

**These minutes are subject to the approval of Planning Committee at its next meeting
on 8 December 2015**

Planning Committee

17 November 2015

Present: Councillor T Mulvenna (Chair)
Councillors J M Allan, A Arkle, L Darke,
S Graham, M A Green, M Hall,
Janet Hunter, John Hunter, D Lilly,
G Madden and D McMeekan.

PQ36/11/15 Apologies

Apologies for absence were submitted by Councillors M Huscroft, F Lott and J O'Shea.

PQ37/10115 Substitute Members

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

Councillor Janet Hunter for Councillor J O'Shea.

PQ38/11/15 Declarations of Interest and Dispensations

There were no declarations or dispensations reported.

PQ39/11/15 Minutes

Resolved that the minutes of the meeting held on 27 October 2015 be confirmed as a correct record and signed by the Chair.

PQ40/11/15 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:	15/01090/CLPROP	Ward:	Weetslade
Application Type:	Certificate of lawful proposed devel		
Location:	Land at northern end of former Fewsters site, Bridge Street, Seaton Burn Newcastle upon Tyne		
Proposal:	Mixed B8 use consisting of caravan storage and single height self storage containers (no built development)		
Applicant:	Mr C Fewster		
Agent:	R & K Wood Planning LLP		

Although this application was scheduled to be the last item to be considered at the meeting, the Chair brought it forward as he understood the ward councillor on the committee wished to make a request. Councillor M A Green was permitted to address the committee and requested that the application be deferred for written legal advice regarding the decision before the committee and an explanation of how the changes in the area from 1972, when the original planning permission for the site was granted, could have on the decision.

Decision

Application deferred to allow Members to consider written legal advice regarding their options in relation to the application.

Application No: **15/01144/FUL** Ward: **Benton**
Application Type: Full planning application
Location: Darsley Park, Whitley Road, Benton, Newcastle upon Tyne
Proposal: Proposed residential development of 71no. dwellings with associated estate roads, external works drainage and landscaping (Revised plans received 03.09.15) (Amended Layout Plan received 21.09.15).
Applicant: Taylor Wimpey (NE) Ltd

The planning officer presented the application to the committee.

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

During the consideration of the application Councillor Janet Hunter realised that as a Member of the Friends of Benton Quarry Park she had a Registerable Personal Interest which, considering the proposed S106 contributions, met the criteria for non-participation in decision-making and she left the room for the duration of the deliberation on the application.

During discussion questions were asked regarding the impact of the development on the highway network and particularly the A191 corridor. The computer model for illustrating the impact of the development had not been shown to Members and the officer who had made the comments regarding the impact on highways was not in attendance. In light of concerns regarding the impact of the development on the highway, it was proposed and seconded that the application be deferred to the next meeting of the committee when the model could be presented.

Decision

Application deferred to allow Members to view the model which demonstrated the impact of this development on the highway network, particularly the A191 corridor.

Application No: **15/00245/FUL** Ward: **Camperdown**
Application Type: Full planning application
Location: West House, Grasmere Court, Killingworth, Newcastle upon Tyne NE12 6TS
Proposal: Demolition of the former West House and erection of 11 new build residential dwellings (Amended plans received 19.10.15)
Applicant: Taylored Homes Ltd
Agent: Rchitecture

Councillor Janet Hunter returned to the meeting room.

The planning officer presented the application to the committee.

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

Decision

Application approved, subject to the following conditions, as the principle of residential development was acceptable and the development would make a contribution to the Five Year Housing Land Supply. The impact of the proposals on surrounding amenity, the amenity of future occupiers and ecology and trees was acceptable. The design, layout, car parking and access were all acceptable and in accordance with the North Tyneside Unitary Development Plan 2002 and the National Planning Policy Framework.

