

Planning Committee

Tuesday, 24 October 2023

Present: Councillor J Cruddas (Chair)
Councillors C Davis, C Johnston, J Montague,
P Oliver, R O'Keefe, J O'Shea, A Spowart and
M Thirlaway

Apologies: Councillors W Samuel, S Cox, I Grayson and
T Hallway

PQ37/23 Appointment of substitutes

Pursuant to the Council's Constitution the appointment of the following substitute members were reported:

Councillor R O'Keefe for Councillor I Grayson
Councillor A Spowart for Councillor S Cox

PQ38/23 Declarations of Interest

There were no declarations of interest or dispensations reported.

Councillor C Johnston reported that he considered that he had predetermined application 23/01141/FUL and would leave the meeting whist the application was determined.

Councillor M Thirlaway reported that the company that he worked for, not in a managerial capacity, had a limited interaction with the applicant company in respect of application 23/01141/FUL. He confirmed that he had not predetermined the application and would approach the application with an open mind.

PQ39/23 Minutes

Resolved that the minutes of the meeting held on 17 October 2023 be confirmed and signed by the Chair.

PQ40/23 Planning Officer Reports

The Committee received guidance in relation to the principles of decision making when determining planning applications and then gave consideration to the planning application listed in the following minutes.

The Committee's legal advisor referred to the quasi-judicial nature of the Committee and explained that decisions should be based on the information contained in the report and presented at the meeting and take account of material considerations. He explained that evidence presented by members of the public could refer to non-material considerations but these could not be considered by Members when making a decision on an application.

PQ41/23 23/01141/FUL The Sandpiper, Farringdon Road, Cullercoats, Tyne And Wear, NE30 3ER

(Councillor C Johnston withdrew from the meeting at this point and took no part in the deliberation and voting on the application)

The Committee considered a report from the planning officers, together with an addendum circulated prior to the meeting, in relation to a full planning application from Malhotra Leisure Limited for the demolition of the existing public house and the redevelopment of the site to provide 1no. drinking establishment with expanded food provision (Sui Generis) and 14 apartments, associated car parking, infrastructure and landscaping works.

A planning officer presented details of the application with the aid of various maps, plans and photographs. The report also made reference to the planning history of the site and the subsequent appeal to the Planning Inspectorate which

had been dismissed on the grounds of a lack of the completed S106 agreement.

In accordance with the Committee's Speaking Rights Scheme, Kathryn Lane addressed the Committee on behalf of a number of local residents who objected to the proposed development. Ms Lane explained that the main issue related to the height of the building and the proposed windows which were out of character of the area and intrusive. She also referred to the cumulative impact of an increase in traffic and parking which would impact on residents and lead to an overspill in surrounding streets. She also explained that the application before the Committee was the same design with the same objections.

Fraser Doherty also addressed the Committee. He explained that the plans were identical to those previously considered and refused by the Committee. He made reference to the properties affected by overshadowing and loss of light from the development and provided examples in relation to the effect it would have on neighbouring properties at various times of the year. He also referred to the impact that the development would have on the efficiency of solar panels that residents had had installed. Reference was also made to the right to light and that similar applications had been refused in the past.

Councillor Willie Samuel had been granted permission to speak to the Committee as a Ward Councillor for Cullercoats. He explained that there was a substantial body of residents who had objected to the application. He referred the size of the 4-storey building and said that it was too large for the site and out of keeping with the area. He also explained that the development was not in a town centre location and that there were currently issues in relation to traffic movements and the surrounding roads would not be able to cope with the increased traffic from the development.

Councillor Samuel also made reference to the planning inspector's decision to dismiss the appeal in relation to the previous application and that this was an almost identical application before the Committee today. He referred to the developers lack of communication/engagement with local residents and asked the Committee to consider the merits of the application.

