

(Note: These minutes are subject to confirmation at the next meeting of the Committee scheduled to be held on 22 January 2019.)

Planning Committee

18 December 2018

Present: Councillor F Lott (Chair)
Councillors J M Allan, G Madden, T Brady,
M A Green, John Hunter, D McMeekan,
J O'Shea and L Spillard.

PQ37/12/18 Apologies

Apologies for absence were received from Councillors S Graham, P Mason and M Reynolds.

PQ38/12/18 Substitute Members

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

Councillor J O'Shea for Councillor S Graham.

PQ39/12/18 Declarations of Interest and Dispensations

Councillor J M Allan declared a non-registerable personal interest in planning application 18/01462/FUL , Amberley Playing Fields, Garth Twenty One, Killingworth because he had a previous involvement with the Killingworth Young People's Club leading to the clubhouse, the James Allan Centre, being named after him and his son was currently manager/coach of a football team associated with the club. Councillor Allan withdrew from meeting during consideration of the application and took no part in the deliberations or decision making.

PQ40/12/18 Minutes

Resolved that the minutes of the meeting held on 27 November 2018 be confirmed as a correct record and signed by the Chair.

PQ41/12/18 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:	18/00081/OUT	Ward:	Killingworth
Application Type:	Outline planning application		
Location:	Scaffold Hill Farm, Whitley Road, Benton, NE12 9ST		
Proposal:	Outline application for up to 38 dwellings incorporating the undergrounding of overhead power cables and re-provision of allotments.		
Applicant:	The Northumberland Estate		

The Committee gave consideration to a report of the planning officer in relation to the application, together with an addendum to the report which had been circulated to Committee members 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 Mr Keith Page of 17 St. Cuthberts Way, Holystone was permitted to address the Committee. Mr Page submitted a plan and photographs to explain that when the original planning application for the Scaffold Hill development had been approved the intention had been to install a pedestrian crossing on the Holystone by-pass at the location of a public right of way. This crossing had not been installed and he was concerned for the safety of pedestrians, cyclists and horse riders crossing the road at this location. Mr Page referred to the width of the central reservation, the speed of vehicles and visibility in the area to illustrate his concerns. He also highlighted the concerns expressed by the British Horse Society and Northumbria Police. Mr Page asked that by way of an additional condition the applicants should be required to install a pedestrian crossing with fencing at the location prior to the commencement of the proposed development. Mr Page also objected to the undergrounding of overhead power cables.

Mr John Wyatt of WYG addressed the Committee to respond to Mr Page on behalf of the applicants. Mr Wyatt endorsed the report of the planning officers which reflected the hard work undertaken to formulate an application which was acceptable in planning terms. He described how the application complied with the Local Plan in terms of the allocation of the site for housing, the positive visual impact of the proposal particularly when located next to the Rising Sun Country Park, the provision of allotments, the character, appearance and design of the development and its impact on the highways network.

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

- a) the benefits of undergrounding the overhead power cables from applicant's perspective;
- b) how the applicant would address the objection from Northern Powergrid to the undergrounding;
- c) the impact of requiring the applicants to install an additional pedestrian crossing on the Holystone by-pass as a condition of permitting the development in terms of cost and viability;
- d) the location and nature of the existing pedestrian crossings on the Holystone by-pass;
- e) the impact of an additional pedestrian crossing on the flow of traffic;
- f) the impact of the development on the risk of flooding in the area and the proposed condition requiring the applicant to demonstrate that the development would not increase the flood risk prior to its occupation;
- g) the representations received from Newcastle Airport requesting restrictions on the type of landscaping to minimise the risk of bird strikes and the possible negative impact of such restrictions on the wider ecology in the area;

- h) the proposed condition requiring the applicant to carry out intrusive site investigations to safeguard against coal mining features and hazards;
- i) the number of units currently being constructed on the Scaffold Hill site by virtue of previous permissions (460) and the impact of increasing the number by a further 38.

Decision

Application refused on the grounds that:

1. The proposed development would have a detrimental impact on road safety due to the lack of suitable crossing points on the A191, contrary to the advice in NPPF and Policy DM7.4 of the North Tyneside Local Plan 2017.
2. The proposed development is harmful to biodiversity in the area, contrary to Policy DM5.5 of the North Tyneside Local Plan 2017.
3. The proposed development would result in an overdevelopment of the site, having regard to the housing construction to the north of the application site, contrary to Policy DM6.1 of the North Tyneside Local Plan 2017.
4. The additional houses would have a detrimental impact in terms of flood risk to the local area, contrary to Policy DM5.12 of the North Tyneside Local Plan 2017.

