

Planning Committee

Tuesday, 14 March 2023

Present: Councillor W Samuel (Chair)
Councillors L Bones, P Earley, Janet Hunter,
John Hunter, C Johnston, T Mulvenna, J O'Shea,
M Rankin, and J Shaw

Apologies: Councillors K Barrie, J Cruddas, M Green, M Hall and
P Richardson

PQ67/22 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
Councillor Janet Hunter for Councillor P Richardson
Councillor M Rankin for Councillor M Hall

PQ68/22 Declarations of Interest

Councillor C Johnston declared a non-registerable personal interest in relation to planning application 23/00015/FUL, 23 Monks Way, Tynemouth because he lived in close proximity to the application site. Councillor Johnston withdrew from the meeting during consideration of this item and took no part in the discussions or voting on the matter.

Councillor T Mulvenna stated that as a local ward councillor he had submitted an objection to planning application 21/01513/FUL, Land South of Boundary Mills, Park Lane, Shiremoor and he had been granted speaking rights. As he considered that he had predetermined the application he stated that he would take no part in the discussions or voting on the matter.

PQ69/22 Minutes

Resolved that the minutes of the meeting held on 14 February 2023 be confirmed and signed by the Chair.

PQ70/22 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.

PQ71/22 22/01122/FUL, Land at Centurion Park, Rheydt Avenue, Wallsend

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

The application had previously been considered by the Committee at its meeting on 17 January 2023. Following the meeting, a further representation had been submitted on behalf of Wallsend Boys Club which raised a number of issues detailed in the planning officers report. Having reviewed these issues, it was considered appropriate to bring the application back to the Committee for re-consideration. The planning officer's report had been updated/amended where necessary and the applicant had submitted an addendum to its Open Space Assessment and a Planning Note.

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, 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 noted with regret that it had been necessary for the Committee to reconsider the application following the representations made by Wallsend Boys Club highlighting deficiencies in the earlier decision and indicating that the Club were willing to challenge the decision. The Boys Club remained opposed to the loss of the open space as it provided one of the few opportunities in the area to meet a growing need for sports facilities. There was concern that if the poor condition of the open space could justify its loss then this would set a dangerous precedent for other sites. The application did not comply with relevant planning policies in relation to the loss of open space, the Authority's Green Space and Playing Pitch Strategies were out of date and the proposed creation of new open spaces were not comparable in terms of their potential for sport and recreation. Concern was also expressed regarding the proposed access to the development via Rheydt Avenue which by virtue of the density of dwellings on the site would lead to undue pressure on the highway network. As the development was contrary to the local plan and would be detrimental to the health and wellbeing of the local community the Committee were urged to refuse the application.

Steve Dale expressed his concerns regarding the role of Bellway Homes, as the applicants, in addressing the Boys Club's challenge of the Committee's earlier decision. He was also critical of the Authority's communications to objectors regarding the re-consideration of the application. The original letter contained an error regarding the date of the meeting which put into question any trust in the planning officers report. Mr Dale challenged the estimated number of traffic movements associated with the development as these had been calculated by netting off traffic movements to and from the golf club, whose membership had now significantly decreased. He asked why the leaseholders of the site had not maintained or developed the site for recreational use and questioned Sport England's decision not to object to the application.

Councillor Louise Marshall had been granted permission to speak to the Committee as ward councillor for the Wallsend Ward. Councillor Marshall had declined an invitation to speak at the meeting but had submitted a written statement which was considered by the Committee.

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 working with the applicant to formulate a robust application which provided a plethora of benefits and mitigated its impacts. The application complied with the Local Plan when read as a whole and would make a valuable contribution towards the Authority's 5 year housing land supply and its commitment to provide 5000 affordable homes. 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 outweighed the benefits. The impacts of the development had been assessed and no objections had been received from any statutory consultees, including Sport England. She described how the impact of the development in terms of loss of open space, highway safety, ecology, flood risk, and residential amenity had been assessed and set out details of the proposed mitigations. The scheme would also deliver a range of benefits including affordable housing, employment, biodiversity, sports facilities and highways improvements. As the impacts of the development did not outweigh the benefits the Committee were asked to support the officer recommendations.

