

Planning Committee

Tuesday, 14 December 2021

Present: Councillor W Samuel (Chair)
Councillors K Barrie, T Brady, M Green, M Hall,
John Hunter, C Johnston, J O'Shea and P Richardson

Apologies: Councillors J Cruddas and F Lott

PQ50/21 Appointment of substitutes

There were no substitute members appointed.

PQ51/21 Declarations of Interest

There were no declarations of interest or dispensations reported.

PQ52/21 Minutes

Resolved that the minutes of the meeting held on 16 November 2021 be confirmed and signed by the Chair.

PQ53/21 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.

PQ54/21 21/00561/FUL, Land at Former Point Pleasant House, Point Pleasant Terrace, Wallsend

The Committee considered a report from the planning officers in relation to a full planning application from Montagu Hotels Limited for development of a vacant site to 10no.residential dwellings with ancillary car parking, using existing access from Meadow Road.

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, Elaine McMahon, Lucie Cordon and Neil and Andrea Steggel had been granted permission to speak to the Committee. Elaine McMahon spoke on behalf of residents living in Point Pleasant Terrace to describe their objections. Whilst they accepted the principle of development on the site, they believed any development should have a minimal impact for residents of Point Pleasant Terrace. This application was not acceptable because a) the proposed development would

generate additional traffic leading to overspill car parking in Point Pleasant Terrace and Ford Terrace and construction traffic accessing the site would create a danger; b) the 10 new homes would create noise and disturbance for neighbouring residents particularly during the construction period; and c) there would be a loss of valuable trees and wildlife from the site.

Anton Lang addressed the Committee on behalf of the applicants to respond to the speakers' comments. He stated that the layout, design and car parking proposals had been deemed to be acceptable by the Council's officers. Any concerns regarding the impact of the construction works could be addressed by the preparation and submission of a construction management plan. The loss of trees and wildlife habitat had to be balanced against the proposed mitigation and need for housing. Mr Lang addressed each of the proposed reasons for the officer's recommendation to refuse the application. He stated that the applicant was minded to sign up to a legal agreement for the contributions requested by the Council and towards the Coastal Mitigation Scheme but the applicant needed time to discuss and resolve these matters and draw up the agreements. There had been difficulties in carrying out noise assessments at the site but these technical issues could be resolved in the time required to resolve the legal agreements. The loss of trees and habitat could be addressed by reconfiguring the landscape plan. Mr Lang asked the Committee to defer consideration of the application to enable these issues to be addressed.

Members of the Committee asked questions of Elaine McMahon, Anton Lang and officers and made comments. In doing so the Committee gave particular consideration to:

- a) the length of time, since the application was deemed valid in June 2021, in which the applicant had had the opportunity to indicate that they were willing to enter a legal agreement;
- b) the likely timescales required to resolve the outstanding issues; and
- c) the impact of the proposed landscaping scheme on the biodiversity of the site resulting in a net loss of 93% of biodiversity habitat.

Resolved that planning permission be refused on the following grounds:

1. Insufficient information has been submitted to demonstrate that appropriate mitigation could be secured to protect the amenity of future occupants of this development in terms of noise and prevent unreasonable restrictions being placed on Smulders yard. As such, the proposed development is contrary to the NPPF and policy DM5.19 of the North Tyneside Local Plan (2017).
2. In the absence of a scheme of mitigation to address the impact on the Northumbria Coast Special Protection Area and Ramsar Site, the Northumberland Shore SSSI and Tynemouth to Seaton Sluice SSSI, the additional residents at the coast as a result of the proposed development and a subsequent increase in recreational activity, particularly in relation to cumulative impacts with other residential schemes at the coast and the wider area, will result in significant harm to the designated sites. This is contrary to the advice in NPPF, policies S5.4, DM5.5, and DM5.6 of the North Tyneside Local Plan 2017 and the Coastal Mitigation SPD July 2019.
3. The development would result in the loss of UK Priority Habitat and trees within a designated wildlife corridor. It fails to provide adequate mitigation for this loss and results in a net loss of biodiversity units. This is contrary to the NPPF and Local Plan (2019) Policies DM5.2, S5.4, DM5.5, DM5.7 and DM5.9.
4. The applicant has not agreed the S106 contributions requested by the Council and has not demonstrated that the development would not be viable with the contributions, therefore the development fails to mitigate against the unacceptable impacts of the development contrary to Planning Obligations Supplementary Planning Document LDD8 (2018), and Policies S7.1, DM7.2 and DM7.5 of the North Tyneside Local Plan 2017.

