

(Note: These minutes are subject to confirmation at the next meeting of the Committee scheduled to be held on 8 August 2017.)

Planning Committee

18 July 2017

Present: Councillor F Lott (Chair)
Councillors A Arkle, K Bolger, S Graham,
M A Green, E Hodson, W Lott, G Madden ,
D McMeekan, A Percy, A Waggott-Fairley
and J Wallace.

PQ06/07/17 Apologies

Apologies for absence were received from Councillors P Mason and D McGarr.

PQ07/07/17 Substitute Members

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

Councillor J Wallace for Councillor P Mason

PQ08/07/17 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

PQ09/07/17 Minutes

Resolved that the minutes of the meeting held on 13 June 2017 be confirmed as a correct record and signed by the Chair.

PQ10/07/17 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:	16/01906/FUL	Ward:	Monkseaton North
Application Type:	Full planning application		
Location:	12 Front Street, Whitley Bay, NE25 8DF		
Proposal:	Change of use to A3 - restaurant and café and installation of ventilation and ducting systems		
Applicant:	Omni Café Partnership		

The committee gave consideration to a report of the planning officers in relation to the application, together with two separate addenda, one circulated prior to the meeting and another at the meeting.

Under the terms of the committee's speaking rights scheme, Mr Davis of 7 Seaton Crescent was permitted to speak to the committee to outline his objections to the application. Mr Davis expressed his disappointment that under the current planning system Omni had been allowed to operate as a café for the past two years. He also expressed concerns that the report of the planning officers contained opinions masquerading as facts. Mr Davis challenged the statement contained in the report that the change of use of 12 Front Street would encourage visitors to the area which would be of benefit to local businesses. He also contended that the proposed use was not comparable with its existing use. Similar applications for licensed restaurants had been refused on the grounds of noise and odour and such applications were now more inappropriate since the creation of the conservation area. Mr Davis urged the Council to question its officers' advice, to refuse the application or to impose restrictions on the storage of bins, car parking, Sunday trading and the hours of trading.

Members of the committee asked questions of Mr Davis in relation to his previous complaints regarding the operation of the café.

Mrs McGarry, accompanied by her son and business partner, attended the meeting on behalf of the applicants, Omni Café Partnership, to respond to the speaker. Mrs McGarry stated that she was upset to hear Mr Davis' complaints about the premises. Mr Davis was one of the café's nearest neighbours and so they had talked regularly with him and every time they had been made aware of a complaint they had responded immediately. Omni had always been described as a café supper bar and it aimed to provide its customers with a relaxed place in which to enjoy good food and wine. Mrs McGarry acknowledged that Omni may have added to existing car parking problems but they had taken action to restrict staff car parking in the area and to encourage customers to park considerately. Mrs McGarry also explained where the bins were stored and how staff had been instructed to keep the back door closed.

Members of the committee asked questions of Mrs McGarry regarding the operation of the café and the appearance and effectiveness of the proposed ventilation system.

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

- a) the likely impact of the proposed ventilation system in reducing noise and odours from the café;
- b) the visual impact of the proposed ventilation system flue; and
- b) car parking provision and restrictions in the area.

The committee gave consideration to the proposed condition that the applicants submit to the local planning authority a scheme for revised waiting restrictions in the vicinity of the site. The committee agreed that this condition be omitted from any planning permission on the grounds it was unreasonable to expect café owners rather than highway engineers to devise such a scheme.

Decision

The Head of Environment, Housing and Leisure be granted delegated authority to determine the application following expiry of the consultation period, providing no further matters arise from the receipt of any additional comments which, in the opinion of the Head

of Environment, Housing and Leisure, raise issues not previously considered and justify reconsideration by the committee.

(The committee was minded to approve the application subject to the conditions set out in the planning officer's report, except the condition numbered 3 in the planning officers report relating to the submission of a scheme for revised waiting restrictions, and the addition or omission of any other conditions considered necessary, as the development was considered to be acceptable in terms of its impact on the Conservation area, on residential amenity and highway safety in accordance with the relevant policies contained within the National Planning Policy Framework and 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.

(Councillor Hodson left the meeting at this point in proceedings.)

Application No:	17/00801/OUT	Ward:	Cullercoats
Application Type:	Outline planning application		
Location:	Site of the former Wallington Court, Wallington Avenue, Cullercoats		
Proposal:	Outline planning for the development of 12 residential bungalows with associated car parking within private driveways and landscaping		
Applicant:	North Tyneside Council		

The committee gave consideration to a report of a planning officer in relation to the application.

Members of the committee made comments. In doing so the committee welcomed the proposed construction of much needed bungalows.

Decision

Application approved, subject to the conditions set out in the report of the planning officers as the site is previously developed land but has no allocation within the Unitary Development Plan, it is allocated for housing within the Local Plan and the development was considered to be acceptable in terms of flood risk, biodiversity, impact on neighbours and highway safety in accordance with the relevant policies contained within the National Planning Policy Framework and the North Tyneside 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 undertake all necessary procedures under Section 278 of the Highways Act 1980 to secure the following highways improvements:

- a) upgrade of footpaths abutting the site; and
- b) associated street lighting, drainage, road markings, traffic regulation orders, street furniture and 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.