

## **Planning Committee**

**Tuesday, 17 January 2023**

Present: Councillor W Samuel (Chair)  
Councillors L Bones, J Cruddas, P Earley, M Hall,  
John Hunter, C Johnston, J O'Shea and J Shaw

In attendance: Councillor L Marshall

Apologies: Councillors K Barrie, M Green, T Mulvenna and  
P Richardson

### **PQ52/22 Appointment of substitutes**

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

Councillor L Bones for Councillor K Barrie  
Councillor P Earley for Councillor M Green

### **PQ53/22 Declarations of Interest**

Councillor P Earley stated that he, together with the other local ward councillors, had submitted an objection to planning application 22/02118/FUL, Unit 21 Mylord Crescent, Camperdown Industrial Estate. He had also been granted speaking rights in relation to the application. As he had pre-determined the application he would take no part in the Committee's decision making and voting on the matter.

### **PQ54/22 Minutes**

**Resolved** that the minutes of the meeting held on 13 December 2022 be confirmed and signed by the Chair.

### **PQ55/22 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.

### **PQ56/22 22/01122/FUL, Land at Centurion Park, Rheydt Avenue, Wallsend**

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 Bellway Homes (North East) for the erection of 215no. residential dwellings with access, landscaping, sustainable drainage and associated infrastructure.

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

During the presentation the planning officer stated that:

- a) following consultee comments during the course of the application process the applicant had submitted amended plans which indicated that the onsite provision of informal open space (excluding the bowling green) would be 2.3ha which equated to a loss of 1.88ha;
- b) the previous planning application for residential development at the application site had been subsequently withdrawn;
- c) since circulation of the report and addendum, further discussions had taken place with Newcastle City Council regarding its request for a financial contribution to take measures to reduce traffic through residential streets in the Appletree Gardens area in Newcastle. In the light of these discussions, the planning officers amended their recommendation to the Committee to include within the terms of the proposed Section 106 Legal Agreement a financial contribution of £50,000 towards the introduction of two closure points as part of Newcastle City Council's Low Traffic Neighbourhood Scheme; and
- d) officers had been made aware of an electronic petition hosted by the website Change.org and signed by approximately 1,400 people opposed to the application. The petition had not been submitted to the Authority but the issues raised in the petition were addressed in the planning officers report.

The Chair reported that all members of the Committee had been sent a letter by Wallsend Boys Club setting out its objections to the planning application.

In accordance with the Committee's Speaking Rights Scheme, Maria Ferguson addressed the Committee on behalf of Wallsend Boys Club and a number of objectors who had been granted permission to speak to the Committee namely, Maureen Walsh, Katie McNally, Peter Kirkley, Martin Collins and Allan Henderson. She was accompanied by Steve Dale of Wallsend Boys Club. Maria Ferguson described the Boys Club as a significant community asset and outlined details of its recent expansion. It was opposed to the loss of the publicly owned open space as this would prohibit the club's growth and its ability to contribute to tackling social issues in the area. She challenged the applicant's Open Space Assessment in the light of the Authority's Playing Pitch Strategy being five years out of date and the allocation of the land as open space in the Local Plan 2017. She asked that the application be refused until the Authority reviews its Playing Pitch Strategy. She also raised concerns regarding the impact on ecology and the capacity of Rheydt Avenue to accommodate the additional traffic flows from the development. She considered the proposed improvements to the highway network to be inadequate. The Committee were urged to listen to the views of over 200 objectors, stand by Wallsend Boys Club and refuse the application as it was contrary to the Local Plan.

Councillor Louise Marshall had been granted permission to speak to the Committee as ward councillor for the Wallsend Ward. Councillor Marshall outlined the objections of Wallsend Boys Club and local residents on the grounds of car parking, highway safety, loss of open space, layout and nature conservation. She had contacted 111 residents living in the area and 80% were either against, unsure or wanted more information. She envisaged that the development would create 500 extra journeys per day along Rheydt Avenue which would cause safety issues at Western Primary School and the hazardous junction with Rutland Road. Overflow car parking problems from Rheydt Avenue were likely to be exacerbated. The open space was easily accessible for local residents and well used for exercise and

recreation. The Boys Club played an important role to play in tackling anti-social behaviour and the loss of the open space would remove the opportunity for expansion. Councillor Marshall was critical of Bellways and the Council for a lack of consultation on the matter and she expressed disappointment that works had already commenced on site.