Application No:	18/01462/FUL	Ward: Killingworth
Application Type:	Full planning application	
Location:	Amberley Playing Fields, Garth Twenty One, Killingworth	
Proposal:	Creation of new Artificial Grass Pitch (AGP), installation of new 4.5m high ball stop fencing and entrance gates to AGP perimeter, installation of new 2.0m high and 1.2m high pitch perimeter barrier and entrance gates within AGP enclosure, installation of new 2.5m high acoustic barrier along the Southern AGP perimeter, installation of new hard standing areas, installation of new floodlight system, installation of new maintenance equipment store located within AGP enclosure, relocation of portable goals storage compound, formation of grass mounds around the football ground.	
Applicant:	North Tyneside Council	

(Having declared a non-registerable personal interest Councillor J M Allan withdrew from the meeting during consideration of this application and took no part in the deliberations or decision making.)

The Committee gave consideration to a report of the planning officer in relation to the application, together with an addendum which had been circulated to members 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 Mr Jonathan Ord of 4 The Croft, Killingworth was permitted to address the Committee. Mr Ord was also speaking on behalf of Miss and Mrs Rutherford of 5 The Croft. Mr Ord had no objections to the improvement to the pitch which he acknowledged would be beneficial to young people in the area. However he hoped a number of issues could be addressed in considering the application. He queried whether the Council or the Killingworth Young Peoples Club (KYPC) would be responsible for the management and operation of the facility. He was concerned about the inadequate barrier between his property and the sports pitch, the increased usage of the pitch from 2 days to 7 days per week and the omission of a no whistle policy. Mr Ord also described how users of the playing field parked inconsiderately in the area and how there had been incidents of anti-social behaviour associated with use of the field and club.

Paul Youlden, the Council's Senior Manager: Sport and Leisure, addressed the Committee to respond to Mr Ord's comments. Mr Youlden explained that at present there were no artificial grass pitches in the north west of the borough. The proposed facility would be used by a range of sports and schools and it had the support of a number of sporting organisations. The KYPC had recently appointed new trustees who had contacted neighbouring residents regarding the proposal. A person would be employed to manage the site and deal with residents concerns. Mr Youlden commented on how the application satisfied the planning requirements in terms of its hours of operation, its impact on highway safety and its design.

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

- a) the location, nature and capacity of car parking facilities within the playing fields;
- b) access to the site via public transport, cycling and walking;
- c) further proposals, to be subject to a separate planning application, to improve the clubhouse, car parking and cycle storage on site; and
- d) the range of enforcement powers available to the Police and Council to address the parking issues in and around Garth Twenty One.

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 open space, the wildlife corridor, trees and shrubs, residential amenity, drainage, ground stability, car parking and access in accordance with the relevant policies contained within the National Planning Policy Framework and the Council's Local Plan 2017.

Application No:	18/01555/OUT	Ward:	Northumberland
Application Type:	Outline planning application		
Location:	Land Adjacent to 87 Sunholme Drive, Wallsend		
Proposal:	Single detached 3 bed house with garage and onsite parking. (Resubmission)		
Applicant:	Shenstone Properties		

The Committee gave consideration to a report of the planning officer in relation to the application, together with an addendum which had been circulated to members prior to the meeting and another addendum circulated at the beginning of 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 Mr Simon King of 58 Sunholme Drive was permitted to address the Committee. Mr King was also speaking on behalf of Mrs Elliot of 87 Sunholme Drive. Mr King objected to the proposed development because the site was the only area of open space on which local children could play, the addition of more housing would worsen the car parking issues in the street and he believed that the property would be at risk of flooding from the stream to rear of the site.

The applicant's agent had been invited to attend the meeting to respond to Mr King's comments but he was unable to attend.

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

- a) the status of the site as an informal open space which was not formally designated for any purpose in the Local Plan but which had previously been subject to a Section 38 highways adoption agreement; and
- b) the indicative plans which showed that an appropriate level of car parking could be provided within the site.

