

Planning Committee

Tuesday, 28 September 2021

Present: Councillor W Samuel (Chair)
Councillors K Barrie, T Brady, J Cruddas, M Green,
John Hunter, C Johnston, F Lott, T Mulvenna, J O'Shea
and P Richardson

Apologies: Councillor M Hall

PQ27/21 Appointment of substitutes

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

Councillor T Mulvenna for Councillor M Hall

PQ28/21 Declarations of Interest

Councillor Muriel Green stated that whilst she had been involved for some years in the planning history of land adjacent to 5 Elm Villas, Hazlerigg she had not predetermined planning application 21/00462/FUL and she had an open mind to the arguments to be presented during the meeting. (Minute PQ32/21)

Councillor Frank Lott stated that he had been in correspondence with residents in relation to the Land at Carlyle Court, Wallsend Tree Preservation Order 2021 when he had expressed his support for the retention of tree. In view of this he withdrew from the meeting room during consideration of the matter (Minute PQ36/21) and took no part in the Committee's deliberations and decision making.

Councillor Paul Richardson stated that whilst he had received representations in relation to 1 Holywell Avenue, Whitley Bay Tree Preservation Order 2021 he had not predetermined the matter and he maintained an open mind to the arguments to be presented during the meeting. (Minute PQ38/21)

PQ29/21 Minutes

Resolved that the minutes of the meeting held on 31 August 2021 be confirmed and signed by the Chair.

PQ30/21 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.

PQ31/21 20/02033/FUL, Land South of Whitley Road, Benton

The Committee considered a report from the planning officers in relation to a full planning application from the Homes and Community Agency and Bellway Homes for the erection of 74 dwellings (Class C3) with associated access, parking, landscaping and infrastructure.

A planning officer presented details of the application with the aid of various maps, plans and photographs. The Committee were presented with two minor amendments to the proposed conditions as follows:

- a) Condition 5, to add in the words “in the affected area” after the words “Work must be ceased”; and
- b) Condition 9, to delete the words “such as mechanical heat recovery (MVHR) system”.

In accordance with the Committee’s Speaking Rights Scheme Mr Peter Wallace of Whitley Road, Benton had been granted permission to speak to the Committee. It was reported that Mr Wallace was unable to attend the meeting. Consequently, the applicant’s representatives were not required to speak to the meeting to respond.

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

- a) the projected numbers of vehicular movements generated by the development and its impact on the wider highway network and highway safety taking into account recent highway improvements on the A191 corridor;
- b) the outcome of a biodiversity net gain assessment which demonstrated that there would be a net loss post development;
- c) details of the on-site mitigations and off site compensations to address the biodiversity net loss;
- d) the proposed location of the Talbot House apartments and their proximity to No. 11 Whitley Road;
- e) the impact of the development on the character and appearance of the adjacent conservation area; and
- f) the mix and density of the 74 residential units.

Resolved that (1) the Committee is minded to grant the application subject to completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 and the addition, omission or amendment of any other conditions considered necessary;

(2) the Director of Housing, Environment and Leisure be granted delegated authority to determine the application following the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following:

- 25% affordable housing provision
- Ecology and biodiversity £14,430
- Allotments £7,258
- Parks and greenspaces £39,400
- Equipped play area/multi use games area £46,200
- Sports Pitches £47,730
- Built Sports £53,492
- Primary education £200,000
- Employment and training £14,000 or two apprenticeships
- Coastal mitigation £11,174
- Travel Plan, including Travel Plan Scope, and Travel Plan Bond
- Biodiversity off-site compensation land

(3) the Director of Law and Governance and the Director of Environment, Housing and

Leisure be authorised to undertake all necessary procedures under Section 278 of the Highways Act 1980 to secure the following highways improvements:

- Upgrade of access road from the A191 Whitley Road to an adoptable standard
- Upgrade of footpaths abutting the site
- Associated street lighting
- Associated drainage
- Associated road markings
- Associated Traffic Regulation Orders
- Associated street furniture & signage

PQ32/21 21/00462/FUL, Land Adjacent to 5 Elm Villas, Hazlerigg

The Committee considered a report from the planning officers in relation to a full planning application from Mr Islam for the variation of conditions 1 (approved plans) and 4 (levels) of planning approval 14/1470/FUL relating to amendments to heights and elevations.

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, Mr Thomas Skeet of Melness Road, Wideopen had been granted permission to speak to the Committee. Mr Skeet was unable to attend the meeting and so Mr Skeet had been permitted to submit a written statement setting out his objection to the proposed development which was considered by the Committee.

