Advanced Copy: The Planning Committee need to agree these minutes are accurate but cannot do this until its next meeting on 15 July 2024

South Tyneside Council

item 2

Planning Committee Minutes

17 June 2024

Present: Councillors: S. Dean (Chair), P. Dean, Ford, Guy, Keegan, Kennedy, Kilgour, N. Maxwell, McKeown, Meling, Myers, Brenen, Leask & Owens-Palmer

Apologies: Councillors: Guy, Proudlock & Taylor

Also in Attendance:

Andrew Inch (Senior Manager Planning), Ben Broome (Principal Solicitor), Geoff Horsman (Team Manager – Development Management), Garry Simmonette (Senior Planning Officer), Sean Gallagher (Senior Planning Officer) Samantha Gallagher (Planning Officer) & Sean Allen (Democracy Support Officer).

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1. Declarations of Interest

Councillor Kilgour declared interests in relation to ST/0486/23/FUL, ST/0059/24/FUL & ST/0838/23/VC. A personal interest was declared for ST/0486/23/FUL as she had had previous dealings with Mr O'Mahoney, however, she was not pre-determined or conflicted and was unaware of his attendance at the meeting.

An interest in ST/0059/24/FUL & ST/0838/23/VC was raised as she had discussed the applications with both sides , but was not pre-determined.

2. Minutes

The Minutes of the 20 May 2024 were agreed as a true record by the members.

Resolved: Minutes Agreed.

3. Planning Applications

Submitted: Report of the Head of Development Services.

The Committee considered the schedule of application received for planning permission. It comprised the following;

- **ST/0486/23/FUL** Land East of West Boldon Sub-Station, West Boldon
- **ST/0183/24/FUL** 302 & 304 Stanhope Road, South Shields
- **ST/0059/24/FUL** Former Bringham & Cowan Dock Entrance 4, Long Row, South Shields
- **ST/0838/23/VC** Former Bringham & Cowan Dock Entrance 4, Long Row, South Shields

Resolved: That the applications for planning permission be dealt with as outlined in Appendix 1 of these minutes.

4. Schedule of Planning Appeals

Submitted: Report of the Director of Place and Communities.

The report contained a schedule of pending planning appeals, together with decisions received since the last meeting. It was noted that since the previous meeting, there had been 1 appeal that had been made.

Resolved: That the report be noted.

5. Chairman's Urgent Items

The Chair noted that after 9 years of working at the council, Ben Broome will be leaving. The members passed on their thanks and appreciation for his work during his time.

APPENDIX 1

Application Number and Address: ST/0486/23/FUL Land East of West Boldon Sub-Station, West Boldon	**Applicants**: Whirlwind Energy Storage Limited
Proposal: The construction and operation of a Battery Energy Storage System consisting of a landscaped compound surrounded by perimeter landscaping, accommodating up to 360 energy storage cabinets, associated power converter units, a grid connection compound containing a large transformer and air-insulated switchgear; two control rooms (one for the battery operator and one for the network operator); a site office and a storage container; 7no. CCTV masts.	
Declarations of Interest: None	
List of Speakers: **Objectors** Cllr A Strike Mr D O'Mahoney **Agent** Mr D Grierson	
Decision: Application refused	
Any Additional Comments on Application A site visit was conducted on 14 June 2024. The site visit was carried out with prior approval of the Chair. The need for the site visit in advance was to view the site and consider the objections to the proposals. The Senior Planning Officer delivered a presentation to the committee outlining the contents of the report. Cllr A Strike spoke in objection to the application. She noted that this development would have significant impact on local residents and the West Boldon Conservation Area. It was noted that other sites would likely be suitable for this application, but the question of how much more it would cost the applicant was raised.	

The risk of fires was noted as a serious concern, bearing in mind fires that had occurred at other sites nationally, including a site in Liverpool. There were concerns over pollution from chemicals/water used to fight a fire flowing into the River Don. The Council's ecologist had advised that the proposals would have adverse impacts on wildlife

There was also concern at the proximity of the proposed development to the West Boldon Lodge education centre and insufficient information had been provided regarding the noise impacts arising from the proposal.

Mr O'Mahoney spoke in objection to the application. He stated that the proposal would give rise to infringement of the Green Belt and placed profit before people. The proposed development would not be well screened with Downhill Lane residents having clear views of the proposal. Overall, the proposal would be visually intrusive.

It was unacceptable that detail regarding key matters was not being provided at this stage - namely noise, drainage, a Construction Environment Management Plan, lighting and landscaping.

Concern was also raised about fire risk, particularly bearing in mind the close proximity of the site to the Boldon Lodge education centre, What evacuation plans would be in place in the event of a fire, considering school children visit?

