

Planning Committee

Tuesday, 26 September 2023

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

Apologies: Councillors J Montague and M Thirlaway

PQ23/23 Appointment of substitutes

There were no substitute members reported.

PQ24/23 Declarations of Interest

There were no declarations of interest or dispensations reported.

Councillor J O'Shea stated that he had pre-determined the following planning applications and would take no part the voting and decision making:

21/00174/FUL – 1-2 East Parade, Whitley Bay

23/00704/FUL – 11 Spanish City Plaza, Whitley Bay

23/00705/LBC – 11 Spanish City Plaza, Whitley Bay

PQ25/23 Minutes

Resolved that the minutes of the meeting held on 29 August 2023 be confirmed and signed by the Chair.

PQ26/23 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.

PQ27/23 21/00174/FUL 1-2 East Parade, Whitley Bay

The Committee considered a report from the planning officers in relation to a full planning application from North Eastern Holdings Limited for the demolition of the existing building and erection of residential development comprising 19no. 2-bed apartments, with associated vehicular access, landscaping and other associated works.

A planning officer presented details of the application with the aid of various maps, plans and photographs. The application had previously been considered by the Committee in September 2022 when it had been minded to grant permission subject to conditions and the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a range of financial contributions from the applicant. At the last meeting of the Committee held on 29 August 2023 the Committee had been invited to reconsider the application in light of the submission of a financial viability appraisal undertaken by the applicant. At that meeting the Committee deferred consideration to enable members to examine the applicant's financial viability appraisal.

A planning officer advised the Committee that the Applicant has determined, following a viability assessment, the provision of affordable housing and the Section 106 contributions would make the development unviable. It was explained that an independent assessment of the financial viability assessment had been undertaken and this had concurred with the applicant's conclusions in relation to the viability assessment. It was confirmed that the developer would pay an amount of £ 6403 towards coastal mitigation and a Community Infrastructure Levy (CIL) contribution.

Members of the Committee asked questions of the officers and made comment.

The Chair proposed acceptance of the planning officer's revised recommendation as set out on the addendum to the planning officer's report

On being put to the vote 6 members voted for the recommendation and none 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 subject to:

- i) the conditions set out in the planning officer's report;
- ii) the addition, omission or amendment of any other conditions considered necessary; and
- iii) the completion of a Section 106 legal agreement to secure £6,403 towards specific coastal mitigation projects and coastal services

PQ28/23 23/00704/FUL 11 Spanish City Plaza, Whitley Bay

The Committee considered a report from the planning officers together with 2 addendums, one circulated prior to the meeting and one at the meeting in relation to a full planning application from Mark and Lorraine Hughes for the construction of an external roof terrace and associated structures to the western elevation of the former Carlton Club.

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

Members of the Committee asked questions of officers and made comment.

The Chair proposed acceptance of the planning officer's revised recommendation as set out on the addendum to the planning officer's report

On being put to the vote 6 members of the Committee voted for the recommendation and none against.

Resolved that the application be permitted subject to the conditions set out in the planning officer's 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 and the significance of the listed building, residential amenity and highway safety.)

PQ29/23 23/00705/LBC 11 Spanish City Plaza, Whitley Bay

The Committee considered a report from the planning officers together with 2 addendums, one circulated prior to the meeting and one at the meeting in relation to an application for listed building consent from Mark and Lorraine Hughes for the construction of an external roof terrace and associated structures to the western elevation of the former Carlton Club and internal alterations.

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

Members asked questions in relation to the application and made comment.

The Chair proposed acceptance of the planning officer's revised recommendation as set out on the addendum to the planning officer's report

On being put to the vote 6 members of the Committee voted for the recommendation and none 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 works were acceptable in terms of their impact on the significance and character of a heritage asset.)

PQ30/23 Exclusion Resolution

Resolved that under Section 100A(4) of the Local Government Act 1972 (as amended) and having applied a public interest test as defined in Part 2 of Schedule 12A of the Act, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Act.

**PQ31/23 Planning Appeal – 21/00304/FUL Land at Backworth Business Park,
Eccleston Close, Backworth**

Consideration was given to a report which advised the Committee that an appeal had been lodged by the applicant in respect of application 21/00304/FUL which was to be considered by the Planning Inspectorate by way of an informal hearing. The Committee's instructions in relation to the Authority's response to the Planning Inspectorate on the two reasons for the refusal of the application were sought.

The Committee was advised that there had been a recent change in circumstances in respect of the objection concerning noise on the proposed development. The owner of the adjacent factory had withdrawn their objection as the site had now been sold to the developer.

The Committee was also advised of the evidence provided by the Authority's Highways Officer and an independent highways engineer in relation to the grounds for refusal in relation to a lack of network capacity or highway safety.

The Committee was reminded by its legal advisor that it must act reasonably in relation to the planning process and not rely on reasons for refusal which do not stand up to scrutiny. He further referred to National Planning Policy Guidance (NPPG) and explained that all parties were required to behave reasonably to support an efficient and timely process. If a party behaved unreasonably and this has caused the applicant, for example, to incur unnecessary expense in the appeal process they may be subject to an award of costs.

Members sought clarification in relation to a number of matters around the future use of the factory site adjacent to the development site and were reminded that the future use of the factory site was not material to the matter before the Committee.

The Chair moved that officers be authorised to advise the Planning Inspectorate that the Authority will not present any defence of the two refusal reasons at appeal.

On being put to the vote 7 members of the Committee voted for the recommendation and none against.

Resolved that the Planning Inspectorate be advised that the Authority will not present any defence to the two refusal reasons at the appeal.

(Reasons for decision – the Committee having noted the withdrawal of the objection in relation to noise and the further officer and independent advice in relation to the highways objection considered that there was a lack of a robust evidence base on which to support the two grounds for refusal.)