PQ55/21 21/02188/FUL, Hadrian Yard A, B and C, Hadrian Way, 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 Smulders Projects UK for the erection of a modular workshop building to provide a flexible indoor work area.

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, Marc Sargent of Alwin Close, Wallsend had been granted permission to speak to the Committee but he was unable to 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 results of the noise assessment carried out by the applicants and the potential noise impacts arising from the proposed activities within the modular workshop;
- b) the Council's approach to investigating noise complaints and the enforcement powers available to it;
- c) the car parking provision associated with the site; and
- d) the classification of the site and the modular workshops for industrial use (B2).

Resolved that (1) the Committee is minded to grant this application subject to expiry of consultation with the Coal Authority and the addition, omission or amendment of any other conditions considered necessary; and

(2) the Director of Housing, Environment and Leisure be authorised to determine the application following the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution of £15,185.35 to deliver employability interventions to upskill local residents to take advantage of apprenticeship/job opportunities.

PQ56/21 21/02151/FUL, 02 17774 Telecommunication Mast, Front Street, Chirton

The Committee considered a report from the planning officers in relation to a full planning application from Cornerstone for the removal of the existing 15m monopole and 1no. equipment cabinet and the installation of a replacement 20m monopole supporting 6 no. antennas, 2no. replacement equipment cabinets, and ancillary development thereto including 3no. Ericsson Radio Systems (ERSs) and 1 no. GPS module.

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, Frank Casey of Simpson Street, Chirton had been granted permission to speak to the Committee. As he was unable to attend the meeting the Committee considered a written statement and photographs submitted by Mr Casey in which he explained that he objected to the proposed mast on the grounds of its appearance and its harmful, cumulative polluting effects.

In response Clarke Telecom also submitted a written statement setting out the reasons for

upgrading the mast to provide improved coverage to the area, why the site was the most preferable option and why objections relating to health were not to be considered in determining planning applications.

Members of the Committee discussed the merits of the application and in doing so commented on the balance to be struck between the siting and appearance of the telecommunications masts and the demand from residents for improved communications coverage and capacity.

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 visual amenity of surrounding occupiers and the character and appearance of the area.)

PQ57/21 21/01736/FUL, Land to the Rear of the Former Bogie Chain, Western Road, 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 Woodacre Developments for 3no two bed new build bungalows in a terrace form, with new parking, garden and ancillary spaces.

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, Kirsten Hall of Rosehill Road, Howdon had been granted permission to speak to the Committee. She explained that she objected to the proposed development because of its impact on the character and appearance of the area and on biodiversity. The site had already been dug up and so the biodiversity of the area had already been damaged. Access to the works from Rosehill Road had caused damage and created an unsafe junction. She questioned the demand for bungalows in the Riverside area and how the Council would enforce the planning conditions. There was little green space for community wealth in the area and green space would be lost to the development when there were other suitable brownfield sites nearby.

Jason Gibbons of Beautiful Pigeon Architecture addressed the Committee on behalf of the applicants to respond to the speakers' comments. He stated that the brownfield site had previously been used for residential purposes and that the site had been cleared sometime ago but not by the applicants. The site was not allocated for use within the local plan but formed part of a wildlife corridor. A biodiversity net gain assessment indicated that the development would result in a 10% biodiversity net gain and the applicants were committed to contributing to the Coastal Mitigation Strategy. Mr Gibbons described how the bungalows would be sustainable, adaptable and accessible. He explained the circumstances surrounding the removal of contaminated soil via Rosehill Road and confirmed that all construction traffic would gain access to the site from Western Road and these operations would be subject to conditions.

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 biodiversity;
- b) the location and accessibility of public transport routes and cycle paths in the area; and
- c) the proposed conditions regulating the method of construction, the hours of construction and to prevent mud and debris accumulating on the public highway.

Resolved that (1) the Committee is minded to approve the application subject to a unilateral undertaking in respect of a contributions of £1,011 towards the Coastal Mitigation Scheme; and

(2) the Director of Environment, Housing and Leisure be authorised to determine the application subject to the conditions listed in the planning officers' report and the addition, omission or amendment of any conditions considered necessary, providing no further matters arise which in the opinion of the Director of Environment, Housing and Leisure, raise issues not previously considered which justify reconsideration by the Committee.