Sandra Manson of Pegasus Group, accompanied by Mark Gabriele of Bellway Homes (North East), addressed the Committee to respond to the speakers' comments. She thanked officers for their work with the applicants to bring forward a robust proposal which had been subject to thorough assessment by a range of professionals who had identified mitigation for the impacts and raised no objections. She highlighted that the Authority did not have a 5 year housing land supply and therefore there was a presumption in favour of the development unless its impacts significantly and demonstrably outweigh the benefits. In terms of highway safety and car parking it was not the responsibility of the applicant to mitigate against existing problems associated with the operation of the boys club. She outlined how the proposed development would relate to the future relocation and development of the golf club and described the benefits of the development in terms of supplying housing, improved play facilities and employment and training opportunities.

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

- a) details of the ownership, leasing and control of the application site and the potential for Wallsend Boys Club to expand onto the site. The Committee were advised to consider the application before it and to disregard any future proposals or uses of the land;
- b) the existing use of Rheydt Avenue for car parking associated with the operation of Wallsend Boys Club's facilities and the likely impact of the development on car parking and highway safety in the area;
- c) the outcome of the applicant's Transport Assessment in terms of the predicted number of vehicular movements on Rheydt Avenue generated by the development;
- d) the nature and location of the 54 affordable homes to be incorporated into the development;
- e) the proposed density of houses on the site;
- f) the location of the nearest bus stops to the application site;
- g) the allocation of the site as open space within the Local Plan 2017 and the findings contained within the applicant's Open Space Assessment; and
- h) the latest Housing Land Availability Assessment which demonstrated that the Authority did not have a 5 year housing land supply and therefore there was a presumption in favour of the development unless its impacts significantly and demonstrably outweighed the benefits.

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

On being put to the vote, 6 members of the Committee voted for the recommendation and 3 members 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 conditions set out in the planning officers report and addendum;
- ii) the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development; and
- iii) completion of a legal agreement under Section 106 of the Town and Country Planning

Act 1990 to secure a financial contribution for the following:

- Affordable housing provision
- Allotments £21,600
- Ecology and Biodiversity £41,925
- Parks and Greenspace £114,421
- Built Sports Facilities £186,932
- Play/Multi Use Games Area £150,500
- Newcastle City Council's Low Traffic Neighbourhood Scheme £50,000

(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. Furthermore, its impact on the amenity of existing and future occupiers, the character and appearance of the area, biodiversity and landscaping, highway safety and flood risk were acceptable and did not significantly and demonstrably outweigh the benefits.)

**PQ57/22      22/02118/FUL, Unit 21 Mylord Crescent, Camperdown Industrial Estate**

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 Gurteen Transport for an extension to existing commercial unit to form additional warehousing space, extension to car park.

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, Councillor Peter Earley, ward councillor for the Camperdown Ward, had been granted permission to speak to the Committee. Councillor Earley stated that he was speaking on behalf of around 24 local residents and all ward councillors in opposing the application. Their objections were based on the current operation of the premises which were a relevant indicator of how any extension of the premises was likely to have an impact on the amenity of neighbouring residents. Residents currently experienced noise and light pollution from the site, which operated beyond its permitted hours of 8am to 6pm. They were not confident that the proposed mitigating measures including an acoustic fence would be satisfactory. There were also concerns regarding an increase in traffic reversing into the site from Mylord Crescent and further car parking congestion in the area.

Maria Ferguson addressed the Committee on behalf of Gurteen Transport to respond to the speakers' comments. She stated that the site was allocated in the Local Plan 2017 as reserved employment land, it was imperative that the business had space to grow and in accordance with the National Planning Policy Framework the Committee should approve development proposals that accord with an up-to-date development plan without delay. The proposed development represented an increase in warehousing space, not an increase in activity and it would provide greater space to allow vehicles to enter and leave the site in a forward gear. She outlined the measures to be taken to mitigate against any impact on neighbouring residents including planting, acoustic measures and traffic management. On this basis she considered that there were no justifiable reasons for refusal and hoped the Committee would grant permission.