Decision

Application refused on the grounds that:

1. The application site occupies a prominent position within an existing residential estate. The proposed development would result in an overdevelopment of this site to the detriment of the surrounding area, including parking provision. As such the proposed development is contrary to policy DM6.1 of the North Tyneside Council Local Plan (2017).
2. The proposed development would result in the loss of a play area and open space to the detriment of the function of the surrounding area. As such the proposed development is contrary to policies DM4.5 and DM6.1 of the North Tyneside Council Local Plan (2017).
3. The proposed development by virtue of its layout and siting would result in an unacceptable impact on the character and appearance of the immediate surrounding area. As such the proposed development is contrary to policy DM6.1 of the North Tyneside Council Local Plan (2017).
4. The proposed development by virtue of its layout and siting would result in an unacceptable impact upon the residential amenity of existing properties. As such the proposed development is contrary to policy DM6.1 of the North Tyneside Council Local Plan (2017).

Application No:	18/00104/OUT	Ward:	Killingworth
Application Type:	Outline planning application		
Location:	Land East of 9 Laurel End, Forest Hall		
Proposal:	Outline application for the residential development of 25 dwellings with associated roads, parking, landscaping, drainage and open space (with all matters reserved).		
Applicant:	Banks Property Ltd		

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

The Committee also received a presentation showing the projected traffic flows in 2032 at the junction proposed to be constructed (in accordance with the Killingworth Moor Masterplan) on Great Lime Road to provide access to a new strategic highway from Great Lime Road to Killingworth Lane.

Following the presentation the Committee asked questions of officers and made comments when members gave particular consideration to:

- a) a requirement on the applicants that the development be served by adoptable estate roads and the effect of a proposed amendment to the relevant condition allowing the applicants to provide a private road where agreed with the local planning authority. Members expressed their concerns that where private roads are provided these often lead to complaints from residents to the Council regarding their poor condition;

- b) the representations received from Newcastle Airport requesting restrictions on the nature of landscaping to minimise the risk of bird strikes and the possible negative impact of such restrictions on the wider ecology in the area;
- c) the opportunity to control the timing of landscaping works and mitigate the risk of flooding as part of any reserved matters application; and
- d) the rationale for directing Section 106 contributions to the Rising Sun Countryside Centre rather than other local facilities.

Decision

The Head of Environment, Housing and Leisure be granted delegated authority to determine the application following the completion of a Deed of Variation of the original legal agreement made under Section 106 of the Town and Country Planning Act 1990 to secure the following contributions:

- a) 25% affordable housing;
- b) £87,500 for primary education for Ivy Road primary school to provide the required resources to meet the needs of the additional primary aged pupils;
- c) £57,000 for secondary education to provide the required resources to meet the needs of the additional secondary aged pupils at Longbenton High School;
- d) Education and skills (employment): 1 apprentice per 30 dwellings as outlined in the current SPD or as an alternative £7,000 which will be used to deliver employability intervention;
- e) £4875 for greenspace due to increased footfall to the Rising Sun Country Park which is within walking and cycling distance of the proposed development. It would be to assist with the ongoing maintenance due to the increased footfall. There is a need to maintain the areas leading to and around the areas of open water these areas.
- f) £5725 for parks. The increase in footfall to the Rising Sun Country Park will increase general wear and tear to the infrastructure within the Countryside Centre. There is a need for footpath surface improvements for the footpath leading from the west of the car park area, in addition the wildlife area requires footpath reconstruction as the current construction is insufficient. Planting could also be improved to provide natural barriers, enclosure.
- g) £9000 for equipped area for play / multi use games area. The increase in footfall to the Rising Sun Country Park will increase general wear and tear to the play equipment infrastructure within the Countryside Centre. The toddler's area is popular and well used in the Countryside Centre, this area and associated equipment /planting is in need of a refresh.
- h) £80,000 for road improvements to Great Lime Road; and
- i) £12,987for pedestrian cycle links.

(The Committee indicated that they were minded to approve the application, subject to the conditions set out in the planning officer's report and addendum, as the development was considered to be acceptable in terms of the principal of residential development and its impact on amenity, the character of the area, biodiversity and on highway safety in accordance with the relevant policies contained within the National Planning Policy Framework and the Council's Local Plan 2017.)

(Councillor L Spillard left the meeting at this point.)

Application No: 18/00300/FUL Ward: Riverside
 Application Type: Full planning application
 Location: 26-37 Clive Street, North Shields, NE29 6LD
 Proposal: Demolition of the former North East Rubber Company factory buildings and construction of three residential apartment blocks, comprising of 49no one and two bedroom apartments and 1no two bedroom townhouse and associated parking provision.
 Applicant: J C Quay Limited.

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

The Committee asked questions of officers and made comments when it gave particular consideration to:

- a) provision within the proposals for public access to the riverside;
- b) whether the application complied with the standards of accessibility and internal space set out in policy DM4.9 of the Local Plan; and
- c) the design of the proposed apartment blocks.