The agent, Mr Grierson spoke in favour of the application.

He stated that this was a relatively small Battery Energy Storage System (BESS) proposal and the site had been chosen due to its proximity to the existing West Boldon Sub-Station which was of such a size capable of importing/exporting the amounts of electricity that would be stored in the BESS. Because of such proximity this would allow electricity to be

transferred via underground cables without there being a need for further unsightly above ground pylons.

BESS such as these were required as part of the UK's transition to renewable energy generation and would reduce carbon emissions by 2500-4000 tonnes per annum.

Consent was sought for a temporary period of 50 years, although his client would be willing to accept a condition that the BESS was removed from the site sooner than this if it ceased operating before the expiry of the 50 year period.

Screen planting was provided for as part of the proposals as well as habitat enhancement adjacent to the River Don. Further screen tree planting could be provided for if required by committee.

In terms of visual impacts the proposals would be seen against the backdrop of existing electricity infrastructure with the tallest elements of the proposal to be located at the south of the site closest to existing pylons.

The battery technology to be used is considered safe and is similar to that used in domestic dwellings and electric vehicles. The battery technology proposed for this site would have a different chemistry to that used historically at the Liverpool site where a previous fire had been referenced by objectors. There would be no emissions to the environment from the BESS and no noise would be discernible beyond 20 metres from the site.

Other similar BESS proposals have been approved in Green Belt locations elsewhere in England.

The Senior Planning Officer clarified that while the site was in the Green Belt, the National Planning Policy Framework states that proposals such as this can be supported where very special circumstances exist which outweigh the harm arising to the Green Belt and other harm. Officers consider in this instance that such very special circumstances do exist. The issues raised regarding fire risks had been considered and in regard the scheme has been designed to reflect guidance produced by the National Fire Chiefs Council to reduce risk. The issue of noise and the conditions associated, were also noted, the reason for the condition to be added after approval, is due to changing technology. When the time came to implement the permission, if approved, the technology may have already moved on from now. To base a condition on details submitted with the application at this present time based on current technology would likely mean that such a condition was out of date when the permission was implemented. The visual impact was also noted but is was considered that the landscaping proposed to mitigate the visual impacts of the development was acceptable.

A Member noted their disappointment that Northumbrian Water and the Council's Landscape consultee had not provided consultation responses after having been invited to do so and that the Environment Agency had not provided detailed comments related to safety matters.

A query was raised around the biodiversity improvement on this application only being 1.3% Since February 2024, the requirement was 10%. The Officer clarified that as the application was made in 2023, the rules at that time required 1%, not 10% and that this was provided for.

A Member asked how many sites of this nature existed across the country. The officer advised that they did not have this information.

Another Member raised concerns over the effectiveness of the screening, noting they had passed the site on the A19 and believed that what was proposed would not be sufficient to screen the site from view, thus resulting in visual harm to the landscape. They noted that if the energy stored was being put back into the grid to benefit the residents of South Tyneside, it may be slightly easier to accept, but the officer noted the stored energy simply went back into the grid for use nationwide. The member also asked why this type of storage couldn't be placed at the International Advanced Manufacturing Park (IAMP) where it would surely sit better. Concerns were also raised regarding unethical practices related to the mining of the Lithium used in BESS such as this.

The officer noted that siting of the BESS on the IAMP Would not be permissible as that site was reserved for advanced manufacturing development. Concerns regarding the ethics of Lithium mining were not a material planning consideration.

A Member noted that while it was positive that the proposal would help with the climate crisis, there was concern at the impact of the proposals on the Green Belt. The proximity of the application site to an environmental lodge used by children was a concern and they believed the very special circumstances for using Green Belt was not being met with this application.

A Member noted that the IAMP is for manufacturing, therefore would not be suitable for this type of build.

A Member stated that while understanding the need of this type of application, the site location and safety concerns outweigh the benefits in their opinion. Concern was raised regarding the risk of emissions should an incident occur and subsequent risk to the River Don.

A Member queried why a planning condition requiring a pre-work checks for wildlife was proposed when surely it should have been undertaken pre-planning and before they decided to select that location.

The Planning Officer clarified that this was a standard condition to allow for final checks given the time-gap that can elapse between a grant of permission and the commencement of works on site.

A Member noted they felt the development could be located elsewhere, it isn't something that benefits the borough so why look to remove Green Belt stating special circumstances when the detriment to the local wildlife/river/educational area for school children is far greater. In this regard they considered that very special circumstances did not exist and shared the concerns of other members concerning fire risk.

