

Planning Committee

Tuesday, 29 September 2020

Present: Councillor T Brady (in the Chair)
Councillors K Barrie, L Darke, S Graham, M Green,
P Richardson, W Samuel and F Weetman

Apologies: Councillors F Lott

PQ101/20 Appointment of substitutes

There were no substitute members appointed.

PQ102/20 Declarations of Interest

Councillor M A Green declared a registerable personal interest in relation to planning applications 20/00564/FUL and 20/00565/FUL, Kids 1st Nursey, Rake Lane, because she had been appointed by the Council as a Governor of the Northumbria Healthcare NHS Trust and many of its employees use the nursery.

PQ103/20 Minutes

Resolved that the minutes of the meeting held on 1 September 2020 be confirmed and signed by the Chair.

PQ104/20 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.

PQ105/20 18/00881/FUL, Land at Backworth Business Park, Eccleston Close, Backworth

The Committee considered a report from the planning officers in relation to a full planning application from Northumberland Estates for the construction of 67 residential dwellings (C3) and 14 No. B1, B2 & B8 commercial units totalling 650 sqm, with associated road infrastructure, car parking spaces, open spaces, gardens and landscaping.

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

In accordance with the Committee's Temporary Speaking Rights Scheme, R & K Wood Planning had been granted permission to submit a written statement on behalf of Keenan's Food Processing. The statement was read to the Committee. It asked the Committee to

consider whether the development was consistent with Policy S4.3 of the Council's Local Plan which had allocated an 8.5 hectare site, including the Backworth Business Park site, as a mixed use site for business and 65 dwellings. This proposal together with a separate planning application (18/01373/FUL) proposed 111 dwellings. The Committee were asked to consider whether the application had addressed the concerns expressed by a planning inspector arising from an earlier planning appeal regarding the noise levels from Keenan's operations and whether the noise mitigation measures proposed by the applicant were acceptable.

Northumberland Estates submitted a written statement in response to the issues raised by R & K Wood. This was read to the Committee. Northumberland Estates stated that the proposed development of 67 dwellings and 14 business workshops would deliver a mixed use development of the site which fully complied with Policy S4.3 of the Local Plan. The statement described how the ecological and landscape impact would be mitigated and compensated, how the noise matters had been resolved to the satisfaction of the Council's Environmental Health Officer and how the scheme would benefit the area in terms of regeneration, housing supply and job creation.

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 proposed development on the local highway network, in particular Station Road, Backworth;
- b) the proposed highway improvements to be secured by way of a Section 278 agreement;
- c) the comments of the Council's Biodiversity Officer in relation to the loss of part of the Local Wildlife Site, the impact on a wildlife corridor and the evidence provided by the applicant to demonstrate that the off-site compensation land could be successfully converted from arable land to species rich brownfield grassland;
- d) the comments of the Council's Environmental Health Officer regarding the proposed noise mitigation measures;
- e) the Planning Officer's advice on the status and effect of relevant policies contained within the Local Plan and the National Planning Policy Framework and the Planning Inspector's findings arising from an earlier appeal; and
- f) the relationship in planning terms between this and planning applications 18/01373/FUL and 18/1374/LBC to be considered by the Committee during the meeting.

Resolved that planning permission be refused on the following grounds:

1. Insufficient information regarding the off-site mitigation on the arable land has been provided. The proposal would have a significant adverse impact on biodiversity contrary to the advice in National Planning Policy Framework (2019) and policies S5.4 and DM5.5 of the North Tyneside Local Plan (2017).
2. The proposed development would sever an existing wildlife corridor undermining its function contrary to policy DM5.7 of the North Tyneside Local Plan (2017).
3. The proposal would adversely impact upon an existing business' ability to operate contrary to the advice in National Planning Policy Framework (2019) and policies S1.4 and DM5.19 of the North Tyneside Local Plan (2017).

The Committee considered a report from the planning officers in relation to a full planning application from David Little Pension Trust Fund for the demolition of several existing buildings, conversion of existing Backworth Lodge, Diary Cottage and Ivy Cottage to form 4no flats and 2no. dwellings and the erection of a new apartment building (13no apartments) and 27no dwellings.

