

# Planning Committee

**Tuesday, 14 November 2023**

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

Apologies: Councillors J Cruddas and C Davis

## **PQ43/23 Appointment of substitutes**

There were no Substitute Members reported.

## **PQ44/23 Declarations of Interest**

There were no declarations of interest or dispensations reported.

## **PQ45/23 Minutes**

**Resolved** that the minutes of the meeting held on 24 October 2023 be confirmed and signed by the Chair.

## **PQ46/23 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 application listed in the following minute.

## **PQ47/23 23/01257/FUL Hadrian Yard A, B and C, Hadrian Way, Wallsend, Tyne and Wear**

The Committee considered a report from the planning officers, together with three addenda circulated prior to the meeting, in relation to a full planning

application from Smulders Projects UK for the erection of a new workshop building (55m x 270m x 41m) to accommodate welding and fabrication activities.

A planning officer presented details of the application with the aid of various maps, plans and photographs. It was explained that there had been a legal challenge in relation to the previous permission granted for the site and that the previously approved building had been substantially completed although the windows did not match what had previously been approved. The Committee was reminded that it must consider the current application on its merits and not attach any weight to the previous application when determining the application currently before the Committee. It was also explained that further details of the lighting scheme and landscaping would be submitted and an additional condition would be imposed in relation to a scheme to specify how apprenticeships, training and employment opportunities would be delivered.

In accordance with the Committee's Speaking Rights Scheme Chris Black, a local resident, addressed the Committee. He explained that he considered that it would be unlawful for the Committee to determine the current application, which was substantially the same as the previous application, prior to the High Court's consideration of the judicial review in respect of the previous application in relation to the site. He suggested that a short deferral of the application would allow the judicial review to take place. Mr Black then made reference to the development's height and impact on amenity and he also referred to the failure to abide by the planning restrictions in relation to the creation of dust, construction outside of authorised hours and the noise associated with the operation of the site. He explained that residents had not been considered during the course of the construction of the development and he made reference to the impact that the lighting on site had had on peoples sleep and the associated effect on the residents' quality of life.

James Cullingford of Lambert Smith Hampton addressed the Committee on behalf of the applicant. He explained that he supported and agreed with the conclusions reached by the officers. He also explained that a review of the lighting scheme had been commissioned and would be available by the end of January 2024. He also confirmed that the applicant had taken appropriate action as soon as it had been made aware of the issue regarding lighting and had installed timers on the lighting to ensure that the lights were switched off at a suitable time, he also explained that further consideration was to be given to the

orientation of the external lighting. He also confirmed that the applicant had been reminded of the obligation to comply with the noise conditions and that noise validation was to be carried out and submitted in January 2024. In relation to concerns over the control of dust from the site he explained that the works to create the required hardstanding were around 60% complete and the applicant had tried its best to minimise the impact of dust on residents.

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

- The legal position in relation to the determination of the current application prior to the conclusion of the judicial review of the previous application. The Committee's legal advisor advised the Committee that, whilst material considerations in relation to an application were a matter of law, the weight attached to the considerations was a matter for the members of the Committee to determine. The Committee was advised that the application before it was a fresh application and should therefore be decided on its own merits. It was explained that the Committee could not be criticised for attaching no weight to the previous permission granted and making a decision on the application before the Committee. It was also explained that the Committee could, if it wished, defer consideration of the current application but officer advice was that a decision on the current application could be made.

The legal advisor also explained that the judicial review related to two technical grounds, the environmental impact assessment and the presence of certain wording in the report. The court would only assess whether the previous planning permission was valid in relation to the two elements outlined above and not undertake a wholesale review of the decision to grant planning permission or consider the wider merits of the development. It was suggested therefore that the outcome of the legal proceedings would be unlikely to be helpful to the Committee in determining the current application, which did not have those defects. It was also explained that whether the original application was quashed or not had no bearing on the applicant's right to make a second application and have that application determined, the alleged technical failings in relation to the earlier application did not prevent a second application being considered without the alleged defects. It was therefore suggested that the benefits of deferring the application were unclear. If the previous

application was quashed the applicant would have the second application determined as normal or the judicial review would be dismissed and the applicant would have two permissions;

- Potential breaches of the previously agreed conditions in relation to the construction of the development and the impact that this had on local residents;
- Conditions in relation to noise and lighting from the development and the possible use of blackout materials and sound attenuation measures in relation to the external doors; and
- The employment and training opportunities for local people as a result of the development.

The Chair proposed acceptance of the Planning Officer's recommendation and an additional condition in relation to employment and training matters.

On being put to the vote, 8 members voted for the recommendation and 1 voted against the recommendation.

**Resolved** that the application be permitted subject to the conditions detailed in the report and addenda and the imposition of the following additional condition:

Within two months of the date of this consent, a scheme specifying how employment and training opportunities will be offered and/or apprenticeships provided shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the agreed details unless alternative arrangements to secure the specified works have been approved in writing by the Local Planning Authority.

Reason: To enable the Council to put forward local eligible unemployed people with a view to securing work and training opportunities and encourage employment in accordance with Policy S2.1 of the North Tyneside Local Plan 2017.

(Reasons for Decision: The Committee concluded that having regard to the relevant policies contained within the Local Plan 2017 and National Planning Policy Framework (NPPF) the proposed development was acceptable in terms of the principle of development and accords with allocation of the site for employment use and would secure employment opportunities in accordance with the NPPF)