1. The development to which the permission relates shall be carried out in complete accordance with the approved plans and specifications.
Reason: To ensure that the development as carried out does not vary from the approved plans.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
3. The construction site subject of this approval shall not be operational and there shall be no construction, deliveries to, from or vehicle movements within the site outside the hours of 0800-1800 Monday - Friday and 0800-1400 Saturdays with no working on Sundays or Bank Holidays.
Reason: To safeguard the amenity of nearby residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.
4. The construction site subject of this approval shall not be operational and there shall be no construction, deliveries to, from or vehicle movements within the site outside the hours of 0800-1800 Monday - Friday and 0800-1400 Saturdays with no working on Sundays or Bank Holidays.
Reason: To safeguard the amenity of nearby residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.
5. Notwithstanding Condition 1, prior to the construction of any dwelling above ground level a schedule and/or samples of all surfacing materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.
Reason: To ensure a satisfactory appearance having regard to Policy H11 of the North Tyneside Council Unitary Development Plan 2002.
6. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.
Reason: This information is required from the outset to prevent the increased risk of flooding from any sources in accordance with the NPPF.

7. No demolition/development shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.
Reason: This information is required from the outset to ensure that an archive record of the historic building or structure is completed and to accord with paragraph 141 of the NPPF and saved UDP policy E19/6
8. Notwithstanding Condition 1, prior to the commencement of construction works of the site showing the existing and proposed ground levels and levels of thresholds and floor levels of all proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.
Reason: This information is required to ensure that the work is carried out at suitable levels in relation to adjoining properties and highways, having regard to amenity, access, highway and drainage requirements having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.
9. Notwithstanding Condition 1, prior to the occupation of any dwelling details of all screen and boundary walls, fences and any other means of enclosure within that development shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, the bin store enclosure details to plots 5-11. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented. These agreed boundary treatments shall be retained hereafter.
Reason: To ensure that the proposed development does not adversely effect the privacy and visual amenities enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.
10. Notwithstanding Condition 1, prior to the occupation of any dwelling a fully detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only be carried out in accordance with these agreed details. The agreed landscaping shall be planted in accordance with these details within the first planting and seeding seasons following the commencement of development. Any trees or plants which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.
Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy E14 of the North Tyneside Unitary Development Plan 2002.
11. No other part of the development shall be commenced until:-

 - a) A detailed site investigation has been carried out to establish:
 - (i) If the site is contaminated;

- (ii) To assess the degree and nature of the contamination present, and whether significant risk is likely to arise to the public use of land;
- (iii) To determine the potential for the pollution of the water environment by contaminants and;
- (iv) The implication for the development of the site and the quality of the environment for future occupiers.

Such detailed site investigation to accord with a statement of method and extent which shall previously have been agreed in writing by the Local Planning Authority and

- b) The results and conclusions of the detailed site investigations referred to in (a) above have been submitted to and the conclusions approved in writing by the Local Planning Authority. The Phase 2 Report should be written using the current government guidelines.
- c) If remediation is required following the assessment of the chemical results under current guidelines, then a method statement should be provided for comment. This should provide details of exactly how the remediation works are to be carried out, detailed site location plan of where material is to be deposited and details including drawings of gas protection scheme should be included
- d) If remediation is carried out on the site then a validation report will be required. This should provide evidence of what remediation has been carried out over the site. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met. This report should verification of the type, source, depth, location and suitability (to include any test certificates for material to be imported on site to ensure it is not contaminated) of the imported materials for their use on site. This should include cross sectional diagrams for the site and detailed plans of the site. This report should be submitted before the contaminated land condition can be removed from the planning application.
- e) If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority then cease development and carry out additional investigative works and subsequent remediation if any unexpected contamination or underground storage tanks are discovered during the development. Work should be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters.

Thereafter the development shall not be implemented otherwise than in accordance with the scheme referred to in c) above.

Reason: The site is located within an area identified as being potentially contaminated. To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken in to account having regard to policy E3 of the North Tyneside Unitary Development Plan 2002.