Decision

Application refused on the grounds that the proposal is considered to be contrary to Local Plan Policy DM6.1 "Design of Development" as it does not demonstrate high and consistent design standards and is not of a quality which would enhance the character and appearance of the Fish Quay and New Quay Conservation Areas and surrounding heritage assets, as it lacks innovation in its design, does not take advantage of the opportunity to enhance the significance of this area, presenting a bland frontage to Clive Street and does not have a positive relationship with neighbouring properties.

(Councillor G Madden left the meeting at this point.)

Application No: 18/01559/FUL Ward: Valley
 Application Type: Full planning application
 Location: Land North of Holystone Roundabout, Earsdon Road, Shiremoor.
 Proposal: Erection of Units for retail (Class A1) and gym (Class D2) uses, with associated parking, servicing provision and landscaping.
 (Resubmission)
 Applicant: Northumberland Estates

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

Decision

The Head of Environment, Housing and Leisure be granted delegated authority to determine the application following the completion of a Deed of Variation of the original legal agreement made under Section 106 of the Town and Country Planning Act 1990 to secure the following contributions:

- a) a financial contribution to cover the cost of the provision of three Toucan crossings in order to provide and improve sustainable links to the application site; and

- b) a Travel Plan Bond in order to ensure that targets set out within the Travel Plan are implemented and adhered to.

The Head of Law and Governance and the Head of Environment and Leisure be authorised to undertake all necessary procedures under Section 278 of the Highways Act 1980 to secure the provision and improvement of sustainable links to the application site.

(The Committee indicated that it was minded to approve this application, subject to the conditions set out in the planning officers report, and any subsequent amendments, omissions or additional conditions considered necessary, as the proposed development was considered to be acceptable in terms of the principle of development, its design, its impact on the character and appearance of the area, neighbouring residential amenity, biodiversity, landscaping and highway safety in accordance with the relevant policies contained with the Council's Local Plan 2017 and the National Planning Policy Framework.)

Application No:	17/01466/FUL	Ward:	Whitley Bay
Application Type:	Full planning application		
Location:	Hush Lounge, 20-24 South Parade, Whitley Bay, NE26 2RG		
Proposal:	Change of use and conversion of three storey buildings to provide 10no quality residential apartments with associated external alterations and rear roof extension.		
Applicant:	Mr & Mrs Jonas & Sheindy Kaufman & Feldman		

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

The Committee asked questions of officers and made comments when it gave particular consideration to the proposed car parking provision on site and the benefits of returning a vacant building back into use.

Decision

The Head of Environment, Housing and Leisure be granted delegated authority to determine the application subject to:

- a) the conditions set out in the planning officer's report and the amendment to, addition or omission of any conditions considered necessary; and
- b) the applicant entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a contribution of £6,000 for a Coastal Mitigation Service to mitigate for the impacts on the Northumbria Coast Special Protection Area.

(The Committee indicated that it was minded to approve the application subject to the conditions set out in the planning officer's report as the proposed development was considered to be acceptable in terms of its impact on existing land uses, the amenity of existing residents and future occupants and on highway safety in accordance with the relevant policies contained within the Council's Local Plan 2017 and the National Planning Policy Framework.)

Application No: 17/01777/FUL Ward: Whitley Bay
 Application Type: Full planning application
 Location: 26-32 South Parade, Whitley Bay, NE26 2RQ
 Proposal: Change of use and conversion of three storey buildings to provide 12no quality residential apartments with associated external alterations and rear roof extension.
 Applicant: Bewick Properties

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

The Committee asked questions of officers and made comments when it gave particular consideration to:

- a) the applicant's viability assessment and the Council's appraisal of the assessment which demonstrated that if the development was to be viable there was no scope for affordable housing or any further financial contributions to be secured from a legal agreement under Section 106 of the Town and Country Planning Act 1990; and
- b) the limited powers available to the Council to restrict the use of the apartments as holiday or short term lets.

Decision

The Head of Environment, Housing and Leisure be granted delegated authority to determine the application subject to:

- a) the conditions set out in the planning officer's report and any amendments, additions or omissions of any other conditions considered necessary; and
- b) the applicant entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a contribution of £7,200 for a Coastal Mitigation Service to mitigate for the impacts on the Northumbria Coast Special Protection Area.

(The Committee indicated that it was minded to approve the application, subject to the conditions set out in the planning officer's report, as the proposed development was considered to be acceptable in terms of its impact on existing land uses, the amenity of existing residents and future occupants and on highway safety in accordance with the relevant policies contained within the Council's Local Plan 2017 and the National Planning Policy Framework.)