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 evidence to emerge from the addendum to the applicant's Open Space Assessment and its desk top study of changes to green space in the Northumberland Ward since the Green Space Strategy was updated in 2015;
- b) the definition of open space contained within the National Planning Policy Framework;
- c) the status of the Authority's Green Spaces Strategy 2015 and Playing Pitch Strategy 2013 in determining the application;
- d) the impact of the development on the loss of open space;
- e) details of how the new open space within the development would be maintained;
- f) the impact of the development on highway safety in the area;
- g) the estimated number of vehicular movements on Rheydt Avenue and the methodology used to calculate the projections;
- h) the measures to be incorporated within the Travel Plan to minimise single occupancy car travel and improve accessibility to the development by a range of modes of transport;
- i) the applicant's landscaping scheme and biodiversity net gain assessment which demonstrated that a 10.83% net gain would be achieved by way of both on site compensation and off site compensation in Wideopen; and
- j) the latest Housing Land Availability Assessment which demonstrated that the Authority did not have a 5 year housing land supply and its effect on the allocations of housing land within the Local Plan 2017.

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 4 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;
- 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 £21,600.00
- Ecology and Biodiversity £41,925
- Parks and Greenspace £114,421
- Built Sports Facilities £186,932
- Play/Multi Use Games Area £150,500
- Playing Pitches £162,219
- Primary Education £65,000
- Coastal mitigation £32,465
- Employment and Training £49,000
- Highways £50,000
- Travel Plan Bond £100,000

(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.)

(At the conclusion of this item Councillor M Rankin left the meeting.)

**PQ72/22 22/00886/FUL, Site of Former Trinity United Reformed Church,
Esplanade Place, 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 planning application from Fordinghall Ltd for construction of 12no. residential two storey terraces dwellings with private parking spaces and associated 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 a local resident, Stephen Overy, had been granted permission to speak to the Committee. He stated that whilst he had no objection in principle to development of the site he referred to the lack of available car parking spaces on Esplanade which was one of the few streets in the area without any parking restrictions. He envisaged that the construction of new homes, even with provision for 12 car parking spaces within the site, would create greater demand for parking on Esplanade and he suggested that parking restrictions should be extended should the development proceed. He also referred to the increasing number of properties which had installed dropped curbs to allow access to off street car parking. This had reduced the amount of on street parking and was detrimental to the character and appearance of the Victorian street.

Dave Parsons of Artisan Architecture, accompanied by Bernard Dunner of Whitehall Property Management, addressed the Committee to respond to the speakers' comments. He acknowledged the car parking pressures in Esplanade but emphasised that the proposed properties would each have an off street parking place. These places would be safer and more secure than Esplanade and they had been designed to ensure that the

amount of parking available on the adjacent back lane was not reduced.

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 impact of the development on the width, and access to, the back lane to rear of the site; and
- b) the processes available to the Authority and ward councillors, separate to the planning application, to survey residents of Esplanade as to possibility of introducing a residents parking scheme.

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

On being put to the vote, 7 members of the Committee voted for the recommendation, 0 voted against and there were 2 abstentions.

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, incorporating those amendments set out in the addendum to the report;
- 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:
 - Coastal mitigation £4,044
 - Off-site tree planting £900

(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 residential amenity, the character and appearance of the area, ecology and highway safety.)

(At the conclusion of this item Councillor L Bones left the meeting.)

PQ73/22 22/02238/FUL, Beacon Hill School, Rising Sun Cottages, Wallsend

The Committee considered a report from the planning officers in relation to a full planning application from North Tyneside Council for the installation of an extension of Beacon Hill School to provide 10 additional class bases on site. This is to include associated car park and external landscaping with the intention of future proofing the site for increased student and staff numbers.

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 local resident, Jon Goodwin, had been granted permission to speak to the Committee. He objected to the proposed development on the grounds that it would lead to an unacceptable loss of light to properties in Rising Sun Cottages. The two storey building would be located 30 metres to the south of the properties. There were also concerns regarding a loss of amenity caused by

increased traffic accessing the site, adding to car parking pressures and compromising highway safety. There were only two vehicular accesses to the site, from Rae Avenue which had been designated a play street, and from Kings Road North which already suffered from inconsiderate parking and behaviour at school pick up and drop off times. Residents had been invited to a drop in event to discuss the proposals on 15 February 2023 when various suggested changes to the design had been put forward including flipping the alignment of the building, relocating the building and creating an access from Mullen Road, but these suggestions had been ignored.