- 12. No development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; storage of plant and

materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include mechanical street cleaning, provision of water bowsers and wheel washing and/or road cleaning facilities). The approved statement shall be implemented and complied with during and for the life of the works associated with the development, unless otherwise is approved in writing by the Local Planning Authority.

Reason: This information is required to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees and residential amenity having regard to Policy H11 of the North Tyneside Council Unitary Development Plan 2002.

13. All works must be undertaken in accordance with the 'Mitigation Strategy' set out in section G2 of the submitted Bat Survey Report.

Reason: In the interests of wildlife protection having regard to NPPF.

14. Notwithstanding Condition 1, prior to the completion of any dwelling details of nest boxes and bricks shall be submitted to and approved in writing by the Local Planning Authority. These details shall include: two purpose designed "bat slates" shall be incorporated into the roof of the new development, on south facing aspects. Two bat boxes suitable for noctule shall be provided into trees within the development area, such as the Schwegler 1FS, 2FS, 1FFH, 1WQ, 1W1 and four nesting bird boxes shall be provided into trees within the development area, two of which will be open fronted and two hole nest boxes.

Thereafter, the development shall be carried out in accordance with these agreed details.

Reason: In the interests of wildlife protection having regard to NPPF.

15. No vegetation removal will take place in the bird nesting season (March-August inclusive) unless a survey by a qualified ecologist can confirm the absence of nesting birds immediately prior to works commencing.

Reason: In the interests of wildlife protection having regard to NPPF.

16. All works are to be carried out in accordance with the submitted Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) and Tree Protection plan (TPP) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting visual amenity having regard to policy E14 of the North Tyneside Council Unitary Development Plan (2002).

17. Any pruning works are to be undertaken in accordance with BS 3998 (2010) 'Recommendations for Tree Work'.

Reason: In the interests of protecting visual amenity having regard to policy E14 of the North Tyneside Council Unitary Development Plan (2002).

18. Notwithstanding Condition 1, no development shall commence until a scheme for surface water management has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: This information is required from the outset In the interests of effective surface water management and to prevent flood increase having regard to NPPF.

19. Notwithstanding Condition 1, no development shall commence until details of the following works have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development hereby approved shall be carried out in

accordance with these agreed details:

Upgrade of existing footpaths and provision of new footpaths abutting the site

Associated drainage

Associated street lighting

Associated road markings

Associated signage

The works hereby agreed shall be carried out and completed prior to the occupation of the first dwelling.

Reason: This information is required from the outset to ensure that the development does not impact on highway and pedestrian safety having regard to Policy H11 of the North Tyneside Council Unitary Development Plan 2002.

20. Notwithstanding Condition 1, the development shall not begin until details of the adoptable estate roads and footways have been submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until the estate roads which provide access to it from the existing highway have been laid out and constructed in accordance with the approved details.
Reason: This information is required from the outset in order to minimise danger, obstruction and inconvenience to users of the highway and of the development having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.
21. Notwithstanding Condition 1, no other part of the development shall begin until the new means of access has been sited and laid out in accordance with the approved drawing.
Reason: These works are required from the outset In order to minimise danger, obstruction and inconvenience to users of the highway and of the access having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.
22. Notwithstanding Condition 1, no other part of the development shall begin until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 33 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall thereafter be kept permanently free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.
Reason: These works are required from the outset to provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.
23. Notwithstanding Condition 1, the development shall not begin until details of the disposal of surface water from the highway, footpaths and other hard surfaces have been approved in writing by the Local Planning Authority and no dwelling shall be occupied until the works for the disposal of surface water have been constructed in accordance with the approved details.
Reason: This information is required from the outset to provide a satisfactory means of surface water drainage having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.
24. Prior to the occupation of the first dwelling details of facilities to be provided for the storage of refuse at the premises shall be submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled refuse bins shall be provided in accordance with the approved details, prior to the occupation of any part of the development and thereafter permanently retained.

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

25. Prior to the occupation of the first dwelling the applicant will be required to formally close all roads and footpaths within the site that are no longer required under Section 247/257 of the Town and Country Planning Act 1980.

