

## **Planning Committee**

**Tuesday, 27 October 2020**

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

Apologies: Councillors B Burdis

### **PQ111/20 Appointment of substitutes**

There were no substitute members appointed.

### **PQ112/20 Declarations of Interest**

There were no declarations of interest or dispensations reported.

### **PQ113/20 Minutes**

**Resolved** that the minutes of the meeting held on 29 September 2020 be confirmed and signed by the Chair.

### **PQ114/20 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.

### **PQ115/20 19/01674/FUL, Land West of 115 and Land North of 119 Castle Square, Backworth**

(Councillor W Samuel left the meeting during consideration of this item and did not return.)

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 Bernicia Group for a 32 unit residential scheme comprising of affordable housing at Castle Square, Backworth. Formation of associated new vehicular access onto Killingworth Lane, improvements to the open space within the site boundary.

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 a number of residents of Backworth had been granted permission to submit a written statement to the Committee. On behalf of the residents, Mr George Scott of Castle Square had prepared a

statement and this was read out to the Committee. It stated that the proposed development would drastically reduce the available community and amenity space and result in the loss of much loved playing field space. The space was used by the community for a wide range of uses including sports, fun days and dog walking. Mr Scott explained how the proposals failed to comply with relevant planning policies relating to the:

- a) loss of the green infrastructure network;
- b) protection of woodland, trees and landscaping;
- c) provision of local and accessible cultural and community activities; and
- d) loss and replacement of playing fields.

The local ward councillor for Valley Ward, Councillor Brian Burdis had also been granted permission to submit a written statement. In the statement, which was read out to the Committee, Councillor Burdis objected to the proposed development because the well used grassed area to be lost was the only open green field in the area. It was a valuable asset not only for the residents of Castle Square but also for the residents of the new housing developments nearby. The proposals would not mitigate for the loss of mature wildlife habitat and species and increased traffic, noise and pollution would be inevitable. The semi-rural character of the villages of West Allotment, Backworth and Shiremoor was to be lost forever because of the amount of development in the area.

Cundall Planning Consultants submitted a written response on behalf of the applicants, Bernicia Group. This was read to the Committee. It stated the site was in a well established residential area on previously developed land. The principle of development on the site had been deemed acceptable through the adoption of the local plan. A larger proportion of land would be retained as open space and the existing children's play area would not be moved. The existing goal posts would be replaced with a new sports pitch and multi use games area. The site was of little ecological value. The proposed landscape scheme would provide biodiversity net gain. The transport impacts of 32 homes were minimal and the design and layout of the scheme would enhance the character of the area.

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

- a) the details of the trees to be removed from the site;
- b) the loss of allocated open space and the measures proposed to mitigate against its loss;
- c) the comments from Sport England on the loss of a sports pitch and the proposed terms of a Section 106 Agreement to secure a football pitch, multi-use games area or a contribution for appropriate mitigation works off site;
- d) the location of the nearest village amenities;
- e) the likely impact of the development on the local highway network; and
- f) the need for affordable homes.

**Resolved** that (1) the Committee is minded to grant the application subject to completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 and the conditions set out in the planning officers report, the addendum and the addition, omission or amendment of any other conditions considered necessary;

(2) the Head of Housing, Environment and Leisure be granted delegated authority to determine the application following the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following:

- 100% affordable housing;
- £6,000 towards ecology and biodiversity;
- £2,700 towards allotments;

- £22,400 towards children's equipped play;
  - £87,500 towards Primary education;
  - £7,000 towards employment and training (or 1 apprentice); and
  - £5,681 towards coastal mitigation.
- Provision of one grass junior football pitch and one hard surfaced and enclosed multi-use games area or a contribution for appropriate mitigation works off site but in the area in the event that the required permissions are not granted for facilities on the adjoining land.

(3) the Head of Law and Governance and the Head of Environment, Housing and Leisure be authorised to undertake all necessary procedures under Section 278 of the Highways Act 1980 to secure the following highways improvements:

Proposed accesses

Improved crossing on Killingworth Lane

Upgrade of footpaths abutting site

Upgrade of footpaths connecting to the site

Associated street lighting

Associated drainage

Associated road markings

Associated Traffic Regulation Orders

Associated street furniture & signage

#### **PQ116/20      20/01076/FUL, 1 Trevor Terrace, North Shields**

The Committee considered a report from the planning officers in relation to a full retrospective planning application from Calvin Khass for change of use from a raised grassed area to a dining area for Scott and Wilson, 1 Trevor Terrace, North Shields.

