

Planning Committee

Tuesday, 13 December 2022

Present: Councillor P Richardson (in the Chair)
Councillors J Cruddas, P Earley, M Hall, John Hunter,
C Johnston and T Mulvenna.

In attendance: Councillors L Arkley and W Samuel.

Apologies: Councillors K Barrie, M Green, J O'Shea and J Shaw

PQ47/22 Appointment of substitutes

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

Councillor P Earley for Councillor M Green

PQ48/22 Declarations of Interest

There were no declarations of interest or dispensations reported.

PQ49/22 Minutes

Resolved that the minutes of the meeting held on 25 October 2022 be confirmed and signed by the Deputy Chair.

PQ50/22 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 applications listed in the following minutes.

PQ51/22 21/02539/FUL, The Sandpiper, Farringdon Road, Cullercoats

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 demolition of existing public house and redevelopment of site to provide 1no.retail unit (Class E), 1no.drinking establishment with expanded food provision (Sui Generis) and 14no. 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.

In accordance with the Committee's Speaking Rights Scheme, Fraser Doherty addressed

the Committee on behalf of a number of local residents who objected to the proposed development. Mr Doherty explained that the dimensions of the development contained in the planning officers report indicated that the building was taller and closer to their homes than residents had understood and so the impact of the development would be greater than anticipated. He challenged the findings contained within the applicant's overshadowing study with his own calculations which demonstrated how neighbouring properties would be detrimentally affected by a loss of sunlight. As there were windows on every elevation of the proposed development there would be overlooking onto neighbouring properties. Reference was made to the precedence set by previous planning decisions in the area on the grounds of highway safety, the amenity of neighbouring residents, privacy and proposed changes of use being incompatible with the area. Mr Doherty also expressed concerns regarding the size and frequency of deliveries to the commercial units.

Steven Robinson had also been granted permission to speak to the Committee. Mr Robinson had spearheaded a campaign opposed to the development which had generated approximately 1000 objections. He had spoken to residents who were 100% certain they did not want this development. He emphasised that the decision of the Planning Committee carried a great deal of weight and that elected members had a duty to represent and listen to the wishes of residents.

Councillors Willie Samuel and Linda Arkley had both been granted permission to speak to the Committee as ward councillors for Cullercoats. Councillor Samuel stated that the revised proposals did not address the fundamental concerns of local residents relating to the adequacy of car parking and access and its impact on the amenity of surrounding occupiers and future occupiers, on the character of the area and on trees and biodiversity. On these issues he challenged the conclusions contained in the planning officers report, he contended that the case had not been made for the application and asked the Committee to reject the application.

Councillor Arkley expressed her concerns regarding the loss of privacy caused by windows to the rear of the development overlooking neighbouring properties, an inadequate provision of 34 car parking spaces which would cause parking problems in the area, security concerns shared by the Police regarding the installation of an Automated Teller Machine (ATM) and overnight storage facilities, the risk of flooding and the risks associated with the site lying within a high risk coal mining area.

Harvey Emms of Lichfields addressed the Committee on behalf of the applicant to respond to the speakers' comments. Mr Emms explained that the scheme had been subject to consultation with the public and close working with the Council's officers to formulate a proposal for a brownfield site and to replace the unviable Sandpiper public house. During this process evidence had been presented to demonstrate that the shadowing caused by the building would conform to the BRE standards. The roof and car parking had been redesigned to ensure that it was compliant with the Council's planning policies. The applicants had agreed to fund the installation of a pedestrian crossing in the area and to provide for a taxi drop off point. The development would result in biodiversity net gain. Mr Emms dismissed references to previous planning decisions as each application ought to be considered on its merits. He stated that the applicants had brought forward a viable proposal after taking into account the views of residents and he supported the officer recommendation.

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 location of windows on the proposed development and the separation distances between it and neighbouring properties;
- b) the height and scale of the development within the local street scene;
- c) the adequacy of the proposed car parking provision and vehicular access on the site bearing in mind the nature of the development and the traffic levels and parking in the area;
- d) the proposed condition requiring the applicant to submit for approval a parking management strategy;
- e) the likely impact of the installation of an ATM in terms of causing noise disturbance for neighbouring residents;
- f) details of the proposed surface water attenuation within the site and the local lead flood authority's comments on these measures;
- g) the proposed condition requiring the applicant to undertake investigations to establish the risks posed by past coal mining activity and to take remedial or mitigating measures as may be necessary;
- h) the proposed terms of the Section 106 legal agreement to secure 4 affordable homes;
- i) the process for consulting ward councillors in relation to the terms of the legal agreement; and
- j) the effect of the Housing Land Availability Assessment published in November 2022 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 outweighed the benefits.

(Councillor W Samuel withdrew from the meeting during the Committee's deliberations and voting on the application.)

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

On being put to the vote, 2 members voted for the recommendation and 5 members voted against the recommendation.

Resolved that planning permission be refused on the following grounds:

1. The proposal by virtue of its height, bulk and mass would be much taller than surrounding buildings would have a significant adverse impact upon the character and appearance of the surrounding area contrary to policy DM6.1 of the North Tyneside Local Plan 2017 and the advice in National Planning Policy Framework (2021).
2. The proposal would have a significant adverse impact upon neighbours living conditions by virtue of loss of privacy contrary to policies S1.4, DM6.1 of the North Tyneside Local Plan, The Design Quality Supplementary Planning Document (2018) and the advice in National Planning Policy Framework (2021).
3. Insufficient parking would be provided so that additional on-street parking would occur which would have an unacceptable impact upon highway safety contrary to policy DM6.1 of the North Tyneside Local Plan (2017) and the advice in National Planning Policy Framework (2021)