(Councillor W Samuel withdrew from the meeting at this point)

Harvey Emms of Lichfields addressed the Committee on behalf of the applicant to respond to the speakers' comments. He explained that the officer report in front of the Committee was comprehensive and that the representations against the development had decreased. He also referred to the decision of the Planning Inspector and also explained that the pub was not a community asset and would have to close. He referred to the lack of a 5-year housing land supply, that the development met the Authority's parking standards and the height and massing of the development had been accepted by the planning officer and also the Planning Inspector. He also addressed the issue of daylight/sunlight and explained that the development was in accordance with the required standards. The development was compliant in relation to the provision of affordable homes and Section 106 payments and he explained that the planning officers had not identified any grounds to refuse the application.

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

- a) The height, scale and massing of the development within the local street scene;
- b) The adequacy of the proposed car parking provision and vehicular access to the site particularly with reference to the nature of the development and the traffic levels and parking in the local area;
- c) The landscaping scheme for the development and the loss of a number of trees from the site;
- d) The decision of the Planning Inspector in relation to application 21/02539/FUL and its relevance to the current application.
- e) The effect of the Housing Land Availability Assessment which confirmed that the Council did not have a five-year housing supply of deliverable housing sites. Consequently, there was a presumption in favour of the development unless the impacts of the development significantly and demonstrably outweigh the benefits.

The Chair proposed acceptance of the planning officer's recommendation.

On being put to the vote, 6 members voted for the recommendation and 2 voted against the recommendation.

Resolved that (1) the Committee is minded to grant the application; and (2) The Director of Regeneration and Economic Development be authorised to issue a notice of grant of planning permission subject to:

- i) the completion of the legal agreement with the applicant under Section 106 of the Town and Country Planning Act 1990 to secure financial contributions;
- ii) the conditions set out in the planning officers report and addendum;
- iii) the addition, omission or amendment of any other conditions considered

necessary by the Director of Regeneration and Economic Development

(Reasons for the decision: The Committee concluded that having regard to the relevant policies contained in the Local Plan 2017 and National Planning Policy Framework the proposed development was acceptable in terms of the principle of development and its impact on the character and appearance of the area and highway safety. The Committee also had regard to the finding of the Planning Inspector in relation to application 21/02539/FUL on the site.)

PQ42/23 111 Marine Avenue, Whitley Bay – Tree Preservation Order 2023

(Councillor Johnston returned to the meeting at this point)

The Committee gave consideration as to whether to confirm the making of the 111 Marine Avenue, Whitley Bay Tree Preservation Order 2023.

The Council had been notified of the intention to remove a number of trees to the front of 111 Marine Avenue, Whitley Bay. In response the Authority had decided to make a Tree Preservation Order (TPO) to protect two of the trees, namely a Sycamore and a Cherry Tree at the location. The Tree Preservation Order had been served on those people with an interest in the land in May 2023.

An objection to the TPO had been received from engineers acting on behalf of the insurance company investigating a claim for subsidence. The objection concluded that the trees should be removed due to the damage caused to the property. Additional information in relation to the damage caused to the properties had been submitted which had indicated that the damage had been caused by ground movement. The Committee had also been advised that permission had been granted for the removal of two trees located nearer to the property than the trees covered by the TPO.

The Committee also considered further objections to the making of the TPO from the agent acting on behalf of the landowner and from the neighbours at number 113 Marine Avenue which had been set out in an addendum circulated in advance of the meeting. Officer's comments in relation to the additional information had also been included in a second addendum circulated in advance of the meeting.

The Committee considered the objections together with the comments of the planning officers and the Council's Landscape Architect before deciding whether to:

- a) Confirm the TPO without modification;
- b) Confirm the TPO with modifications; or
- c) Not to confirm the TPO

The Chair proposed acceptance of the planning officer's recommendation that the TPO be confirmed without modification.

On being put to the vote 9 members voted for the recommendation and 0 members voted against the recommendation.

Resolved that the 111 Marine Avenue, Whitley Bay Tree Preservation Order 2023 be confirmed without modification.

(Reason for decision: The Committee was satisfied that the trees merited protection via a TPO due to the contribution they make to the amenity and character of the area. The TPO did not prevent works being undertaken to the trees but ensured that any works carried out did not cause damage to the trees. The protection of the trees by a TPO was in accordance with Policy DM5.9 trees, woodland and hedgerows of the adopted Local Plan. Insufficient evidence had been provided that the roots of the trees had caused damage to the structure of the property.)