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

In accordance with the Committee's Temporary Speaking Rights Scheme, R & K Wood Planning, on behalf of Keenan's Food Processing, had been granted permission to submit a written statement to the Committee. The statement was read out to the Committee. R & K Wood stated that the proposed 43 dwellings on the site did not comply with Local Plan Policy S4.3 because it did not include any employment development and, when combined with the Backworth Business Park proposal, it would deliver 111 dwellings, many more than the 65 dwelling allocation. Reference was made to the Planning Inspectors conclusions arising from an earlier appeal and it was stated that complaints from the occupiers of the proposed dwellings were inevitable.

ID Partnership, on behalf of the applicants, had submitted a written statement to respond to R & K Wood's comments. The statement was read to the Committee. It highlighted how the design had been refined to ensure that it delivered a high quality sensitive development and that it was compliant with the site allocation policy contained within the Local Plan. The impact of noise from nearby businesses had been considered and appropriate mitigation measures offered to the satisfaction of the Council's Environmental Health Officer. Reference was made to the plans to retain as many trees as possible on site and to protect the Local Wildlife Site.

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 local highway network, particularly Station Road, Backworth, and the proposed highways improvements to be secured by way of a Section 278 agreement;
- b) the effect of Policy S4.3 of the Local Plan which had allocated the site for a mix of uses and the potential for 65 housing units;
- c) the impact of the development on trees and biodiversity on the site; and
- d) the proximity of the proposed development to existing adjacent business operations and the proposed noise mitigation measures.

Resolved that planning permission be refused on the following grounds:

1. The proposal would have an adverse impact on a Local Wildlife Site contrary to the advice in National Planning Policy Framework and contrary to policies S5.4 and DM5.5 of the North Tyneside Local Plan (2017).
2. The proposal would adversely impact upon an existing business' ability to operate contrary to the advice in National Planning Policy Framework and policies S1.4 and DM5.19 of the North Tyneside Local Plan (2017).
3. The proposal would result in the loss of trees, which would adversely affect the character and appearance of the site and the surrounding Backworth Conservation Area contrary to the advice in National Planning Policy Framework (2019), policies DM5.9 , S6.5 and DM6.6 of the North Tyneside Local Plan 2017.

4. The proposal would result in the over-development of the site which would be out of keeping with its surroundings and have an adverse impact upon the Backworth Conservation Area contrary to the advice in National Planning Policy Framework (2019), policies DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan.

PQ107/20 18/01374/LBC, Holywell Engineering, Station Road, Backworth

The Committee considered a report from the planning officers, in relation to an application for listed building consent from David Little Pension Trust Fund for conversion of existing Backworth Lodge, Dairy Cottage and Ivy Cottage to form 4no flats and 2no. dwellings and the erection of a new apartment building (13no apartments) and 27no dwellings.

A planning officer had presented details of the application when presenting planning application 18/01373/FUL. The planning officer clarified that this application sought listed building consent to convert and restore Dairy Cottage which was a Grade II Listed Building.

The Committee considered the written statements received from R & K Woods, on behalf of Keenan's Food Processing, and from ID Partnership, on behalf of the applicants, which had previously been read to the Committee in relation to planning application 18/01373/FUL.

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 character and setting of the Grade II Listed Building.)

PQ108/20 20/01073/FUL, 8 Grenada Place and 7 St Johns Place, Whitley Bay

The Committee considered a report from the planning officers in relation to a full retrospective planning application from Sharon Cockburn for the erection of a 1.8m high fence to land to the rear of 8 Grenada Place and 7 St. Johns Place in order to create two private garden spaces.

A planning officer presented details of the application with the aid of various maps, plans and photographs. The planning officer explained that as the public consultation period was yet to expire she wished to amend her recommendation as set out in her report. Her recommendation was now that the Committee indicate that it was minded to refuse the application and authorise officers to determine the application following expiry of the consultation period.

Members of the Committee asked questions of officers and made comments. In doing so the Committee gave particular consideration to the enforcement powers available to the Council should the application be refused.

