

(Note: These minutes are subject to confirmation at the next meeting of the Planning Committee scheduled to be held on 31 January 2017.)

## **Planning Committee**

**10 January 2017**

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

### **PQ42/01/17 Apologies**

Apologies for absence were received from Councillor C Johnson.

### **PQ43/01/17 Substitute Members**

There were no substitute members appointed.

### **PQ44/01/17 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations reported.

### **PQ45/01/17 Minutes**

**Resolved** that the minutes of the meeting held on 6 & 12 December 2016 be confirmed as a correct record and signed by the Chair subject to a correction to Minute PQ38/12/16 to show that Councillor R Glindon was appointed as a substitute member for Councillor S Graham, not Councillor J O'Shea.

### **PQ46/01/17 Planning Officer's Reports**

**Resolved** that (1) permission to develop pursuant to the General Development Provisions of the Town and Country Planning Act 1990 and the Orders made thereunder, be granted for such class or classes of development or for such limited purpose or purposes as are specified, or not granted as the case may be, in accordance with the decisions indicated below; and

(2) any approval granted for a limited period be subject to the usual conditions relating to the restoration of land, removal of buildings and discontinuance of temporary use.

Application No: **16/01916/FULH** Ward: Northumberland  
Application Type: Householder Full Application  
Location: Jubilee School House, Mullen Road, Wallsend, NE28 9HA  
Proposal: Removal of dilapidated 1.8m and 1.6m fence with 20cm trellis to East and South of property and removal of 7ft high hedge in sections, replaced with 1.8m fence to East and South of property to maintain private and secure enclosed garden and play area. (Retrospective) Resubmission of 16/01083/FULH  
Applicant: Mr Richard Brand

The Chair reported that he had agreed to defer consideration of this application to the next meeting of the committee at the request of the applicant and Councillor A Newman.

Application No: **16/01595/FUL** Ward: Riverside  
Application Type: Full planning application  
Location: OGN Offices, Hadrian Yard A, B & C, Hadrian Way, Wallsend  
Proposal: Erection of 2 Gantry Cranes and 1 Ringer Crane.  
Applicant: Offshore Group Newcastle Limited

A planning officer presented details of the application to the committee. In doing so she made reference to the written report contained in the agenda papers, an addendum to the report sent to all members of the committee after publication of the agenda, a further addendum to the report circulated at the meeting and various images, maps and plans displayed at the meeting. The addendum circulated at the meeting contained an amended recommendation to the committee.

Mr Dave Humble was permitted to address the committee on behalf of Mrs Clare Morton, a resident of Derwent Way, Wallsend. Mr Humble explained that their primary concern was the safety of children walking to and from school. He believed that children's safety would be compromised by an increase in traffic using the entrance to the OGN yard which was adjacent to the pedestrian crossing on Hadrian Road. The pedestrian crossing was not adequate as it was frequently out of order and, when it did operate, the timing of the lights often caused users to be impatient and to act dangerously. He expressed concerns about the likely noise levels from 24 hour working on the site and the impact this could have in terms of sleep deprivation among residents and, depending on the nature of their work, safety issues in their workplaces. Mr Humble queried whether the noise abatement orders served on OGN would continue to be in force as the signage at the site had changed to from OGN to Smulders. Reference was made to the visual impact of the gantry and ringer cranes which would be as tall as the Millennium and Tyne Bridges and in Mr Humble's view, ugly. He referred to the possible loss of daylight, privacy and interference with the TV signal. He was also concerned about the report received from the Coal Authority, particularly in view of the recent incidents when sink holes had opened up on housing estates.

Members of the committee asked questions of Mr Humble and Mrs Morton.

Mr Mark Brooker, on behalf of the applicants, Offshore Group Newcastle Ltd (OGN) was permitted to address the committee to respond to the points raised by Mr Humble. Mr Brooker was accompanied by Mr Tom Coosemans. Mr Brooker explained that the cranes represented a significant and essential investment to secure contracts for the yard. The issues raised by the Coal Authority, relating to a historic culvert running through the yard, were understood and he was confident they would be satisfactorily resolved. The applicant did not envisage any objections from the Environment Agency in terms of flooding or

contamination. Further noise monitoring was taking place on site but this work had yet to be completed because of the wet weather. The applicant did not envisage the cranes being used during the night, unless there were exceptional circumstances. They were happy to continue to operate within the terms of the noise abatement order. The applicant did not envisage any traffic problems at the entrance to the yard but they were prepared to assist with improvements to the junction and pedestrian crossing. There had previously been many more workers on the site than was now proposed. At that time there had not been any difficulties at the junction. The Council's highways officers had raised no objections. The yard had most recently been mothballed and so there had been very little noise generated from the site. Mr Coosemans explained how the cranes would be powered, he gave an indication of the circumstances in which the cranes might be used during the night time and he stated between 120 and 150 people were likely to be employed on site.

