

Planning Committee

14 June 2016

Present: Councillor T Mulvenna (Chair)
Councillors J M Allan, A Arkle,
L Darke, S Graham, M A Green, E Hodson,
Janet Hunter, John Hunter, C Johnson,
F Lott, P Mason, D McMeekan and J O'Shea.

PQ01/06/16 Date and time of meeting for 2016/17

At the Annual Council meeting held on 19 May 2016 it was resolved that each committee would determine its own commencement time at the first meeting of the year and confirm the meeting dates for the year ahead (minute C14/05/16). The Chair recommended to the committee that it continued to meet at 10.00am and on the dates proposed at Annual Council.

Resolved that for the 2016/2017 municipal year Planning Committee would commence at 10.00am on the following dates: 12 July 2016, 2 August 2016, 23 August 2016, 13 September 2016, 4 October 2016, 25 October 2016, 15 November 2016, 6 December 2016, 10 January 2017, 31 January 2017, 21 February 2017, 14 March 2017, 4 April 2017, 25 April 2017 and 16 May 2017.

PQ02/06/16 Apologies

Apologies for absence were submitted by Councillor G Madden.

PQ03/06/16 Substitute Members

No substitute members were reported.

PQ04/06/16 Declarations of Interest and Dispensations

Councillor J O'Shea stated that as he had objected to application 16/00569/FUL Unit 6, Monkseaton Metro Station, Norham Road, Whitley Bay and was speaking against the application as ward councillor, he would take no part in the decision making and leave the meeting room once he had addressed the committee.

Councillor M A Green declared a registerable personal interest in relation to application 16/00569/FUL Unit 6, Monkseaton Metro Station, Norham Road, Whitley Bay as she was a member of the Transport North East Committee of the North East Combined Authority.

Councillor T Mulvenna declared a registerable personal interest in relation to application 16/00569/FUL Unit 6, Monkseaton Metro Station, Norham Road, Whitley Bay as he was an appointed substitute member of the Transport North East Committee of the North East Combined Authority.

PQ05/06/16 Minutes

Resolved that the minutes of the meeting held on 10 May 2016 be confirmed as a correct record and signed by the Chair.

PQ06/06/16 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:	16/00569/FUL	Ward:	Whitley Bay
Application Type:	Full planning application		
Location:	Unit 6, Monkseaton Metro Station, Norham Road, Whitley Bay		
Proposal:	Change of use from Class B8 to Class A4 to form micropub within Monkseaton Metro Station and associated external works		
Applicant:	Mr Andrew Findlay		

Prior to consideration of the application the planning officer circulated an addendum to the agenda which included an additional statement from the applicant on this application and information relating to the financial benefits associated with the planning applications to be considered at the meeting. The Housing and Planning Act 2016 required that any financial benefit of an application must be recorded in the report to the committee regardless of whether or not it was material to the application. The report must also include advice as to whether the financial benefit was material or not.

To allow members time to read and digest the information included in the addenda for both applications being considered at the meeting, the Chair allowed for five minutes reading time.

The Planning Officer then presented details of the application to the committee.

Mr Peter Thomson from the Children's Choice Nursery who had objected to the application was permitted to address the committee. Mr Thomson began by referring to the planning system supporting sustainable economic growth which included economic detriment to existing businesses and stated that some parents had said they would remove their children from the nursery if the micropub went ahead. Mr Thomson suggested a more suitable location for the business would be in one of the vacant units in the town centre itself. 1,500 local residents had signed the petition with only 200 of these from people associated with the nursery; many people had sought them out to sign the petition and the bowling club was also opposed to the application. Mr Thomson then referred to pollution as defined in the National Planning Policy Framework and that the cigarette smoke and noise from smokers in the street and also potentially the wood burning stove was pollution which would enter their outside areas and also the nursery building itself through open windows. Noise would also be an issue as when the micropub would expect to begin to be busy, between 5pm and 6pm, the children would be leaving or outside waiting to be collected as a lot of parents used the Metro. In addition, the local authority couldn't

guarantee the conditions for closed windows and doors when live music was being performed would be complied with and as no parking spaces would be provided the already difficult situation regarding parking around the station would be compounded. Overall the proposal did not improve the social, economic or environmental standing of the site and should be refused because of the negative impact on child care provision in the area.

Members asked questions of Mr Thomson.

Councillor O'Shea was permitted to address the committee as ward councillor. Councillor O'Shea stated that he was not against the idea of a micropub however he thought it was in the wrong place and should be in the town centre. The parking provision at the station was small and was filled early on in the morning by commuters leaving their cars for the day and on-street parking in surrounding residential roads was also full during the day; when those outside of the immediate area visited the pub during the day there would be an impact on surrounding streets regarding parking. There would also be noise issues and general nuisance caused by a pub in this location, these had been acknowledged by the environmental health officer. Whilst there was recommended conditions, human behaviour was not always controllable; people gathered together with a drink would get louder and occasionally raucous and people do smoke. This behaviour would have a detrimentally impact on amenity. Councillor O'Shea concluded by stating that the proposal would not enhance or preserve the Monkseaton Conservation Area but would have a significant negative effect on it and its amenity and asked the committee to reject the application.

