

Planning Committee

Tuesday, 14 February 2023

Present: Councillor W Samuel (Chair)
Councillors K Barrie, J Cruddas, M Hall, John Hunter,
C Johnston, T Mulvenna, J O'Shea and J Shaw

Apologies: Councillors M Green and P Richardson

PQ60/22 Appointment of substitutes

Pursuant to the Council's Constitution the appointment of the following substitute members was reported:

Councillor P Earley for Councillor M A Green

PQ61/22 Declarations of Interest

There were no declarations of interest or dispensations reported.

PQ62/22 Minutes

Resolved that the minutes of the meeting held on 17 January 2023 be confirmed and signed by the Chair.

PQ63/22 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.

PQ64/22 21/0304/FUL, Land at Backworth Business Park, Ecclestone Close, Backworth

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 Northumberland Estates for construction of 57 residential dwellings (Use Class C3(a)) and 14 no. commercial units totalling 650 sqm (Use Class E(g)), 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 Speaking Rights Scheme, Robin Wood of R&K Wood Planning LLP, had been granted permission to speak to the Committee on behalf of Keenan

Processing Ltd. Keenan's were a vegetable processing company located on Ecclestone Close, Backworth, adjacent to the application site. Robin Wood outlined Keenan's concerns that the proposed development would lead to complaints from future occupiers about the noise from its operations, particularly those occurring early in the mornings. Such complaints were likely to lead to restrictions being placed on the business's operations which could be fatal to its viability. In accordance with the terms of the National Planning Policy Framework, the applicant, as the agent of change, was required to provide suitable mitigations where development would have a significant adverse effect on existing businesses. Keenan's had commissioned Apex Acoustics to review the noise assessment undertaken by the applicant. They had identified errors in the process and they disputed its conclusions and the Environmental Health Officer's judgement that the noise levels from Keenan's would not give rise to a significant adverse impact. It was the opinion of the planning officers that, on balance, the development would not result in unreasonable restrictions being placed on existing businesses. Mr Wood contended that a judgement on balance was insufficient as, in determining an earlier appeal, a planning inspector had stated that it ought to be inconceivable that any complaints would arise. Mr Wood referred to previous applications, officer recommendations and appeal decisions and urged the Committee to again refuse planning permission as the issues previously raised had yet to be satisfactorily addressed.

Barry Spall of Northumberland Estates, David Brocklehurst of Cussins and Simon Urquhart of Wardell Armstrong, addressed the Committee to respond to the speakers' comments. Simon Urquhart described how he had worked in conjunction with the Environmental Health Officers to undertake noise assessments in accordance with the relevant standards and guidelines. The assessments had demonstrated that the proposed noise mitigation measures would result in low internal noise levels in compliance with the British Standards. David Brocklehurst commented on how the application to provide much needed quality homes had been refined over the past two years to address its impact on ecology, highways and existing businesses. The application was very different to those previously refused on appeal because the housing had been moved further away from Keenan's and the issues regarding noise had been addressed. If approved, Cussins were in a position to immediately commence works on site and provide much needed homes.

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

- a) the location and nature of Keenan's operations and its impact on existing neighbouring residential properties;
- b) the results of the noise assessments undertaken by the applicant, the Environmental Health Officer's opinion of the assessments and the review of the noise assessments undertaken by Apex Acoustics on behalf of Keenan Processing Ltd;
- c) the impact of noise from Keenan's operations on the amenity of future occupiers of the proposed houses;
- d) Policy S4.3 of the Local Plan which designated the wider site for mixed use, the comments contained within the Inspectors Report on the Local Plan which indicated that the Inspector was not persuaded that a subservient element of housing could not be satisfactorily accommodated on the site and the proportions of the site now proposed to be developed for housing and commercial use;
- e) the number, location and nature of affordable homes to be delivered as part of the development;
- f) the impact of the development on the local highway network and access to public transport from the site;
- g) details of the on site mitigation and off site compensation land to be provided for the

- loss of ecology on the site; and
- h) the proposed conditions requiring the applicant to address the risks of unstable and contaminated land and the spread of Japanese Knotweed.

The Chair proposed acceptance of the planning officer's recommendation.

On being put to the vote, 1 member of the Committee voted for the recommendation and 9 members voted against the recommendation.

Resolved that planning permission be refused on the following grounds:

1. The proposal would adversely impact upon existing business' ability to operate contrary to the advice in National Planning Policy Framework (NPPF) (2021) and policies S1.4 and DM5.19 of the North Tyneside Local Plan (2017).
2. The proposed development would by virtue of increase in traffic on Station Road (B1322) have an unacceptable impact on highway safety contrary to the advice in National Planning Policy Framework (NPPF) (2021) and policy S1.4 of the North Tyneside Local Plan (2017).

PQ65/22 21/01958/FUL, Land West of Mackley Court, Wallsend

The Committee considered a report from the planning officers in relation to a full planning application from Persimmon Homes (North East) for development of 13 residential dwellings (C3 use) with the associated infrastructure and landscaping, Station Road (East), Phase 4.

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, local residents, Ben Reeve and Elaine Armstrong, had been granted permission to speak to the Committee. However, Ben Reeve 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 proposed condition requiring the applicant to submit for approval a landscape and ecological management and monitoring plan which would include details of the landscape design and the types of trees to be planted to ensure that root systems did not have a damaging long term impact on the development; and
- b) the objections of neighbouring residents and in particular their expectation that the site would be developed for a health centre and retail units. Officers confirmed that an application for a retail development had been submitted and that the applicant had made a financial contribution in accordance with the terms of a Section 106 legal agreement towards health services.

The Chair proposed acceptance of the planning officer's recommendation.

On being put to the vote, 9 members of the Committee voted for the recommendation and none voted against.

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 officers report;
- ii) the addition, omission or amendment of any other conditions considered necessary by the Director of Regeneration and Economic Development; and
- iii) completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure off-site compensation land, affordable housing provision (3 units) and financial contribution for the following:
 - £2,535 towards ecology and biodiversity.
 - £9,100 towards children's equipped play.
 - £6,918 towards parks and green spaces.
 - £25,000 towards primary education.
 - £3,000 towards employment and training.
 - £1,963 towards coastal mitigation.

(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 amenity of future and existing occupiers, the character and appearance of the area, the local highway network and biodiversity.)

PQ66/22 22/02024/FUL, Bridon, Ropery Lane, 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 Bridon Bekaert Ropes Group for extension to the existing building and the erection of no. 2 ancillary lean storage.

The Chair proposed acceptance of the planning officer's recommendation.

On being put to the vote, 9 members of the Committee voted for the recommendation and 1 member voted against the recommendation.

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 the amenity of surrounding occupiers, the character and appearance of the area, the local highway network and biodiversity.)