Members of the Committee were given the opportunity to ask questions of Councillor Earley and the applicant.

(At this point in the meeting Councillor Peter Earley withdrew from the meeting room and took no part in the discussion or voting on the application.)

The Committee discussed the merits of the application and gave particular consideration to the nature of the activity on site, the proposed improvements to the vehicular access and car parking on site and other mitigating measures and the allocation of the site for employment use.

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

On being put to the vote, 8 members of the Committee voted for the recommendation and none voted against.

**Resolved** that (1) the Committee indicates that it 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 following expiry of the consultation period subject to:

- i) the conditions set out in the planning officers report and addendum;
- ii) the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development; and
- iii) any issues or objections arising from the consultation which, in the opinion of the Director of Regeneration and Economic Development, were not previously considered by the Committee then the application be referred back to the Committee for reconsideration.

(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 its impact on residential amenity and highway safety.)

**PQ58/22            22/02125/FULH, 54 Brierdene Crescent, Whitley Bay**

The Committee considered a report from the planning officers, together with an addendum circulated prior to the meeting, in relation to a full householder planning application from Mr & Mrs Taylor for a loft conversion with rear dormer and rooflights to front. Roof to be replaced with hip gable roof extensions. Works to include: installation of cedar cladding to gable ends of the property, lap wood effect in c62 violet blue, replacement of roof tiles from concrete rosemary to marley modern old English and cladding of existing dormer in anthracite grey zinc.

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 a neighbouring resident, Mr Peter Duffy, had been granted permission to speak to the Committee. Mr Duffy expressed dissatisfaction with the advice he had received regarding the limited issues to be considered by the Committee. He believed that the Council had not followed due process and he had been denied a right of appeal when the Authority had granted permission for the loft conversion. The application had incorrectly stated that the development was not visible from the highway. This retrospective application for an unauthorised dormer window had only been submitted when he and other residents had objected. He objected to the materials to

be used and stated that the development would overlook neighbouring properties. He believed the applicant had shown a lack of respect and courtesy by continuing construction work during the application process.

The applicant, Mr Taylor, addressed the Committee to respond to Mr Duffy's comments. Mr Taylor explained how he had acquired the property in June 2022 with the loft extension plans and a certificate of lawfulness already in place. He explained the reasons why the materials to be used could not match the existing materials and had to be changed. He accepted that these changes required planning permission. He regretted any upset caused to his neighbours but he stated that the materials were not out of keeping with the area and windows to the rear of the property already overlooked neighbouring properties.

Members of the Committee were given the opportunity to ask questions of Mr Duffy, Mr Taylor and officers and to comment on the application. In doing so the Committee gave particular consideration to:

- a) the process applied in initially issuing a certificate of lawfulness and later requiring the applicant to seek planning permission because the materials used were not of similar appearance to the exterior of the existing dwellinghouse;
- b) the extent to which neighbouring residents were provided with advice on the processes applied; and
- c) the impact of the materials to be used on the character and appearance of the site and surroundings.

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

On being put to the vote, 9 members of the Committee voted for the recommendation and none voted against.

**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 the character and appearance of the site and surroundings.)

## **PQ59/22      22/01191/FUL, Unit C, Bellway Industrial Estate, Benton**

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 Northumberland Estates for demolition of existing buildings and proposed retail development and drive through cafe with associated access, car parking, landscaping and all ancillary works.

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

On being put to the vote, 9 members voted for the recommendation and none voted against.

**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 conditions set out in the planning officers report and addendum;

- ii) the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development; and
- iii) completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution for the following:
  - A £15,000 Travel Plan Bond is required. This will have to be paid if the Travel Plan Targets are not met 5 years from first occupation.
  - A £2,500 Travel Plan Monitoring Fee (£500 per annum) is required. This is for North Tyneside Council (NTC) Officer time spent monitoring the travel plan delivery, evaluating annual travel plan progress reports and annual survey results as submitted by the Travel Plan Coordinator (TPC).

(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, its impact on amenity, the character and appearance of the area, highway safety and biodiversity.)