Reason: To ensure that the development does not impact on pedestrian or highway safety having regard to Policy H11 of the North Tyneside Council Unitary Development Plan 2002.

Resolved that the Head of Law and Governance and the Head of Environment, Housing and Leisure be granted delegated authority to (1) undertake all necessary procedures to close all roads and footpaths within the site that are no longer required under section 247/257 of the Town and Country Planning Act 1990; and (2) undertake all necessary procedures to obtain the following highway improvements by virtue of section 278 of the Highways Act 1980:

- Upgrade of existing footpaths and provision of new footpaths abutting the site
- Associated drainage
- Associated street lighting
- Associated road markings
- Associated 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:	15/01320/FUL	Ward:	Monkseaton North
Application Type:	Full planning application		
Location:	Land at The Links and gents public toilets north of Rendezvous Café, Dukes Walk, Whitley Bay, Tyne and Wear.		
Proposal:	Full planning permission for the refurbishment of existing buildings including the Watts Slope toilets, the accessible WC and disused store room at Dukes Walk, adjacent to the Rendezvous Café. Change the use of part of the WC at Watts Slope to create retail/ (Class A1) cafe (Class A3) space. Improvements to pedestrian access between the Dome Plaza and Northern Promenade. Reconfiguration of footpaths and landscaping on The Links.		
Applicant:	North Tyneside Council		
Agent:	Kier North Tyneside		

The planning officer presented the application to the committee.

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

Decision

Application approved, subject to the following conditions, as the principle of the development was acceptable as the proposals improved existing facilities at the Coast.

The impact on the character and appearance of the area and the setting of the listed structures was acceptable and improved the offer for tourists and those using the area for recreational purposes. The proposed retail development at Watts Slope would add vitality and viability of the town centre and not result in any adverse impacts on neighbouring residential occupiers with regard to outlook and noise and sufficient parking and access was to be provided. The proposals were in accordance with the North Tyneside Unitary Development Plan 2002 and the National Planning Policy Framework.

1. The development to which the permission relates shall be carried out in complete accordance with the approved plans and specifications.
Reason: To ensure that the development as carried out does not vary from the approved plans.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
3. No development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; storage of plant and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include mechanical street cleaning, provision of water bowsers and wheel washing and/or road cleaning facilities). The approved statement shall be implemented and complied with during and for the life of the works associated with the development, unless otherwise is approved in writing by the Local Planning Authority.
Reason: This information is required to ensure that the site set up does not impact on highway safety, pedestrian safety, retained trees and residential amenity having regard to Policy H13 of the North Tyneside Council Unitary Development Plan 2002.
4. The construction site subject of this approval shall not be operational and there shall be no construction, deliveries to, from or vehicle movements within the site outside the hours of 0800-1800 Monday - Friday and 0800-1400 Saturdays with no working on Sundays or Bank Holidays.
Reason: To safeguard the amenity of nearby residents having regard to policy E3 of the North Tyneside Unitary Development Plan 2002 and National Planning Policy Framework.
5. Notwithstanding Condition 1, within two months of the commencement of the development a fully detailed landscaping and timescale for its implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development and agreed landscaping shall only be carried out in accordance with these agreed details. Any trees or plants which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy E14 of the North Tyneside Unitary Development Plan 2002.

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

Reason: To secure a satisfactory appearance having regard to policy E12/6 of the North Tyneside Unitary Development Plan 2002.

7. Prior to the commencement of development a scheme for the intrusive site investigations shall be submitted to and approved in writing by the Local Planning Authority (LPA) in consultation with The Coal Authority. Within one month of completing these intrusive site investigations a report detailing these findings shall be submitted to the LPA in consultation with The Coal Authority. This report shall include any remedial works required for approval and a timescale for the implementation of those remedial works.

Reason: This work is required from the outset to ensure the necessary site investigations are carried out to ensure the safety and stability of the site and future users having regard to NPPF.

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.