

NORTHUMBERLAND COUNTY COUNCIL

ASHINGTON & BLYTH LOCAL AREA COUNCIL

At a meeting of the **Ashington & Blyth Local Area Council** held in the Ashington Children's Centre, Sure Start, Alexandra Road, Ashington, Northumberland, NE63 9EF on Wednesday, 16 August 2017 at 5.00 p.m.

PRESENT

Councillor B Gallacher (Vice-Chair - Planning in the Chair)

MEMBERS

Cartie E
Davey G
Davey S
Gobin J J
Grimshaw L

Parry K
Reid J
Simpson E
Webb G
Wilson T S

OFFICERS

Bracken P
Ketley M
Little L
Wood T

Solicitor
Head of Planning Services
Democratic Services Officer
Senior Planning Officer

ALSO PRESENT

Press/Public: 12

17. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Purvis and Rickerby.

18. MINUTES

RESOLVED that the minutes of the meeting of the Ashington & Blyth Local Area Council held on Wednesday, 12 July 2017, as circulated, be confirmed as a true record and signed by the Chair.

Chair's initials

Ashington and Blyth Local Area Council - 16 August 2017

A Member requested confirmation that the Blyth Town Football Club (BTFC) had complied with the conditions attached to the planning permission regarding floodlighting at the ground. The Head of Planning Services advised that the Planning Decision Notice had been issued on 14 July 2017 therefore the information requested should have been received by the Local Planning Authority by close of business on 14 August 2017. No information had been received and the Football Club had been advised that they were in breach of the conditions and the floodlighting should not be used. Whilst Blyth Town Football Club (BTFC) had acknowledged and accepted that the lighting should not be used, they advised that Blyth AFC were a separate entity and BTFC could not control their actions. The Committee was advised that Enforcement Officers were in attendance at the site for the football match being held that night in order to monitor the situation and an Enforcement Notice had been prepared in case of any breach of conditions.

In response to questions regarding the Lease, the Solicitor advised that he had met with Property Services to progress this issue, but he could not comment on this at the present time. He also advised that it would be unusual to keep Members advised of any enforcement action being taken. At the request of members it was agreed that a copy of the lease would be provided to Members for information.

19. DECLARATIONS OF INTEREST

Councillor L Grimshaw advised that she had a registerable interest in application 17/00080/FUL as she sat on the Board of the Ashington Leisure Partnership, she was a Town Councillor and represented the Parish of Bothal. Following advice from the Solicitor she left the meeting at this point.

DEVELOPMENT CONTROL

20. DETERMINATION OF PLANNING APPLICATIONS

The report requested Members to decide the planning applications attached to the report using the powers delegated to it. Members were reminded of the principles which should govern their consideration of the applications, the procedure for handling representations, the requirement of conditions and the need for justifiable reasons for the granting of permission or refusal of planning applications. The procedure at Planning Committees was appended for information.

RESOLVED that the information be noted.

21. 17/00080/FUL

Demolition of Existing Buildings and Erection of 51 no. two-storey 2 and 3 bedroom semi and detached dwellings with associated works. The Institute Leisure Centre, Institute Road, Ashington, NE63 8HP

The Senior Planning Officer introduced the application with the aid of a powerpoint presentation. Updates were provided as follows:-

- To the north of the site and under construction was a 12 bedroom hotel accommodation block, which was ancillary to the Portland Hotel. This had not been specifically mentioned in the report therefore the following should be added to paragraph 7.21 after the second sentence :
 - There is an accommodation block being constructed to the north of the site which would be set approximately 2.5m to 3m from the shared rear boundaries with plots 2,3 ,12,13 and14. However as this block has no windows on the facing elevations and given it would be set approximately 13m from the rear elevations of these proposed properties, it is considered this block would not impact on the residential amenity of future occupiers of these properties in terms of loss of light, outlook and privacy.

- Comments had been received from the County Archaeologist who had no objection to the application but requested that a condition be added which asked for a programme of archaeological work to be carried out in accordance with a brief they had provided. Therefore the following condition should be added to any permission granted:-
 - *“A programme of archaeological work is required in accordance with the brief provided by Northumberland Conservation (NC ref 17/00080/FUL dated 02/08/2017). The archaeological scheme shall comprise three stages of work. Each stage shall be completed and approved in writing by the Local Planning Authority before it can be discharged.*
 - a) *No development or archaeological mitigation shall commence on site until a written scheme of investigation based on the brief has been submitted to and approved in writing by the Local Planning Authority.*
 - b) *The archaeological recording scheme required by the brief must be completed in accordance with the approved written scheme of investigation.*
 - c) *The programme of analysis, reporting, publication and archiving if required by the brief must be completed in accordance with the approved written scheme of investigation.*

Reason

The site is of archaeological interest”

- Condition 30 should be split into 2 conditions and therefore there would be an additional Condition 31.
- Condition 23 regarding trees would not be enforceable so should be deleted.

