

Planning Committee

Tuesday, 9 June 2020

Present: Councillor F Lott (Chair)
Councillors K Barrie, T Brady, B Burdis, L Darke,
S Graham, M Green, P Richardson, W Samuel and
F Weetman

PQ70/20 Appointment of Substitutes

There were no substitute members appointed.

PQ71/20 Declarations of Interest

Councillor W Samuel stated that whilst he had requested that planning application 20/00241/FUL, 1A Preston Wood, North Shields be referred to the Planning Committee for consideration he had not predetermined the matter and had an open mind to the arguments to be presented during the meeting.

PQ72/20 Minutes

Resolved that the minutes of the meeting held on 17 March 2020 be confirmed and signed by the Chair.

PQ73/20 Temporary Speaking Rights Scheme

The Committee considered the adoption of a Temporary Speaking Rights Scheme during the period when face to face meetings were not possible because of the Coronavirus outbreak.

The Scheme normally allowed objectors and supporters of major and controversial planning applications with a right to attend meetings and speak to the Committee before it makes its decision. At present face to face meetings were not possible and were to be held using video conferencing software and streamed live on the Council's YouTube channel where they could be viewed by the press and public.

In these circumstances it was proposed that the scheme be temporarily varied so that:

- a) where speaking rights are granted to a member of the public or a councillor, the speaker would be invited to submit a written statement of no more than 850 words to highlight or expand on the important points made in their representation;
- b) where a member of the public or a councillor has submitted a statement to the Committee, the applicant would be provided with a copy and given a right to respond by submitting a written statement of no more than 850 words; and
- c) the clerk to the Committee would read out any written statements submitted by speakers or applicants during the remote meeting.

Those granted speaking rights would not be invited to participate in a remote meeting. This was to ensure that everyone had the same opportunity to contribute to the process and anyone who was unable to access a remote meeting was not disadvantaged. The submission of written statements in these circumstances was considered to be the fairest system for all.

Once it was possible to resume face to face meetings the temporary scheme would expire and the Committee would revert to operating its original scheme.

Resolved that the Temporary Speaking Rights Scheme 2020 be approved and adopted with immediate effect.

PQ74/20 Planning Officer Reports

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

PQ75/20 19/01517/FUL, The Flying Scotsman, Briar Edge, Forest Hall

The Committee considered a report from the planning officers in relation to a full planning application from Punch Taverns for formation of roof terrace/beer garden to section existing single storey flat roof to south east of property including timber frame covered seating area, external and covered external stair access and formation of new door opening to rear at ground floor level.

A planning officer presented details of the application with the aid of various maps, plans and photographs.

In accordance with the Committee's Temporary Speaking Rights Scheme, Mrs Jennifer Adamson of Benton, View, Forest Hall had been granted permission to submit a written statement to the Committee which was read out. In the statement Mrs Adamson expressed her concerns regarding the visual impact of the proposed development in terms of the materials to be used and its visibility from Forest Hall shopping area and 109 Station Road. She did not consider that the proposed conditions restricting the use of the roof terrace would overcome the adverse noise impacts on neighbouring residents. There was already noise disturbance from the existing smoking area at the pub and neither the Council nor the publican had taken action to enforce the planning condition that the area should only be used until 9.00pm.

Mr Duanne Wilson of Laurel Avenue, Forest Hall had also been invited to submit a written statement but no response had been received to the invitation.

Mr Andrew Lorimer of Wakefields Chartered Building Surveyors had submitted a written statement in response to Mrs Adamson's statement on behalf of the applicants, Punch Taverns. Mr Lorimer's statement was read to the Committee in which he highlighted the positive aspects of the development including employment, financial viability and service to the locality. In the context of the Covid-19 outbreak the development of external space would be more important. The applicants were mindful of neighbouring residents and were

committed to ensuring the proposed conditions were accepted and adhered to. The applicants considered the design of the terrace to be respectful of the existing streetscape and to enhance the existing structure of the pub.

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

- a) relevance of the current social distancing guidelines in determining planning applications. The Committee were advised that they should be guided by Paragraph 80 of the National Planning Policy Framework which states that significant weight should be placed on the need to support economic growth;
- b) record of planning enforcement complaints received in relation to the operation of the smoking area at The Flying Scotsman which had included complaints received in 2015 and 2017;
- c) powers available to the Council to enforce planning and licensing conditions;
- d) provision of car parking at the site;
- e) economic benefits of the proposed development; and
- f) proposed design of the roof terrace.

