to speak to the Committee. Mr Partis outlined the difficulties caused by parked cars in Athol Gardens, Drumoyne Gardens and Newlands Avenue. For example coaches were often obstructed from turning the corner of Athol Gardens and Drumoyne Gardens. The problems had been made worse by the increased traffic flow from the 84 homes constructed at Briar Vale and traffic avoiding the congestion on Seatonville Road. Mr Partis objected to the construction of the detached dwelling on the grounds that additional housing in the area would generate increased levels of traffic. He acknowledged that the applicant had reduced the number of parking spaces within the proposed development from 4 to 3 but he felt that this reduction would make no difference to traffic safety in the area. He asked that the application be deferred to enable the applicant to carry out a traffic survey and allow the Committee to undertake a site visit.

The applicant, Mr Spence, was present at the meeting but he declined the opportunity to speak to the Committee in response to Mr Partis' comments.

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

- a) the likely impact of the proposed detached dwelling and single storey rear extension, including the provision of 3 parking places within the curtilage of the site, on highway safety in the area;
- b) the measures that could be taken by the Council to monitor and control parking in the area, separately from determination of this application; and
- c) the likely impact of the provision of 3 parking bays on the risk of flooding in the area.

The Committee also gave consideration to Mr Partis' suggestion that a site visit be undertaken prior to the determination of the application. The Committee agreed not to undertake a site visit as it was advised that such visits should only take place in exceptional circumstances where the nature of the application is such that only through a visit would it be possible to give full consideration to such issues.

## Decision

The Head of Environment, Housing and Leisure be granted delegated authority to determine the application on expiry of the consultation period, subject to the receipt of any additional comments or any further matters arising which in the opinion of the Head of Environment, Housing and Leisure raise issues not previously considered which justify reconsideration by the Committee.

(The Committee was minded to approve the application, subject to the conditions set out in the planning officer's report and a condition requiring the applicant to provide parking bays with a permeable surface to minimise the risk of flooding, as the development was considered to be acceptable in terms of its impact on existing land uses, the amenity of existing residents and future occupants, its impact on the character and appearance of the surrounding area and highway safety in accordance with the relevant policies contained in the National Planning Policy Framework and the Council's Local Plan 2017.)

Application No:	18/00123/FULH	Ward:	Cullercoats
Application Type:	Householder Full application		
Location:	106 Wallington Avenue, Cullercoats		
Proposal:	Single storey lean-to front extension and two storey side extension. Single storey lean-to rear extension and loft conversion with velux windows to the front roof slope and 2no dormer windows to the rear		
Applicant:	Mr John Hope		

(Councillor D McMeekan had stated that he had pre-determined the application and took no part in the discussion and voting on the matter.)

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, Councillor John O'Shea was permitted to speak to the Committee. Councillor O'Shea explained that he was speaking on behalf of the resident of the neighbouring property. He considered the proposed development to be overdevelopment of the site as it would double the footprint of the property. The extensions would have a detrimental impact on the streetscape and have an intrusive effect on the residential amenity of neighbours. Furthermore the neighbouring resident suffered from Chronic Obstructive Pulmonary Disease and there would be a risk that dust from the construction of the extensions could be life threatening to the neighbour.

As the applicant and his agent were unable to attend the meeting to respond, the Committee gave consideration to a letter received from the agent, Mr Steedman, which had been sent to members of the Committee prior to the meeting.

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

- a) the impact on highway safety of the proposed provision of parking for one vehicle on an extended driveway; and
- b) the impact of the size and scale of the proposed development on the residential amenity of neighbouring residents.

## 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 the living

conditions of neighbouring residents, the character and appearance of the area and highway safety 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:	18/00137/FULH	Ward:	Cullercoats
Application Type:	Householder Full application		
Location:	47 Wallington Avenue, Cullercoats		
Proposal:	Two storey side and rear extension to provide garage with bedrooms over and canopy extension to front elevation		
Applicant:	Mr Keith Kitching		

(Councillor D McMeekan had stated that he had pre-determined the application and once he had spoken to the Committee under the terms of the Committee's Speaking Rights Scheme he withdrew from the meeting and took no part in the discussion or voting on the matter.)

The Committee gave consideration to a report of the planning officers in relation to the application. A planning officer presented details of the application with the aid of various maps, plans and photographs. During the presentation the planning officer confirmed that the application was in relation to 47 Wallington Avenue and not 49 as incorrectly stated in the report.