A Member noted that the loss of Green Belt for a plan like this, was not worth the price.

Cllr Kilgour proposed the application be refused, Cllr Kennedy seconded this.

The committee voted unanimously to refuse planning permission for the following reason:

The proposed development would constitute inappropriate development in the Green Belt which is harmful by definition. It is considered that very special circumstances do not exist which clearly outweigh the harm to the openness of the Green Belt by way of inappropriateness and other harm arising in respect of the landscape and visual effects of the proposal and the absence of significant biodiversity net gain delivery to compensate for the ecological impacts of the proposal. As such the proposal would be contrary to Policies EA1 and DM7 of the South Tyneside Local Development Framework and chapters 13 and 15 of the NPPF.

Application Number and Address: ST/0183/24/FUL 302 & 304 Stanhope Road South Shields NE33 4QZ	**Applicants**: Beaumont and Partners Ltd

Proposal:
Change of use of 2no flats (Use Class C3) to 8-person large HMO (sui-Generis). Conversion of loft space and addition on 1 no dormer window to rear and 3 no rooflights to front. Alteration from door to window in southwest elevation.

Declarations of Interest:
None

List of Speakers: None

Decision: Grant Permission with Conditions

The Director of Place & Communities is also authorised to amend the planning conditions as set out below prior to the planning permission being issued where this is considered necessary.

1	The development to which this permission relates must be commenced not later than 3 years from the date of this permission. As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.
2	The development shall be carried out in accordance with the approved plan(s) as detailed below Proposed southwest elevation - Drawing No 203-3 Rev B Received 22/03/2024 Proposed southeast elevation - Drawing No 203-1 Rev B Received 22/03/2024 Proposed Northwest elevations - Drawing No 203-2 Rev B Received 22/03/2024 Proposed Site/Ground floor Plan- Drawing No 202-1 Rev C Received 16/05/2024 Proposed First Floor and Second Floor Plans - Drawing No 202-2 Rev C Received 16/05/2025 Proposed Roof Plan/Site Overview - Drawing No 201 Rev C Received 16/05/2024 Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans. In order to provide a

	procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.
3	The external materials of the rear dormer window, front elevation roof windows and new ground floor window and associated works hereby permitted shall be of similar appearance to those corresponding materials used in the construction of the exterior of the existing building of which those additions and alterations will form a part. To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with South Tyneside LDF Development Management Policy DM1.
4	Before the development is first brought into use, the cycle parking and bin storage to serve the development, as shown on Proposed site/Ground Floor Plan - Drawing No 202-1-Rev.' (received 16/05/2024) shall be provided. The cycle parking and bin storage shall thereafter remain in place at all times for their intended purposes. In the interests of residential amenity, highway safety and promoting sustainable transport choices in accordance with South Tyneside Local Development Framework Policy DM1(B & G) and the NPPF.
5	The house in multiple occupation use hereby permitted shall be limited to a maximum occupancy at any one time of eight persons and the provision of 8no. bedrooms as shown on the drawings as listed in condition 2. In order to both define and limit the number of bedrooms and occupants authorised for the use hereby permitted in the interests of local amenity and highways safety, in accordance with LDF Policy DM4.

Any Additional Comments on Application

A site visit was conducted on 14 June 2024. The site visit was carried out with prior approval of the Chair. The need for the site visit in advance was to view the site and consider the objections to the proposals.

The Planning Officer delivered a presentation to the committee outlining the contents of the report.

The report noted that under permitted development rights, dwellings could be converted into a 6 person HMO without planning permission; however, in this instance an application is required and has been submitted as occupation is sought by up to 8 persons. Members were asked to note the significant fall-back position.

A Member asked if the lack of outside space was acceptable in this application as the proposed works removed a portion of the backyard. They also noted parking was already an issue at the site and allowing a further 8 people could bring more cars, although it was noted that cycle storage in the backyard was being provided to mitigate this. In respect of outdoor amenity space, the Planning Officer acknowledged that while the extent of the back yard was limited, the local area had a number of parks which were deemed accessible for the residents.

A Member raised concerns over existing crime levels in the area, however, the officer noted that no evidence existed that linked HMOs to an increase in crime in this area.

A Member raised concerns over the very small area that was available for refuse bins. They further noted that the rooms were sufficiently large to allow for occupation by couples. Therefore, up to 16 people could be living at the property and and there was no way of knowing who would be living there, and such a level of occupancy could cause significant issues with parking in the area. The officer advised that the Council could not control who would be living at the property, although a condition was proposed limiting the number of persons occupying the property to a maximum of eight. The Planning Officer clarified that the Council's Transport Development Officer had raised no objections to the application noting the sustainable location of the site near to bus stops and Tyne Dock Metro Station.

