

## **Planning Committee**

**Tuesday, 4 July 2023**

Present: Councillor W Samuel (Chair)  
Councillors S Cox, J Cruddas, T Hallway, C Johnston,  
P McIntyre, J O'Shea, P Oliver and M Thirlaway

Apologies: Councillors S Burtenshaw and J Montague

### **PQ10/23 Appointment of substitutes**

There were no substitute members appointed.

### **PQ11/23 Declarations of Interest**

Councillor M Thirlaway declared a non-registerable personal interest in planning application 23/00469/FUL, Buzz Bingo Club, Middle Engine Lane, Wallsend because his school friend was employed by Buzz Bingo. He withdrew from the meeting during consideration of the item and took no part in the voting or decision making.

### **PQ12/23 Minutes**

**Resolved** that the minutes of the meeting held on 13 June 2023 be confirmed and signed by the Chair.

### **PQ13/23 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.

### **PQ14/23 16/01710/FUL, Tynemouth Open Air Pool, North of Percy Gardens, Tynemouth**

The Committee considered a report from the planning officers, together with two addendums, one circulated prior to the meeting and another circulated at the meeting, in relation to a full planning application from Friends of Tynemouth Pool for the refurbishment, renovation and reinstatement of existing structures to create a 25 metre open-air leisure pool (heated), and splash pad, and construction of temporary changing, refreshment and toilet facilities.

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 Peter Coulson had been granted permission to speak to the Committee. Mr Coulson referred to the history of the site and support received from the Mayor of Waverley in Sydney, Australia for the restoration of the pool. He stated that the careful design of the proposed developments would enhance the character and appearance of the conservation area. An alternative design of the temporary structures had been submitted on 1 April 2023 but the planning officers had yet to respond. The proposals would not distract from the amenity and operation of neighbouring organisations and people. It was acknowledged that the biodiversity assessments were now out of date but these could be reviewed at the appropriate time in the year.

Councillors Lewis Bartoli and Sarah Day, ward councillors for the Tynemouth Ward had also been granted permission to address the Committee.

Councillor Bartoli highlighted 3 areas of concern raised by the planning officers which he believed could be satisfactorily resolved. He stated that if the biodiversity, bird and habitat assessments were updated this would satisfy the concerns regarding the absence of up to date information. Councillor Bartoli compared the impact of the temporary buildings on the character and appearance of the area with the impact of existing similar structures in the area and he contended that the harm did not outweigh the public benefits of reinstating the pool. He also challenged the view contained in the planning officers report that the proposed development was un-fundable and undeliverable and argued that if the project ultimately proved to be unviable, the Authority would inherit an asset in an improved condition.

Councillor Day referred to the history of the site, the community campaign to restore the pool and the amount of public support for the scheme. She outlined the benefits of the scheme and those aspects of the proposal which were deemed to be acceptable. She acknowledged the concerns raised by the planning officers but she believed these issues could be resolved to allow permission to be granted. This would in turn enable the applicants to seek funding to progress the ambitious scheme.

Dr Anton Lang addressed the Committee on behalf of the applicants, Friends of Tynemouth Pool, to respond to the speakers' comments. Dr Lang accepted that the bird and ecology assessments were out of date but he emphasised that they had not raised any issues for concern. He argued that the proposed reasons for refusing permission could be translated into conditions imposed on the granting of planning permission. He commented on the design and appearance of the proposed temporary structures which could be adapted to mitigate their impact on the character and appearance of the area. He asked the Committee to give the community hope by granting permission subject to a series of conditions requiring the issues raised by officers to be satisfactorily resolved.

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

- a) car parking and public transport links in the area surrounding the site;
- b) the difference between the estimated build costs for the development calculated by officers and the applicants;
- c) examples of outdoor swimming pools operated in other parts of the country which had proven to be financially viable;
- d) the statutory timescales for the commencement of works following the granting of planning permission;
- e) the significance of the site, the economic, health and social benefits of the proposed development and the level of public support in favour of the reinstatement of the pool;
- f) the impact of the proposed temporary structures on the character and appearance of

the conservation area; and

g) the advice from planning officers that should planning permission be granted, subject to conditions requiring the wintering bird surveys and a biodiversity net gain assessment to be undertaken, this would deny Natural England and the Biodiversity Officer the opportunity to properly assess, and potentially object to, the application before planning permission was granted and would leave the Authority at risk of challenge and not able to satisfactorily discharge its additional duties under the Habitats Regulations.