Members of the committee asked questions of Mr Brooker and Mr Coosemans.

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

- a) the impact of the erection of the cranes on highway safety;
- b) the impact of the erection of the cranes on neighbouring residents in terms of residential and visual amenity; and
- c) the effect of the noise abatement order served on OGN and its application on other companies operating from the yard.

### **Decision**

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

- a) the removal of the objection from the Coal Authority;
- b) no objections being received from the Environmental Agency;
- c) the conditions set out in the planning officers report to the committee and addendums and the addition or omission of any other considered necessary; and
- d) no further matters arise 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 were minded to approve the application because the proposed development, subject to the proposed conditions, was considered to be acceptable in terms of its impact on the visual and residential amenity of nearby residents and on highway safety in accordance with relevant national and local planning policy.)

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.

(At this point Councillor A Arkle left the meeting.)

Application No: **16/01803/FUL** Ward: **Weetslade**  
Application Type: full planning application  
Location: Land North and South of Dudley Peoples Centre, Weetslade Road  
Dudley, NE23 7HT  
Proposal: Change of use of land to provide amenity space for plots 1 to 4 and 11 in  
association with planning approval 15/00949/FUL  
Applicant: Tantallon Homes Ltd.

A planning officer presented details of the application to the committee with reference to the written report contained in the agenda papers and various images maps and plans displayed at the meeting.

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

- a) the width of the proposed and existing footpaths to the north west of plots 1 to 4 on Market Street and Weetslade Road;
- b) the impact of the loss of part of the existing footpath on the character and appearance of the area and highway safety; and
- c) the impact of the proposed extension of the rear garden at plot 11 and the erection of a 1.8m fence on the openness of the adjacent footpath.

(During consideration of this item Councillor Janet Hunter left the meeting.)

### **Decision**

Application refused on the grounds that the proposed change of use to provide additional amenity space for plots 1 to 4 and plot 11 would be out of keeping with the character and appearance of the area and have a detrimental impact on pedestrian safety, contrary to H11 of the North Tyneside Unitary Development Plan and LDD 11 'Design Quality'.

Statement under Article 31(1)(cc) of the Town & Country (Development Management Procedure) (England) Order 2010 (as amended):

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was not therefore possible to approve the application. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

(At this point Councillor P Mason left the meeting.)

Application No: **16/01455/FUL** Ward: **Battle Hill**  
Application Type: full planning application  
Location: Lidl Foodstore, Battle Hill Drive, Wallsend , NE28 9EN  
Proposal: Variation of Condition 27 (opening hours) to allow the store to open  
from 8am - 10pm Monday - Saturday (including Bank Holidays) and  
10am - 4pm on Sundays of planning approval 06/01404/FUL (revised  
proposal 09.12.2016)  
Applicant: Lidl UK

A planning officer presented details of the application to the committee with reference to the written report contained in the agenda papers and various maps, plans and images displayed at the meeting.

The committee sought and received confirmation that the times of deliveries would remain unaltered and they commented on the need for enforcement action should these conditions be breached.

### **Decision**

Application approved, subject to the conditions set out below:-

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications.
  - Site Location (drawing no.A (90) EXP010, Rev.01, 26.10.15)
  - Noise Assessment Version 2 (December 2016, Ref: 1029/15/1)
 Reason: To ensure that the development as carried out does not vary from the approved details.
  
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. All screen and boundary walls, fences and any other means of enclosure shall be provided and retained in accordance with the details approved via 09/00507/COND on 16.11.2009.
  - Reason: To ensure that the proposed development does not adversely effect the privacy and visual amenities at present enjoyed by the occupiers of neighbouring properties, and to ensure a satisfactory environment within the development having regard to policy S2 of the North Tyneside Unitary Development Plan 2002.
  
4. All building and surfacing materials and finishes for the development shall be retained in accordance with the details approved via 09/00507/COND on 16.11.2009.
  - Reason: To secure a satisfactory external appearance having regard to policy S2 of the North Tyneside Unitary Development Plan 2002.
  