Application No: 18/01159/FUL Ward: Weetslade
 Application Type: Full planning application
 Location: S and B EPS, Warehouse West of 2 Grieves Row, Dudley
 Proposal: Erection of two buildings connected to existing buildings with link corridors, erection of a substation and roof modification to existing building. Reorganisation of internal traffic movements to direct HGV to roundabout access.
 Applicant: Mr Darren Smith

The Committee gave consideration to a report of the planning officer 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.

The Committee asked questions of officers and made comments when it gave particular consideration to:

- a) the impact of approving the application in terms of the designation of the land for housing within the Council's Local Plan 2017;
- b) the proposed hours of operation; and
- c) the condition of the southern access to the site from the mini roundabout opposite the entrance to Meadowbank.

Decision

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

(Councillor J O'Shea left the meeting at this point.)

Application No:	18/00899/FUL	Ward:	Weetslade
Application Type:	Full planning application		
Location:	Auto Parc, Sandy Lane, North Gosforth, NE3 5HE		
Proposal:	Reconfiguration of 3no. existing industrial units to accommodate showrooms, including extending Block G. Construction of additional unit to accommodate showroom. Demolition of existing cafe and construction of a showroom. Re-configuration of roadways and parking lots within the site.		
Applicant:	Tyneside Autoparc Ltd		

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

The Committee asked questions of officers and made comments when it gave particular consideration to:

- a) the proposed condition requiring the applicant to submit for approval details of external lighting;
- b) the impact of the development on landscaping and protected trees located to the south of the site; and
- c) the relationship between the proposed development and other related developments previously permitted and now under construction on the site.

Decision

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

PQ42/12/18 5 Bygate, Whitley Bay Tree Preservation Order 2018

The Council had received notification of the intention to fell a single beech tree at 5 Bygate, Monkseaton, which was located within the Monkseaton Conservation Area. Using powers contained within the Town and Country Planning Act 1990 the proposal had been assessed and the Head of Environment, Housing and Leisure had decided to make a Tree Preservation Order (TPO) to protect the tree because the tree made a significant contribution to the amenity value of the area, being in a prominent position, visible from Bygate Road and St Georges Crescent and within Monkseaton Conservation Area.

The Order was made and served on affected residents on 4 October 2018. The Order had to be confirmed by 4 April 2019 otherwise the Order would lapse and the tree would no longer be protected.

Two letters of objection had been received to confirmation of the Order. One from the occupiers of 5 Bygate and one from the occupiers of the adjoining property, 4 St Georges Crescent. The grounds of objection were in relation to damage being caused by the tree to boundary walls and a driveway, excessive shading to 4 St Georges Crescent, concern at the overall height and spread of the tree. The objectors argued that the tree was of little value to the amenity to the area and its loss would be compensated by the growth of other large shrubs and trees at the location.

The Council's Head of Environment, Housing and Leisure advised the Committee that the proposed works to remove the tree would be contrary to the policies in the Council's Local Plan 2017 which aimed to protect trees within the borough and preserve, promote and enhance the overall character of the conservation area. The tree was in reasonable condition with no visible indications that it was dying, diseased or dangerous. The displacement of the boundary wall appeared to be caused by pressure from tree roots and the buttress of the tree. However, no detail or information had been submitted to establish if the wall could be repaired whilst retaining the tree. There was some displacement of the brickwork to the driveway but not sufficient to cause any obvious trip hazards. Trees were not usually felled because they were reducing light levels into properties unless it had been demonstrated there was a severe restriction. Similarly a tree would not be removed because it was considered to be too big or tall for its surroundings. The size of the tree could be managed by pruning. Confirming the Order would not prevent any necessary tree work from being carried out but would ensure the regulation of any tree work to prevent unnecessary or damaging work from taking place that would have a detrimental impact on the amenity value, health and long term retention of the tree.

Decision

The 5 Bygate Road, Whitley Bay Tree Preservation Order 2018 be confirmed without modification as the beech tree at 5 Bygate, Monkseaton makes a significant contribution to the amenity value of the area, being in a prominent position, visible from Bygate Road and St Georges Crescent and within Monkseaton Conservation Area and its removal would not be contrary to Local Plan Policies DM5.9, S6.5 and DM6.6. Confirmation of the Order does not prevent the felling of trees, but it gives the Council control in order to protect trees which contribute to the general amenity of the surrounding area.