Mr Wood, the applicant's agent, was present at the meeting but he declined the opportunity to speak to the Committee to respond to Mr Skeet's statement.

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

- a) the differences in heights and levels between those prescribed in the planning permission granted in 2014, those constructed on site and those proposed as part of this application;
- b) the impact of the proposed height and levels on the visual and residential amenity of neighbouring residents;
- c) the proposed conditions requiring the applicant to submit to the authority for approval plans for site boundary treatments and a scheme to manage surface water runoff from the site; and
- d) the impact of the design and scale of the development on the surrounding area.

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 its impact on visual and residential amenity.)

PQ33/21 21/01510/FUL, Unit 14, Wesley Way, Benton Industrial Estate

The Committee considered a report from the planning officers, together with an addendum circulated at the meeting, in relation to a full planning application from Joseph Parr (Tyne and Wear) Ltd for variation of conditions 1 (approved plans), 10 (holding area) and 11 (height limit) of planning approval 10/00552/FUL to permit the display of goods externally.

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 Mrs Alison Waggott-Fairley of Bede Close, Holystone and Councillor Erin Parker Leonard had been granted permission to speak to the Committee. As Mrs Waggott-Fairley was unable to attend the meeting she submitted a written statement setting out her objections which was considered by the Committee.

Councillor Erin Parker Leonard, Ward Councillor for the Killingworth Ward, addressed the Committee on behalf of residents living near the site. Whilst she acknowledged the need to balance the interests of businesses and neighbouring residents she stated that Joseph Parr had not complied with the conditions attached to the granting of planning permission in 2010 restricting the extent of the external storage holding area and setting a maximum height for the storage of goods at 2 metres. She described the implications of goods being stored in the on site car park which had led to congestion around the site and dangerous vehicular movements.

The applicants, Joseph Parr (Tyne and Wear) Ltd, did not attend the meeting but they submitted a written statement to comment on the issues raised in the planning officers report. This was considered by the Committee.

Resolved that planning permission be refused.

(Reason for decision: The proposed variations to conditions 1 (approved plans), 10 (holding area) and 11 (height limit) to increase the amount of goods displayed externally and increase the height of the externally considered goods is considered to be detrimental to both the visual amenity of this mixed use area and the impact on residential amenity in terms of outlook, by virtue of the location, height and amount of external goods to be displayed within the site. As such, the proposed variation to these conditions is contrary to policies S1.4, DM2.3 and DM6.1 of the North Tyneside Local Plan (2017).)

PQ34/21 21/01618/FUL, Formica Limited, West Chirton Industrial Estate

The Committee considered a report from the planning officers, together with two addendums circulated prior to the meeting, in relation to a full planning application from Mr Grant Newberry to extend existing car park to the north of the site, for staff and visitor overflow with new access from Westmoreland Road. Relocation of existing motorbike shelter and cycle stores to new car park including additional cycle storage. Erection of new factory to the north of the site to be linked to the existing west factory at two locations with two canopies to the north of the building including new concrete service yard. New access road to the west of the site to link new service yard to the existing road to the south of the west factory. Extending the existing west factory to the west. New sprinkler tanks to be installed to the west of the west factory extension.

Resolved that (1) the Committee is minded to grant the application subject to:

- a) the submission of information to satisfy the concerns of the Biodiversity Officer and Landscape Architect;
- b) the submission of a landscape mitigation plan to demonstrate that an acceptable level of biodiversity net gain can be achieved within the site and this plan being agreed by the Biodiversity Officer and Landscape Architect; and

(2) the Director of Environment, Housing and Leisure be authorised to determine the application subject to the conditions listed in the planning officers' report and an addendum to the report and the addition, omission or amendment of any conditions considered necessary, providing no further matters arise which in the opinion of the Director of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.

PQ35/21 21/01895/FULH, 13 Falkirk, Killingworth

The Committee considered a report from the planning officers in relation to a householder planning application from Mrs Claire Dobinson Booth for the erection of a fence along the eastern boundary of the property with gated vehicular access to the garage at rear and pedestrian access to the front elevation. The application had been submitted to the Committee for determination because it had been submitted by a member of the planning team. Aidan Dobinson Booth left the meeting room during consideration of the application.

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

Resolved that (1) the Committee is minded to grant the application subject to:

- a) the receipt of any additional comments received following expiry of the consultation period, and
- b) the conditions set out in the planning officers report and the addition or omission of any other considered necessary, and

(2) the Director of Environment, Housing and Leisure be authorised to determine the application providing no further matters arise which in the opinion of the Director of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.