Rachel Coyne of North Tyneside Council, accompanied by Karvind Chohan, addressed the Committee to respond to the speakers' comments. Rachel described the history of Beacon Hill School and how its provision for 120 children with profound disabilities had developed over the years. Demand for places at the school now exceeded its capacity and the proposed development would replace off site and temporary facilities. The building could not be constructed on the playing fields to the west of the existing building because a culvert ran under the field and sports fields would be lost. Obscure glass would be installed on the north elevation of the building to mitigate against a loss of privacy for residents living in Rising Sun Cottages. The development included a new car park and improved access and during the construction period the car park at the nearby Barking Dog public house would be utilised to provide between 86 and 106 car parking places.

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 volume and nature of traffic associated with Beacon Hill School and the adjacent St Bernadette's Primary School;
- b) the congestion caused by the pinch point at the junction of Kings Road North and Mullen Road;
- c) details of the proposed new car park and access to the site;
- d) the rationale for the two storey section of the building being located to the north of the site, towards Rising Sun Cottages;
- e) the impact of the development, which had been measured to be 26 metres from the northern boundary of the site, on the amenity of residents living in Rising Sun Cottages; and
- f) the extent of the public consultation process undertaken by planning officers and the applicant in respect to the application.

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

On being put to vote the Committee voted unanimously in favour of the recommendation.

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 character and appearance of the area, residential amenity, highway safety and biodiversity.)

The Committee considered a report from the planning officers in relation to a full planning application from Mr W Collard for erection of gym with associated parking.

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 local resident, Keith Dowd, had been granted permission to speak to the Committee. He stated that the development by virtue of its size and position would be detrimental to the appearance of the area. Reference was made to the reasons given by the Planning Inspector in dismissing an appeal against a refusal to grant planning permission for residential properties on the site which highlighted the importance of the scale, mass and form of any development on the character and appearance of the conservation area. Mr Dowd was concerned about the size of the development, which exceeded the footprint of the former school house and comprised two storeys. Reference was also made to the potential for noise and light arising from the development affecting neighbouring residents. Mr Dowd contended that the development was not in keeping with the area, it would not preserve and enhance the conservation area and the applicant ought to look at alternative and more appropriate locations for a gym.

Councillor Michelle Fox had been granted permission to speak to the Committee as ward councillor for the Weetsalde Ward. Councillor Fox was unable to attend the meeting and so she submitted a written statement which was considered by the Committee.

Hannah Wafer of George F White addressed the Committee on behalf of the applicant to respond to the speakers comments. She stated that the applicant had worked with officers to prepare a planning application which was in accordance with the Local Plan and National Planning Policy Framework. She acknowledged the concerns that had been raised and these had been subject to due consideration. The opening hours of the gym were to be restricted, a noise assessment was to be undertaken to ensure that appropriate mitigations would be secured, the separation distance from the development to neighbouring residential properties would be over 20 metres, the vehicular access and car parking had been agreed with the highways officer, the contemporary design of the gym was considered to be appropriate for the conservation area and a sequential assessment had demonstrated that there were no suitable, available or viable sites in local town centres.

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 proposed number of car parking spaces within the site;
- b) the capacity of Sandy Lane to accommodate any overspill car parking;
- c) provision for vehicles turning right into Sandy Lane from the B1318; and
- d) the impact of the development on highway safety.

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

On being put to the vote, 5 members of the Committee voted for the recommendation, 2 members voted against the recommendation and 1 abstained.

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 character and appearance of the area, residential amenity, highway safety and biodiversity.)

PQ75/22 21/01513/FUL, Land South of Boundary Mills, Park Lane, Shiremoor

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 Lidl Great Britain Limited for the erection of a new discount foodstore (Use Class E) with access, car parking and landscaping and other associated 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 a local resident, Andrea Knowles, had been granted permission to speak to the Committee. Councillor Brian Burdis, the local ward councillor, addressed the Committee on her behalf.