In accordance with the Committee's Speaking Rights Scheme, Councillor David McMeekan was permitted to speak to the Committee. Councillor McMeekan explained that he was speaking on behalf of the residents of 49 and 51 Wallington Avenue. He asked the Committee to reject the application as the proposed development would have a detrimental impact on the streetscape, it represented an overdevelopment of the site and would change the character of the street. The extensions would have a negative impact on the residential amenity of neighbours in terms of loss of privacy and light.

The applicant's agent, Mr Mitchell, was present at the meeting but he declined the opportunity to speak to the Committee to respond to Councillor McMeekan's comments.

Members of the Committee asked questions of officers and made comments. In doing so the Committee gave detailed consideration to the size and scale of the proposed development, particularly its likely impact on the use of the garage at 49 Wallington Avenue given its location and design.

### **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 and the character and appearance of the area 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: 18/00072/REM Ward: Cullercoats  
 Application Type: Reserved Matters  
 Location: Site of Former Wallington Court, Wallington Avenue, Cullercoats  
 Proposal: Reserved matters application, all matters reserved; for the erection of 12 residential bungalows  
 Applicant: Compass Developments

The Committee gave consideration to a report of the planning officers in relation to the application, together with an addendum to the report which had been circulated to members of the Committee prior to the meeting. 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 detailed consideration to the surface water management scheme which would be required to minimise the risk of flooding to neighbouring properties. It was suggested that a further condition be added to withdraw permitted development rights to control the conversion of any landscaping to become additional hardstanding areas within the development site. This was agreed by the Committee.

### Decision

Application approved, subject to the conditions set out in the planning officer's report, and the removal of permitted development rights to control the conversion of landscaping to become additional hardstanding within the development site, as the development was considered to be acceptable in terms of its scale, appearance, landscaping and access 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: 18/00054/FUL Ward: Battle Hill  
 Application Type: Full planning application  
 Location: Site of former Bonchester Court, Broxburn Close, Wallsend  
 Proposal: Development of 13no 2 bed bungalows and 8no 1 bed flats  
 Applicant: North Tyneside Council

The Committee gave consideration to a report of the planning officers in relation to the application.

Members of the Committee sought clarification in relation to the Council's housing land supply.

### **Decision**

Application approved, subject to the conditions set out in the planning officer's report, as the development would make a small but valuable contribution to the housing supply and it was considered to be acceptable in terms its impact on existing land uses, the amenity of existing residents and future occupants, its impact on the character and appearance of the surrounding area and highway safety 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.

### **PQ58/04/18 Holywell Engineering, Station Road, Backworth Tree Preservation Order 2017 (Valley Ward)**

The Committee considered a report from the planning officers in relation to the making of a Tree Preservation Order (TPO).

In 2017 the Council had received two applications to undertake works to trees on land within the Holywell Engineering site, Backworth. One application had been in relation to trees protected by an existing Tree Preservation Order (TPO) made in 1995 and another in relation to trees protected by virtue of their location within the Backworth Conservation Area.

When the notice was received for works to trees in the conservation area, the Council had six weeks in which to determine the application and to consider whether to make a TPO on the trees. The trees had been assessed and in this case the Council had decided to make a new TPO to update the Order made in 1995 and include within it the trees that were previously only protected by the conservation area.

The new Order had been served in 2017 when two letters of objection had been received from the land owners and a company acting on behalf of the land owners. Copies of these representations were presented to the Committee together with commentary from the Council's landscape architect. The Committee were asked to give consideration to the objections and to decide whether to:

- a) confirm the making of the TPO without modifications;
- b) confirm the making of the TPO with modifications; or
- c) not confirm the TPO in which case the Order would lapse on 13 June 2018 and there would be nothing to prevent the removal of the trees protected by the conservation area.

An addendum to the planning officer's report was considered by the Committee which contained details of correspondence with the land owner regarding the condition of trees included in the Order and an assessment of this information from the Council's landscape architect.

Members of the Committee asked questions of officers and made comments. In doing so the Committee gave consideration to the amenity value of the trees within the Holywell Mining site and their contribution to preserving the character and appearance of the Backworth Conservation Area. It was noted that confirmation of the Order did not prohibit the felling of, or works to, trees, particularly if they were considered to be dangerous, but it gave the Council control in order to protect trees which contributed to the amenity of the surrounding area.

**Resolved** that the Holywell Engineering, Station Road, Backworth, Tree Preservation Order 2017 be confirmed without modifications.