5. All landscaping within the application site, and the off site planting to the southern boundary of the site, shall be retained in accordance with the fully detailed scheme approved via 09/00507/COND on 16.11.2009.
  - Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping having regard to policy S2 and S6 of the North Tyneside Unitary Development Plan 2002.
  
6. The scheme for parking, garaging and manoeuvring shall be provided and retained in accordance with the details approved via 09/00507/COND on 16.11.2009.
  - 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 DCPS 4 of the North Tyneside Unitary Development Plan 2002.
  
7. The facilities for the storage of refuse at the premises shall be provided and retained in accordance with the details approved via 09/00507/COND on 16.11.2009.
  - Reason: In order to safeguard the amenities of the area having regard to policy S2 of the North Tyneside Unitary Development Plan 2002.

8. All refrigeration plant installed in connection with the development shall be retained and maintained in accordance with the details approved via 09/00507/COND on 16.11.2009.  
Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.
9. The odour suppression system for the arrestment of cooking odours shall be retained and maintained in accordance with the details approved via 09/00507/COND on 16.11.2009.  
Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.
10. 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.
11. All sound insulation in the building shall be retained in accordance with the detailed scheme approved via 09/00507/COND on 16.11.2009.  
Reason: To protect the occupants of nearby residential properties from noise disturbance having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.
12. All plant and machinery shall be enclosed with sound insulation materials in accordance with the details approved via 09/00507/COND on 16.11.2009.  
Reason: To protect the occupants of nearby residential properties from noise and disturbance having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.
13. All floodlighting, or other form of external lighting, shall be retained and maintained in accordance with the details approved via 09/00507/COND on 16.11.2009.  
Reason: In the interest of visual amenity and/or highway safety having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.
14. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved by the Local Planning Authority. Roof water shall not pass through the interceptor.  
Reason: To prevent pollution of the water environment, having regard to Policy E3 of the North Tyneside Unitary Development Plan.
15. Deliveries to the service yard are only permitted between the hours of 07:30 and 19:30 on Monday to Saturday and 09:00 to 16:00 on Sundays and Bank Holidays.  
Reason: In the interests of residential amenity having regard to Policy E4 and DCPS 7 of the North Tyneside Unitary Development Plan.
16. The premises shall not be open for business outside the hours of 08:00 to 22:00 Mondays to Saturdays (and Bank Holidays) and 10:00 to 16:00 Sundays Reason: To safeguard the occupiers of adjacent premises from undue noise or other associated

disturbance having regard to policy E4 and DCPS 7 of the North Tyneside Unitary Development Plan 2002.

17. The means of noise attenuation to the western boundary of the site shall be retained in accordance with the detailed scheme approved via 09/00507/COND on 16.11.2009.  
Reason: In the interests of the amenity of near by residential occupiers, having regard to policy H13 of the North Tyneside Unitary Development Plan 2002.
18. Disposal of surface water from the highway shall be in accordance with the details approved via 09/00507/COND on 16.11.2009.  
Reason: To minimise danger and inconvenience to highway users having regard to policy S2 of the North Tyneside Unitary Development Plan 2002.
19. Undercover cycle parking shall be provided and retained in accordance with the details approved via 09/00507/COND on 16.11.2009.  
Reason: To accord with the Council's cycle parking standards, having regard to DCPS 4 of the North Tyneside Unitary Development Plan.
20. The unit shall be for A1 food retail use only and shall be not be used for non food retail without the prior consent of the Local Planning Authority.  
Reason: To ensure an appropriate food retail store use appropriate to a local centre in accordance with the NPPF and to comply with policy S6 of the Unitary Development Plan.
21. No display or storage of goods, materials, plant or equipment shall take place other than within the buildings, unless agreed in writing with the local planning authority.  
Reason: In the interests of amenity and to ensure that external areas are retained for the purposes indicated on the approved plans having regard to policy S2 of the North Tyneside Unitary Development Plan 2002.
22. The servicing areas shall be enclosed in accordance with the details approved via 09/00507/COND on 16.11.2009.  
Reason: In the interests of visual amenity, having regard to Policy S2 of the North Tyneside Unitary Development Plan.
23. No activities that are audible beyond the site boundary shall be carried out in the service yard outside the hours of 07:30 and 19.30 Monday to Saturday and 09:00 and 16:00 Sundays and Bank Holidays.  
Reason: To safeguard the occupiers of adjacent premises from undue noise or other associated disturbance, having regard to policy H13 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 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.