The Committee also paid attention to the proposed condition restricting the use of the roof terrace after 9.00pm. The Committee considered an amendment to the condition so that the use of the roof terrace would be prohibited after 8.00pm. The proposed amendment was rejected by the Committee because they considered 9.00pm to be a reasonable limit to its operation and because the Council had a range of enforcement powers available to it should the condition be breached.

Resolved that the application be permitted subject to the conditions set out in the planning officers report.

(Reasons for decision: The Committee concluded that, having regard to the relevant policies contained in the Council's 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 amenity of neighbouring residents, the character and appearance of the surrounding area and highway safety.)

PQ76/20 20/00241/FUL, 1A Preston Wood, North Shields

The Committee considered a report from the planning officers in relation to a full planning application from Mr & Mrs Sample for one and a half storey, three bedroomed dwelling on land which is presently part of the applicant's garden.

A planning officer presented details of the application with the aid of various maps, plans and photographs.

The Committee was advised that the granting of planning permission would be subject an agreement under Section 106 of the Town and Country Planning Act 1990 to secure a contribution of £337 towards the coastal mitigation service.

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 development on the protected trees immediately adjacent to the site and the proposed conditions aimed at protecting the trees;

- b) the location of the two replacement trees to be planted;
- c) the proposed condition requiring the applicant to submit for approval details of the materials and surfaces to be used which would enable the authority to ensure that permeable surfaces would be used for any hard standings;
- d) the impact of the development on the character and appearance of the surrounding area; and
- e) the impact of the proposed driveway on highway safety.

Resolved that planning permission be refused because the proposed development, by virtue of the proximity of the proposed dwelling and associated works to trees protected by a Tree Preservation Order, would have a negative impact on those trees and could lead to their further damage. This would be harmful to those protected trees and the biodiversity of the area, contrary to policies DM5.9, DM5.7 & DM5.5 of the North Tyneside Local Plan 2017.

PQ77/20 Discretionary Approach to Enforcement on Construction Working Hours

The Chair had agreed to the following item of business being considered at the meeting as an urgent item in accordance with Section 100(B)(4)(b) of the Local Government Act 1972 (as amended) to allow the Authority to respond to a Ministerial Statement in a timely manner.

As part of its response to supporting businesses, a Written Ministerial Statement had been published on 13 May 2020 which indicated that local planning authorities were expected to approve requests to extend construction working hours temporarily to ensure safe working in line with social distancing guidelines until 9pm, Monday to Saturday, unless there were very compelling reasons against this. This would facilitate safe working and social distancing on site and help reduce pressure on public transport.

It was the Authority's general practice to impose a condition restricting construction working hours from 8am-6pm on Monday to Friday, 8am-2pm Saturday and no working on Sundays and Bank Holidays. Where complaints were received these matters would normally be investigated and where harm was identified, formal enforcement action would be progressed. Whilst this condition would remain in place, the effect of the relaxation of working hours as proposed by the Secretary of State, would be that the Authority would be expected to use discretion in the use of its available enforcement powers.

Developers would be required to apply to the Authority who would have to respond within 10 days. To ensure that consideration was given to the ongoing protection of local amenity developers would be encouraged to provide a range of information to be taken into account in considering their requests including:

- an explanation of the need to extend the hours;
- a site plan to show distances to houses and other sensitive uses such as care homes;
- a commitment to carry out any noisy works during "normal hours";
- an explanation of proposed activities considered for the extended hours; and
- if necessary, a noise management plan.

Whilst the arrangements to temporarily extend construction working hours would largely be dealt with informally, given the potential sensitivity of such changes, it was proposed that a clear record of the informal advice issued would be maintained and to have a clearly agreed

position, on a site by site basis, as to the circumstances in which a discretionary appropriate to the enforcement of working hours will be taken.

Where developers failed to adhere to the agreed, informal arrangements, the Authority would maintain the ability to enforce against the original condition which would remain extant, having regard to national enforcement policy. Alternatively the Authority could still take appropriate action under other relevant legislation.

The Committee asked that ward councillors be notified of any requests received from developers so that they may be prepared to explain to residents the basis for extended hours of construction working.

Resolved that (1) the Head of Environment, Housing and Leisure, in consultation with the Chair and/or Deputy Chair of the Planning Committee, be authorised to agree to suspend enforcement activities relating to site working hours on a temporary basis to allow extended working periods on construction sites across the Borough on a case by case basis; and (2) the Head of Environment, Housing and Leisure be authorised to put in place relevant procedures to implement the above recommendation and set out, for each site where there has been a request to extend working hours, the basis on which extended hours are agreed.