Members of the committee asked Councillor O'Shea questions.

(At this point Councillor O'Shea left the meeting room and took no part in the determination of this application.)

Mr Stephen Buckley was permitted to address the committee on behalf of the applicant. Mr Buckley referred to the noise currently experienced by the nursery from the Metro passengers and trains and that the typical customer to the micropub would be of a mature disposition and unlikely to cause disruption; he had taken his own children to pubs and had never had to leave because of rowdy behaviour or swearing. There would be a screen between the nursery and the entrance to the pub; the pub would be busiest in the evenings and weekends when the nursery was closed; they would ask customers to smoke at the other end of the car park; the site was very accessible for public transport and they did not want their patrons to drive to visit them. Other stations had successfully allowed a pub in a station including at Hartlepool, Sheffield, York and Newcastle stations with no safety concerns or trouble. The petition was based on perceived fears with no evidence and the applicant had offered to meet with the management of the nursery to discuss their concerns but the invitation had not been accepted. Mr Buckley concluded by saying that the application would bring a vacant site back into use, met the requirements of the National Planning Policy Framework and local policy, was supported by officers and should be supported and approved by the committee.

Members of the committee asked questions of Mr Buckley.

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

Decision

Application approved, subject to the following conditions, as the principle of the proposed use in an existing commercial site was appropriate and would bring a vacant unit back into

use. The impact on the amenity of neighbouring occupiers and surrounding residents was acceptable due to conditions to be imposed and the proposed existing alterations to the building would not cause harm or detriment to the character and appearance of the Monkseaton Conservation Area. The impact on highway safety was acceptable as the site was located within a working station allowing good public transport access and both on and off street parking was available nearby. Overall the proposal complied with the policies and principles of the National Planning Policy Framework and the North Tyneside Unitary Development Plan 2002.

1. The development to which the permission relates shall be carried out in accordance with the following approved plans and specifications:
 - Application Form dated 04.04.2016
 - Site Location Plan, Unit 6, Monkseaton Metro Station, dated 01.04.2016
 - Site Plan, Unit 6, Monkseaton Metro Station, dated 01.04.2016
 - Proposed Plan, Unit 6, Monkseaton (Scale 1:100)
 - Supplementary Information (Planning Application - Change of Use from B8 to A4. New Business as a micropub within Monkseaton Station)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. Prior to the installation of any plant and equipment at the application site, a noise scheme must be submitted to and approved in writing by the Local Planning Authority. The noise scheme, which must be in accordance with BS4142, shall determine the current background noise levels at the nearest residential property for the times when the plant and equipment is to be operated. Thereafter, the rating level for all plant and equipment (including the combined noise created by use of all plant and equipment) shall not at any time exceed the agreed levels by more than 5dB.
Reason: In order to protect the residential amenity of the nearby occupiers of in accordance with policies E3, H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.
4. All plant and machinery shall be enclosed with sound insulation materials in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority in writing. The scheme shall include details of the noise levels expected to be created by the combined use of plant and equipment in order to ensure compliance with the noise rating level. The sound insulation scheme shall be installed prior to the operation of the plant and machinery and retained thereafter.
Reason: To protect the occupants of nearby residential properties from noise and disturbance having regard to policies E3 and H13 of the North Tyneside Unitary Development Plan 2002.
5. The premises shall not be open for business outside the hours of 12:00 hours to 23:00 hours on any day.
Reason: To safeguard the occupiers of adjacent properties from undue noise or other associated disturbance having regard to policy E3, H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.
6. The outdoor seating area shall be not be used outside the hours of 12:00 hours to

21:00 hours on any day.

Reason: To safeguard the occupiers of surrounding properties from undue noise or other associated disturbance having regard to policy E3, H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.