PQ36/21 Land at Carlyle Court, Wallsend Tree Preservation Order 2021

(Councillor Frank Lott withdrew from the meeting during consideration of the following item because he had previously expressed his support for the retention of the tree.)

The Committee considered whether to confirm the making of the Land at Carlyle Court, Wallsend Tree Preservation Order 2021.

The Council had been notified of the intention to remove an ornamental cherry tree located at the front of No.s 9 and 10 Carlyle Court, Wallsend. In response the Council had decided to make a Tree Preservation Order (TPO) to protect the tree. The TPO had been served on those people with an interest in the land in May 2021.

An objection to the TPO had been received from the resident of 10 Carlyle Court on the

grounds that the tree blocks light into the front bedroom, the proximity of the tree had increased insurance premiums, the tree was not within a conservation area, it was not of an important species and its falling blossom caused the blocking of drains and flooding.

One letter of support had been received which stated that the tree was a colourful asset to the street which was important to the local bird population and helped neutralise carbon emissions.

The Committee considered the representations 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.

Resolved that the Land at Carlyle Court, Wallsend Tree Preservation Order 2021 be confirmed without modification.

(Reason for decision: The Committee were satisfied it was expedient in the interests of amenity to confirm the Order without modification because the tree is in fair condition, reasonably healthy with no major defects. It is an important element of the local landscape as it is located in a prominent position within the front garden of the property and therefore highly visible to occupiers of neighbouring residential properties and from vehicular traffic and pedestrians on Carlyle Court.)

(At this point Councillor Lott returned to the meeting.)

PQ37/21 20 Hillheads Road, Whitley Bay Tree Preservation Order 2021

The Committee gave consideration as to whether to confirm the making of the 20 Hillheads Road, Whitley Bay Tree Preservation Order 2021.

The Council had been notified of the intention to remove one sycamore tree located to the south of 20 Hillheads Road, Whitley Bay. In response the Council had decided to make a Tree Preservation Order (TPO) to protect the tree. The TPO had been served on those people with an interest in the land in June 2021.

One objection to the TPO had been received from the resident of 20 Hillheads Road on the grounds that the tree has caused damage to the path and drains, it overhangs the roof of the property and the public pavement, all research on this species states that they should not be planted near to a home due to them having an aggressive root system and should be planted at least 15 feet from houses or pavements.

The Committee considered the objection 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.

Resolved that the 20 Hillheads Road, Whitley Bay Tree Preservation Order 2021 be confirmed without modification.

(Reason for decision: The Committee were satisfied it was expedient in the interests of amenity to confirm the TPO because of its prominence within the local landscape, the age of the tree, its health and current condition, and on the understanding that the tree is at risk of being felled.)

PQ38/21 1 Holywell Avenue, Whitley Bay Tree Preservation Order 2021

The Committee considered whether to confirm the making of the 1 Holywell Avenue, Whitley Bay Tree Preservation Order 2021.

The Council had been notified of the intention to remove one pine tree. In response the Council had decided to make a Tree Preservation Order (TPO) to protect the tree. The TPO had been served on those people with an interest in the land in June 2021.

Three objections to the TPO had been received from the owner of the property and two neighbouring residents. The objections were on the grounds that:

- a) the Council had previously granted permission to remove the tree in 2018 and nothing materially had changed;
- b) the tree is a concern to neighbours based on its safety and aesthetic impact;
- c) the owners reiterated their intention to fell and replace the pine tree with an alternative of appropriate scale and species, which is supported by their neighbours.
- d) The tree is gradually dying and looks unsightly;
- e) Neighbours fear that it will be blown over in strong winds with potential danger to life, property and vehicles;
- f) tree roots in Holywell Avenue have caused serious damage to the footpaths and inflate insurance premiums; and
- g) the tree now spoils the visual amenity of the street.

The Committee considered the objections, together with additional comments received from the resident of 1 Holywell Avenue in which they confirmed their intention to replace the pine tree, which had outgrown its location, with an appropriate alternative in terms of scale and species. The Committee also considered the advice 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 Committee were advised that confirmation of the Order would not prohibit the removal of the pine tree but it would provide the Council with the means by which to control its removal and replacement. Members of the Committee highlighted the need to clearly communicate the Council's reasons for making and confirming the TPO to the resident of 1 Holywell Avenue.

Resolved that the 1 Holywell Avenue, Whitley Bay Tree Preservation Order 2021 be confirmed without modification.

(Reason for decision: The Committee were satisfied that it was expedient in the interests of amenity to confirm the TPO because the pine tree is located in a prominent position and an important element of the local landscape and the TPO will provide the Council with the means by which to control its removal and replacement.)