Prior to speaking Councillor Burdis asked that consideration of the application be deferred to allow members of the Committee to attend a site visit to observe the traffic conditions in the area. The Committee were advised that as site visits can cause delays to the planning process they should only occur in exceptional circumstances when the nature of the application or the site is such that only through a site visit would it be possible to give full consideration to such issues. Councillor O'Shea moved that the application be deferred to allow a site visit but as there was no seconder the motion was not put to the vote and the Committee proceeded to consider the application at the meeting.

Councillor Burdis stated that the application did not comply with various policies contained in the National Planning Policy Framework and Local Plan because it was not consistent with the Murton Gap Masterplan, an alternative preferential vacant site (the former Great Outdoors shop) had not been considered as part of the sequential test for town centre uses, the development would increase traffic congestion on Park Lane, the design of the building would have a detrimental impact on the character and appearance of the area and the loss of the 14 homes and their gardens to have been built on the site would be harmful to wildlife, despite the off-site mitigation for farmland birds.

Councillor Brian Burdis, the local ward councillor for the Valley Ward had been granted speaking rights. Councillor Tommy Mulvenna addressed the Committee on his behalf. Councillor Mulvenna questioned the purpose of the Murton Gap Masterplan, as agreed by the Authority and the Government, because the proposed development did not comply with the plan. The plan had designated a site in the north east corner of the area for commercial development but this development was to be in the opposite south west corner. The plan did not provide for any further vehicular access points onto Park Lane. He was concerned about the impact of another access onto Park Lane given its close proximity to the busy junction with New York Lane which was likely to lead to increased and dangerous traffic congestion.

Marcin Koszyczarek of Rapleys LLP, accompanied by Chris Blyth from Lidl GB Ltd, addressed the Committee to respond to the speakers' comments. He thanked officers for working with the applicants in bringing forward the application. The site was allocated for

housing within the Murton Gap Masterplan but it had been demonstrated that the proposed development would not jeopardise the overarching vision of the plan, evidenced by the fact the Murton Gap applicants and statutory consultees had not objected. The property previously occupied by Great Outdoors was not suitable or available. Its configuration, internal layout and car parking were unsuitable for Lidl's use, the unit was also situated in an out of town centre location and the property was only available to let and not for sale. Mr Koszyczarek highlighted the benefits of the development in terms of greater consumer choice, investment in the area, employment, vehicle charging points, biodiversity net gain, farmland bird mitigation and highways improvements.

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 details of the proposed vehicular access to the proposed development from Park Lane, Shiremoor; and
- b) the impact of the development on the local highway network and highway safety.

(Councillor Mulvenna left the meeting and took no part in the discussion, voting or decision making in relation to this application.)

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

On being put to the vote, 3 members of the Committee voted for the recommendation and 2 members voted against the recommendation with 2 abstentions.

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;
- 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 £10,000 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).
 - A £25,580 farmland bird mitigation contribution is required towards implementing a scheme at the Rising Sun Country Park or alternative site.

(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 character and appearance of the area, residential amenity, highway safety and biodiversity.)

PQ76/22 22/02195/FUL, Land East of Neptune Road, Wallsend

The Chair reported that at the request of the applicant this item had been deferred until a future meeting to allow further discussions between the applicant and planning officers over

the proposed conditions.

PQ77/22 23/00015/FULH, 23 Monks Way, Tynemouth

(Councillor C Johnston declared a non-registerable personal interest in relation to the application because he lived in close proximity to the application site. Councillor Johnston withdrew from the meeting during consideration of this item and took no part in the discussions or voting on the matter.)

The Committee considered a report from the planning officers in relation to a full householder planning application from Mr N Sandy for an over garage extension and porch to front elevation. Replacement of timber cladding with smooth white fibre cement cladding.

The matter had been brought before the Planning Committee for determination because an officer within the planning team had objected to the application.

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

On being put to the vote the Committee voted unanimously for the recommendation.

Resolved that planning permission be refused.

(Reason for decision: The proposed first floor side extension, by virtue of its size, height and position in relation to the neighbouring properties, Nos. 12 and 14 Marshmont Avenue, would have a significant overbearing impact on the residents of those properties, resulting in an unacceptable loss of residential amenity in terms of loss of outlook and light from the rear gardens and windows; contrary to Policies DM6.1 and DM6.2 of the North Tyneside Local Plan 2017 and the Design Quality SPD.)