A member noted a personal experience in trying to park in this area at present when visiting a local GP and that the area was already extremely congested.

The Planning Officer advised that if the premises remained as2 flats, the Council's parking standards would require 4 parking spaces and no additional parking for cycles would be provided. Those parking standards would require the same level of car parking for an 8 bed HMO and as part of this proposal 10 cycle parking spaces would also be provided for in accordance with the Council's parking standards.

Another member noted that during the site visit they could park adjacent to the site.

A member referenced LDF Policy DM4 and the need for properties to be of an appropriate size to accommodate the proposed use. They considered that the proposal was unacceptable in this regard as the individual bedrooms and communal space was small in size terms and one of the top floor bedrooms was lit solely by roof windows. Accommodating 2 additional persons over and above the 6 bed HMO that would be permitted development was therefore considered problematical.

The Planning Officer advised that all of the bedrooms would meet the space standards required for a HMO license to be issued by the Council's Private Sector Housing Team.

A member asked if the local medical centre was taking on any new NHS patients and another and another member confirmed that they were.

A member expressed concern around the impacts arising from the number of residents to be accommodated and visitors and queried whether or not housing need was being met in this instance.

A Member asked if any precedent would be set by approving this proposal in this area.

The Planning Officer advised that any future proposals for HMOs at other sites would need to be considered on their own individual merits.

The application was proposed by Cllr Leask and seconded by Cllr Maxwell.

A vote was carried out with 6 for the application and 6 against. This meant the Chair had to use their casting vote, which was used in support of the application. There were no abstentions.
The application was approved by a vote of 7 for to 6 against.

Standing Order 28.3 – Rules of Debate and length of Meetings

SO, 28.3 states that unless the meeting agrees otherwise, where 3 hours have elapsed since the commencement of any meeting, and the business has not been concluded, the meeting will end in accordance with Rule 28.4 where the Chairman would interrupt at 3 hours and close the meeting.

The Chair asked the Planning Committee to waive Standing Order 28.3 and continue past the duration of 3 hours until all business had been concluded.

The Committee agreed.

Application Number and Address: ST/0059/24/FUL Former Brigham and Cowan Dock 4 Entrance Long Row South Shields NE33 1JA	**Applicants**: Mr Mark Turnbull

Proposal: The provision of gangway access.

Declarations of Interest: None.

List of Speakers: None.

Decision – Grant Permission with Conditions

1	The development to which this permission relates must be commenced not later than 3 years from the date of this permission. As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.
2	The development shall be carried out in accordance with the approved plan(s) as detailed below Drg. No. A/3419/101A received 31/01/2024. Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans. In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.
3	The installation of the development hereby permitted shall not take place outside of the hours 8:00am to 6:00pm Monday to Friday, 9:00am to 1:00pm Saturdays; and no such work shall be carried out at any time on Sundays or Public Holidays. In the interests of protecting the amenity of the nearby residents, in accordance with South Tyneside Local Development Framework Policy DM1(B).

Any Additional Comments on Application

A site visit was conducted on 14 June 2024. The site visit was carried out with prior approval of the Chair. The need for the site visit in advance was to view the site and consider the objections to the proposals.

The Senior Planning Officer delivered a presentation to the committee outlining the contents of the report.

A Member asked if there were to be any speakers on this application, as the report indicated so. The Senior Planning Officer advised that while the report included that requests to speak had been made, there would be none.

A Member noted that this application is to consider installing a gangway in place of a ladder and that as committee members, this needed to be remembered and not be mixed up with other concerns that members may have in relation to possible wider issues or concerns with this application site or land alongside it.

A Member noted that it was hard to view this application without seeing the whole picture of the site and the fact this application could very well facilitate further applications that are contentious.

A Member noted that while it was appreciated that it was an individual request, they considered that the applications have been listed out of order, and that this application should have been presented / considered after the next item (i.e. item 4, ST/ ST/0838/23/VC), plus that the proposal raises issues with regards to access and the DMMO.

Officers advised that this application could be determined before item 4 and the Principal Solicitor additionally advised that the DMMO did not affect their ability to deal with it (or item 4).

Cllr Kennedy moved that a decision on the application be deferred until access issues related to this site had been resolved. Cllr Brenen seconded.

The Senior Planning Officer advised that deferral of the application could risk the applicant making an appeal against non-determination to the Planning Inspectorate, and so the Planning committee could lose its ability to make a decision on the application.