7. No amplified music in the form of bands, solo, duo artists, discos, DJ's and karaoke or any recorded background music is permitted to be played at the premises at any time. When any other form of music is being played at the premises all windows in the premises must be kept closed and all doors must be kept closed, except for access and egress and in the case of an emergency.
Reason: To safeguard the occupiers of adjacent properties from undue noise or other associated disturbance having regard to policy E3, H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.
8. There shall be no playing or performance of any music within the external seating area at any time.
Reason: To safeguard the amenity of nearby residents having regard to policy H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.
9. There shall be no deliveries to the premises or collections from the premises outside of the hours of 07:30 and 19:00 hours Monday to Saturday.
Reason: To safeguard the occupiers of adjacent properties from undue noise or other associated disturbance having regard to policy E3, H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.
10. There shall be no cooking of foods in any form or reheating of hot foods permitted at the premises at any time. Only cold food provisions and hot and cold beverages shall be served to customers at the premises.
Reason: To safeguard the occupiers of adjacent properties from undue noise or other associated disturbance having regard to policy E3, H13 and DCPS No.16 of the North Tyneside Unitary Development Plan 2002.
11. Prior to the installation of any external lights full details of the location and design must 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: In order to preserve and enhance the character of the conservation area, having regard to policies E16/2 and DCPS No. 8 of the North Tyneside Unitary Development Plan 2002.
12. Prior to the operation of the approved use facilities for the storage of refuse at the premises shall be installed within the premises. The facilities shall thereafter be permanently retained and used for this purpose.
Reason: In order to safeguard the amenities of the area having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.
13. No sound reproduction equipment which is audible outside the curtilage of the premises shall be operated on the site.
Reason: In order to protect the amenities of occupiers of nearby properties having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.
14. Prior to the installation of the external flue, details of the flue including its location, size and appearance 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: In order to preserve and enhance the character of the conservation area, having regard to policies E16/2 and DCPS No. 8 of the North Tyneside Unitary Development Plan 2002.

15. Prior to the installation of the external air conditioning system, details of this including its location, size and appearance 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: In order to preserve and enhance the character of the conservation area, having regard to policies E16/2 and DCPS No. 8 of the North Tyneside Unitary Development Plan 2002.

16. Notwithstanding the approved details and prior to the commencement of the alterations to the windows and the installation of external shutters, full scale joinery details and colour treatment details of the windows and shutters 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: In order to preserve and enhance the character of the conservation area, having regard to policies E16/2 and DCPS No. 8 of the North Tyneside Unitary Development Plan 2002.

17. Prior to the installation of any barriers or boundaries to be used to segregate the outdoor seating area from the metro station platform full details must be submitted 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: In order to preserve and enhance the character of the conservation area, having regard to policies E16/2 and DCPS No. 8 of the North Tyneside Unitary Development Plan 2002.

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.

(Once the decision had been taken on the above application, Councillor O'Shea rejoined the meeting as a member of the committee. Councillor Arkle left the meeting at this point.)

Application No:	16/00159/FUL	Ward:	St Marys
Application Type:	Full planning application		
Location:	Beechwood Residential Home, Front Street, Earsdon, Whitley Bay, NE259JU		
Proposal:	Change of use of existing carehome (27 bed) into 12no flats (total 14 beds) to be used for supportive living for elderly and physically disabled. Replacement of windows to the north elevation with timber windows, and uPVC windows to the east and west elevations. (Amended plans received 22.04.2016)		
Applicant:	Dr Derwan		
Agent:	Mario Minchella LTD		

The Housing and Planning Act 2016 required that any financial benefit of an application must be recorded in the report to the committee regardless of whether or not it was material to the application. The report must also include advice as to whether the financial benefit was material or not. The committee received the relevant information relating to the financial benefits of this application at the start of the meeting.

The planning officer presented the application to the committee.

Members asked questions and made comment.

Decision

Application approved subject to the following conditions. The principle of a change of use from a care home to supported living was acceptable as the site was previously developed and could be accommodated within the existing infrastructure; it also made a contribution to the Authority's five year housing land supply. The impact on character and appearance and residential amenity of neighbours and future occupiers was acceptable with conditions. The parking provision was acceptable due to the proposed use being less intensive than the existing/former use and no changes were proposed to the existing access meaning there would not be a significant impact on highway safety. Overall the proposal complied with the policies and principles of the National Planning Policy Framework and the North Tyneside Unitary Development Plan 2002.

1. The development to which the permission relates shall be carried out in complete accordance with the approved plans and specifications.
 - C00 Rev A
 - C04 Rev B
 - C05 Rev A
 - C06 Rev C

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 scheme for parking, garaging and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and these areas shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway having regard to policy H11 of the North Tyneside Unitary Development Plan 2002.

4. No development shall take place until details of facilities to be provided for the storage of refuse at the premises have been 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 H13 of the North Tyneside Unitary Development Plan 2002.

5. This permission gives planning permission for 12 supported living apartments. The residential accommodation shall only be used for the purpose of the provision of 12 flats for occupiers requiring supported living accommodation, and for no other purpose including any other purpose falling within Class C3 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (As amended or revoked).
Reason: In the interests of protecting highway safety and local amenities as there is insufficient space within the curtilage of the property to provide an appropriate level of parking provision for any intensified residential use, having regard to Policy T11 and LDD12 Transport and Highways SPD.
6. No development shall take place until design and joinery details of the replacement timber windows at the northern elevation have 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 enable the Local Planning Authority to retain control over the design of the replacement doors and windows; to secure a satisfactory standard of development and in the interests of preserving and enhancing the character and appearance of Earsdon Village Conservation Area having regard to policy E16/2 and DCPS no. 8; of the North Tyneside Unitary Development Plan 2002.
7. 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.

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.