Resolved that (1) the Head of Environment, Housing and Leisure be authorised to determine the application at the expiry of the consultation period; and
(2) the Committee indicated that it was minded to refuse the application on the following grounds:

1. The proposed enclosure of the open space by way of the introduction of 1.8m high solid timber fencing would be harmful to the visual amenity of the area and result in the loss of an important area of open space which contributes towards the character and appearance of the surrounding area. This would be contrary to policies DM5.2, DM5.3 and DM6.1 of the North Tyneside Local Plan (2017) and LDD11.
2. The proposed enclosure of the open space by way of the introduction of 1.8m high solid timber fencing will result in a harmful impact on the outlook from the rear of the neighbouring dwellings on St Johns Place and Grenada Place, with particular reference to 6 Grenada Place and 5 St Johns Place. This is contrary to policies S1.4 and DM6.1 of the North Tyneside Local Plan 2017 and the NPPF.
3. The proposed enclosure of the open space by way of the introduction of 1.8m high solid timber fencing will result in a harmful impact on the adjoining Local Wildlife Site (Brierdene) and Wildlife Corridor by adversely impacting on the movement of wildlife. This is contrary to policies DM5.2, DM5.5, DM5.7 and S5.4 of the North Tyneside Local Plan 2017 and the NPPF.

PQ109/20 20/00564/FUL, Kids 1st Nursery, North Tyneside General Hospital, Rake Lane, North Shields

The Committee considered a report from the planning officers in relation to a full planning application from Busy Bees Nurseries Ltd for variation of condition no. 4 (restriction on number of children) of planning approval 03/00587//FUL to allow an increase to 136 children to attend nursery at any one time.

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

In accordance with the Committee's Temporary Speaking Rights Scheme, Mr & Mrs Legg of Cotswold Road, North Shields, had been granted permission to submit a written statement which was read to the Committee. Mr & Mrs Legg stated that the reasons for the restriction on the number of children at the nursery remained unchanged today. Their experience of living next to the nursery was that noise levels had increased over time as the outdoor play area had evolved. They contended that a 21% increase in the number of children would inevitably lead to a further increase in noise. This together with extended periods of operation would have a deleterious impact on their residential amenity.

ELG Planning submitted a written response to Mr & Mrs Legg's comments on behalf of the applicants. ELG stated that Kids 1st Nursery carefully managed outdoor play sessions to ensure that an appropriate number of children were outside at any one time reflective of the space available. The number of children who could be accommodated in that part of the garden adjacent to Cotswold Road would be significantly reduced with the siting of modular building within it. This area was likely to be used by pre-school age children with younger children using those areas located away from neighbouring properties. The modular building and other noise mitigation measures recommended by officers would further reduce the impact on neighbouring residents.

Members of the Committee asked questions of officers and made comments. In doing so the Committee gave particular consideration to the proposed condition requiring the applicants to submit to the Council for approval an outdoor play activity management plan which could include a limit on the number of children permitted to play in the outdoor areas.

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 residential amenity and highway safety.)

PQ110/20 20/00565/FUL, Kids 1st Nursery, North Tyneside General Hospital, Rake Lane, North Shields

The Committee considered a report from the planning officers in relation to a full planning application from Busy Bees Nurseries Ltd for provision of a new modular garden building to serve the existing nursery.

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

In accordance with the Committee's Temporary Speaking Rights Scheme, Mr & Mrs Legg of Cotswold Road, North Shields had been granted permission to submit a written statement which was read to the Committee. Mr & Mrs Legg stated that the siting of the building would have maximum impact in terms of nuisance from noise and visual intrusion. Due to its scale the building would be overbearing and a visual blight and the activity within the building would be audible given its proximity to their property and its design.

ELG Planning submitted a written response to Mr & Mrs Legg's comments on behalf of the applicants. ELG stated that the main bulk and mass of the proposed building would be screened from neighbouring properties by the existing boundary fences and a narrow strip of soft landscaping. It was evident that the proposal would not give rise to any unacceptable impacts on neighbours by virtue of overshadowing, loss of privacy or overbearing.

Members of the Committee asked questions of officers and made comments. In doing so the Committee gave particular consideration to the design of the modular building and the distances from the building to neighbouring residential properties.

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 residential amenity, visual amenity and highway safety.)