The Chair proposed that the Committee indicate it is minded to grant the application and authorise the Director of Regeneration and Economic Development to issue a notice of grant of planning permission, provided the applicant satisfactorily resolves the issues described by the Chair and set out below.

On being put to the vote, 8 members of the Committee voted for the proposal and 1 member voted against with no 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, providing no further matters arise which in the opinion of the Director of Regeneration and Economic Development raise issues not previously considered which justify reconsideration by the Committee, subject to:

- i) any conditions considered necessary by the Director of Regeneration and Economic Development;
- ii) the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution of £15,165 towards the Coastal Mitigation Service;
- iii) receipt of information to satisfactorily address the comments of Natural England and the Council's Biodiversity Officer, including an updated Ecological Impact Assessment, additional wintering bird surveys and an updated Shadow Habitat Regulation Assessment, to allow the Local Authority to undertake an appropriate assessment under the Habitat Regulations which demonstrates to the satisfaction of Natural England and the Council's Biodiversity Officer that the development would not have an adverse effect on designated sites;
- iv) receipt of a Biodiversity Net Gain Assessment undertaken in line with the most up-to-date DEFRA Biodiversity Metric and associated habitat mitigation/net gain plans which demonstrates a net gain in biodiversity would be achieved to comply with Local Plan Policy DM5.5 and the requirements of the Environment Act; and
- v) receipt of a revised flood risk assessment containing the most recent flood risk data and climate change allowances and receipt of a satisfactory consultation response from the Environment Agency.

**PQ15/23      16/01711/OUT, Tynemouth Open Air Pool, North of Percy Gardens, Tynemouth**

The Committee considered a report from the planning officers, together an addendum circulated at the meeting, in relation to an outline planning application from Friends of Tynemouth Pool for the construction of a new building to provide changing facilities, cafe, retail unit and gym associated with open-air swimming pool

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

and photographs.

In determining the application, the Committee gave consideration to the points raised by those people granted speaking rights and during members' questions and discussions as recorded in the previous minute (PQ14/23).

The Chair proposed that the Committee indicate it is minded to grant the application and authorise the Director of Regeneration and Economic Development to issue a notice of grant of planning permission, provided the applicant satisfactorily resolves the issues described by the Chair and set out below.

On being put to the vote, 8 members of the Committee voted for the proposal and 1 member voted against with no 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, providing no further matters arise which in the opinion of the Director of Regeneration and Economic Development raise issues not previously considered which justify reconsideration by the Committee, subject to:

- i) any conditions considered necessary by the Director of Regeneration and Economic Development;
- ii) the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution of £40,061 towards the Coastal Mitigation Service;
- iii) receipt of information to satisfactorily address the comments of Natural England and the Council's Biodiversity Officer, including an updated Ecological Impact Assessment, additional wintering bird surveys and an updated Shadow Habitat Regulation Assessment, to allow the Local Authority to undertake an appropriate assessment under the Habitat Regulations which demonstrates to the satisfaction of Natural England and the Council's Biodiversity Officer that the development would not have an adverse effect on designated sites;
- iv) receipt of a Biodiversity Net Gain Assessment undertaken in line with the most up-to-date DEFRA Biodiversity Metric and associated habitat mitigation/net gain plans which demonstrates a net gain in biodiversity would be achieved to comply with Local Plan Policy DM5.5 and the requirements of the Environment Act; and
- v) receipt of a revised flood risk assessment containing the most recent flood risk data and climate change allowances and receipt of a satisfactory consultation response from the Environment Agency.

**PQ16/23      23/0469/FUL, Buzz Bingo Club, Middle Engine Lane, Wallsend**

(Councillor M Thirlaway declared a non-registerable personal interest, withdrew from the meeting during consideration of the following item and took no part in the voting or decision making.)

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 BMW (UK) Trustees Ltd for change of use of existing bingo hall (Sui Generis) to retail (Class E(a)) together with external works to the building and alterations to the service yard and 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, Mrs S Robinson had been granted permission to speak to the Committee but she did not attend the meeting.

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

- a) the impact of the development on the amenity of neighbouring residents;
- b) the effect of the lease held by Buzz Bingo until 2025 on the granting of planning permission;
- c) the objections received relating to the loss of a bingo hall; and
- d) the advice of the planning officers in relation to the effect and application of Policy 7.10 of the Local Plan in relation to the application.

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 and 1 member voted against with no abstentions.

**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 and highway safety.)