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 Georgia Graham of Seatonville Crescent and Peter Atkinson of Belford Terrace had been granted permission to submit a written statement to the Committee but no such statement had been received.

The local ward councillor, Councillor Cath Davis, had also been granted permission to submit a written statement and this was read to the Committee. Councillor Davis had spoken to local residents and had conducted a survey around the area. Most of the respondents were favourable about the use of the outside area, however there were concerns about a noticeable increase in parked cars in the area. It was suggested that safety could be enhanced with improvements to the surface of the dining area, its access ramp and the pavement between the bistro and the outside area.

Calvin Khass on behalf of Scott & Wilson submitted a written statement to respond to Councillor Davis' comments. The use of the grassed area had followed the government's advice on social distancing and the use of outside spaces. The Council had initially granted permission in February 2020 for the use of the grassed area but 4 months later the applicants had been made aware of the requirement for planning permission. Scott & Wilson had complied with all the relevant regulations and guidelines. It was a thriving business, providing employment to local people and supported by the local community. If it were unable to operate with the outside area in line with its licensable hours the business would be threatened with redundancies and bankruptcy.

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

- a) the location, status and condition of the pavement between the bistro and the outside dining area;
- b) the improvements to the condition and appearance of the area; and
- c) the actions that could be taken outside the planning process to improve the ramped access to the dining area.

**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 surrounding occupiers, the character and appearance of the area and highway safety.)

#### **PQ117/20      20/00273/FUL, Site of former Drift Inn, Seaton Burn**

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 Northumbria Vehicles for the erection of 5no three bedroom houses and 5no four bedroom houses at the site of the former Drift Inn public house.

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 Hogg of Meadow Cottage, Seaton Burn had been granted permission to submit a written statement setting out their objection to the application. This was read to the Committee. Mr & Mrs Hogg stated that by virtue of the size and location of the proposed 2½ storey townhouses, Meadow Cottage would be overwhelmed and overlooked, causing a loss of light and privacy. Mr & Mrs Hogg operated dog kennels at Meadow Cottage and they were concerned that the dogs barking would cause a noise nuisance to residents of the houses which would result in complaints.

Valley Environment Consulting submitted a written statement on behalf of the applicants, Northumbrian Vehicles, in response to Mr & Mrs Hogg's comments. The statement was also read to the Committee. The applicant commented on the planning history of Meadow Cottage and rebutted some of the points raised by Mr & Mrs Hogg. The scale of the proposed townhouses were considered to be reasonable and their impact on Meadow Cottage would not result in a loss of daylight or privacy. Every effort had been made by the applicant to provide an acceptable noise survey and this had concluded that on average noise generated from the kennels would not be unacceptable to residents and mitigating measures had been suggested.

**Resolved** that planning permission be refused on the following grounds:

1. The proposed layout results in an unacceptable form of development. Units 1-4 would be provided with limited outdoor amenity space and would be sited in close proximity to Meadow Cottage. The siting of these units results in an unacceptable impact on the

residential amenity of this neighbouring property by virtue of their height and proximity to this shared boundary. The units would appear visually dominant when viewed from this neighbouring property. As such, the proposed development is contrary to the NPPF, policy DM6.1 of the North Tyneside Local Plan (2017) and the Design Quality SPD.

2. 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, prevent unreasonable restrictions being placed on Meadow Cottage and whether any such mitigation would be acceptable in terms of its impact on Meadow Cottage and visual amenity of the area and future occupants. As such, the proposed development is contrary to the NPPF and policy DM5.19 of the North Tyneside Local Plan (2017).
3. The legal agreement has not been signed. Without a signed agreement the council cannot secure the contributions that it is seeking to mitigate against the impacts of this development contrary to Planning Obligations Supplementary Planning Document LDD8 (2018), the Coastal Mitigation SPD (July 2019) and Policies S5.4, DM5.5, DM5.6, S7.1, DM7.2 and DM7.5 of the North Tyneside Local Plan 2017.

**PQ118/20      20/01044/FUL, Ovington Boats, 31 Tanners Bank, North Shields**

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 Ovington Boats Limited for a new steel portal framed extension at Ovington Boats for the purposes of factory/workshop and offices.

**Resolved** that (1) the Committee is minded to grant the application subject to completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 and the conditions set out in the report of the planning officers and the addition, omission or amendment of any other conditions considered necessary; and  
(2) the Head of Housing, Environment and Leisure be granted delegated authority 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 towards employment initiatives within the borough and/or apprenticeship opportunities.