The Council's solicitor advised that the DMMO application that had been received claiming that a public right of way existed along the dockside would be brought to a future Planning Committee for their decision. Any such application would need to be decided purely on the basis of whether or not it was considered that sufficient evidence existed regarding use of the route by members of the public for the required time period for it be added to the Council's definitive map of public rights of way and not on the basis of the merits or otherwise of allowing greater public access to the dockside.

Another Member noted that access is already available and if this application is just asking if a gangway can be added, rather than ladders, then the application should be reviewed as the item it is, rather than being reviewed in a wider context.

A vote on deferral was undertaken with 6 in favour and 6 against deferral. This meant the Chair had to use their casting vote, which was used against a decision on the application being deferred. There were no abstentions.

A member considered that if a gangway was provided then this would raise security concerns if there was access to the dockside for members of the public.

Cllr Kilgour moved to approve the proposal (as per the officer recommendation), this was seconded by Cllr Leask.

The vote was 5 in favour of approval, 6 against and 1 abstention.

The Senior Planning Officer advised that if the committee were minded to refuse (and to take a vote on such) that they must stipulate the planning reasons for this.

A Member raised the point that parking was a serious issue with this application as it would lead to more visitors. Another member noted that since there was no access anyway, what was the need for a gangway.

A member asked if these reasons would indicate any pre-determination and risk an award of costs in the event of a subsequent appeal.

An officer raised the question to members that if this was a standalone application (i.e. there was no item 4), would they have had such issues with the application. The possible use of the gangway was not an acceptable reason for declining the application. Another officer made reference to the potential benefits of the gangway in improving disabled access to the pontoon for users of those existing recreational vessels that were permitted to use the pontoon.

Cllr Brenen moved refusal of the application for the above-mentioned reasons. Cllr Kennedy seconded this motion.

4 voted in favour of the application's refusal, 5 voted against. There were 3 abstentions.

In view of the above, a Member asked if the committee could consider another vote on the officer recommendation to approve. The Senior Planning Officer confirmed it could.

Cllr Kilgour moved the application be approved (as per the officer recommendation), Cllr Leask seconded.

The vote was 5 in favour of approval, 5 against and 2 abstentions. This meant the Chair had to use their casting vote, which was used in favour of approval of the application. This resulted in the application being approved, by majority.

Application Number and Address: ST/0838/23/VC Former Brigham and Cowan Dock 4 Entrance Long Row South Shields NE33 1JA	**Applicants**: Mr Mark Turnbull
Proposal: Installation of floating pontoon and wave break, with access ladder. (Application under section 73 of the Town and Country Planning Act 1990, requesting a variation to the wording of condition 6 of previously approved planning application ST/0353/20/FUL - to allow for the mooring of safety vessel(s) or those engaged in educational use, in addition to the mooring of recreational leisure boats already permitted).	
Declarations of Interest: None	
List of Speakers: None	
Decision – Application was deferred	

Any Additional Comments on Application

A site visit was conducted on 14 June 2024. The site visit was carried out with prior approval of the Chair. The need for the site visit in advance was to view the site and consider the objections to the proposals.

The Senior Planning Officer delivered a presentation to the committee outlining the contents of the report, which included explaining that it was made under section 73 of The Town and Country Planning Act 1990 and what that meant in terms of its assessment and decision-making process.

A Member asked a query if the suggested condition 5 and its reference to the number of people would need to be changed from 10 to 6, noting some of the commentary in the report. The Officer advised that the number in the condition was a reflection of the fact that boats for educational or safety use could be occupied by up to 10 persons, but as the report set out, typically they would be occupied by a lesser number (based on information from the applicant).

A Member asked what educational meant and would it be commercial education.

A Member asked how, if an appeal was dismissed, can it be brought back to committee. There was no justification for the proposal and it could result in more people .

A Member noted that based on the numbers for the conditions, 40 people could be using the site, which would cause huge disruption to residents, and they believed a deferral should be in place until a final determination on the DMMO application has been reached.

Cllr Kennedy proposed deferral until a final determination on the DMMO application has been reached, Cllr Owens-Palmer seconded.

The Senior Planning Officer referred back to previous comments he had provided to committee about the risk of a non-determination appeal and the advice from the solicitor about the DMMO, during committee's consideration of item 3. Officers also explained that what was being sought in the section 73 application by the applicant was not the same as what they had sought in either the previous planning application ST/0353/20/FUL or in their subsequent appeal against condition 6 of the permission granted pursuant to that application.

A Member stated that the wider access issues must be considered with this application and that a deferral for the above-mentioned reasons should be considered.

The vote was taken for deferral on those grounds, with 6 in favour, 5 against and 1 abstention.

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Chairs Signature

15/7/2024