- The Fire and Rescue Service had advised that they had no objection to the proposal in principle. However, there must be provision throughout the site for Fire Service vehicular access conforming to the requirements in Approved Document B Fire Safety, in particular B5 Section 16, minimum width of road between kerbs. More detailed comment can be given once plans of the development have been finalised and submitted for Building Regulation Approval.
- County Ecology advised that they had discussed the application further with the applicant and Natural England and had no objection subject to conditions. Therefore the following conditions should be added to any permission granted:-
 - *“No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological reports (‘Preliminary Ecological Assessment Institute Road, Ashington, Northumberland’, Elliott Environmental Surveyors, Version 4, 29.3.17 and ‘Report to Inform Appropriate Assessment for Proposed Housing Development at Institute Road, Ashington, Northumberland’, Elliott Environmental Surveyors, Revision 2, 4.8.17) including, but not restricted to, 5No. bat bricks to be incorporated into the structures of the new houses with the types and locations to be agreed in writing with the LPA before development commences; retention of tree T38 and the bat box attached; adherence to timing restrictions; adherence to precautionary working; adherence to external lighting recommendations in accordance with ‘Bats & Lighting in the UK’ Bat Conservation Trust/Institution of Lighting Engineers, 2008; any deep (in excess of 300mm) excavations left open overnight to be either securely covered or provided with an earth or timber ramp not less than 300mm wide and no steeper than 45 degrees to provide an escape route for ground animals that might otherwise become entrapped; provision of an informative leaflet for all first occupiers highlighting the green spaces available for recreational use within easy walking distance locally and the importance and sensitivity of the protected coastal sites and species with content, style and materials to be used for the leaflet to be agreed in writing with the LPA before first occupation of the site; an updating active season bat and bird nesting survey to be carried out in the event that development/demolition works do not commence before the end of March 2019 with the results of that survey together with any necessary modifications to avoidance, mitigation or enhancement measures to be forwarded to and agreed in writing with the LPA before development/demolition works commence.*

Reason: To maintain the favourable conservation status of protected species.

- *No demolition, removal of vegetation or felling of trees shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no bird’s nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.’*

Reason: To protect nesting birds, all species of which are protected by law.

- *All garden boundary fences or walls will include a gap at the base measuring a minimum 13cm x 13cm to allow continued access through the site for hedgehog.*

Reason: To maintain the population of a priority species.

- *'A detailed landscape planting plan, including the planting of locally native species of local provenance, shall be submitted to and agreed in writing with the LPA with the planting to be fully implemented during the first full planting season (November – March inclusive) following the commencement of development'.*

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site.

- The following advisory note should also be attached to any permission granted:

Advisory Note regarding bats: 'The risk of encountering bats, nesting birds or other protected species in connection with the execution of this planning consent is low providing the conditions are strictly adhered to, but there remains a small residual risk that individual animals may be encountered during works.'

All species of bat and their roosts (whether occupied or not) are strictly protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010. Similarly, all wild birds and their nests are protected whilst in use and it is an offence to recklessly or intentionally destroy them, their nests, eggs or dependent young when on or near the nest, or to kill or take them.

Applicants and contractors should note that the protected species legislation operates independently of the planning system, planning consent does not override the legislation relating to protected species and that they should be aware that there is a small chance of encountering protected species during works.

In the unlikely event of protected species such as bats or nesting birds being encountered during development then works should cease immediately and professional advice should be sought straight away. Applicants and contractors can obtain advice and a list of appropriately qualified consultants by telephoning Natural England's bat advice line on 0845 1300 228.

Further information about protected species and the law can be found on the Natural England website at www.naturalengland.org.uk

In response to questions from Members of the Committee the following information was provided:-

- The Highways Authority was satisfied subject to conditions being added to any permission granted.
- The row of trees outside of the application site would be retained, some trees within the site would be removed, however the Tree Officer had no objection to these being removed and there were no tree preservation orders on them.
- If Members were minded to approve the application a condition could be attached regarding the replacement of any trees removed in line with the Council policy of two trees planted for every one that was removed. These should be planted in an appropriate location.
- A contribution towards affordable housing, education and the replacement of the play park would be made through the Section 106 Agreement. Following the submission of a viability assessment it had been proposed that two affordable housing units be provided due to the viability of the site. It was clarified that the NPPF did not seek to prevent development if a reduced number of affordable housing units could be provided on a site due to viability and it was legal to accept a reduced amount or indeed no affordable units.
- The width of Institute Road was sufficient to allow two way traffic.
- £20,000 had been allocated within the Section 106 Agreement for the provision of a replacement play park close to the existing with a further £39,000 allocated for play provision within the wider Ashington area.
- It was understood that the properties would be sold as freehold.
- There was no legislation at the current time which the Local Planning Authority could use to enforce the completion of a site within a timescale. Government had recognised this as a problem and it was possible that a White Paper would be issued to address this issue in the future.
- A clause to ensure that the play facilities were provided during the construction phase and not following the completion of the development could be included in the Section 106 Agreement.

Councillor Reid proposed acceptance of the recommendation to approve the application subject to the conditions in the report and as outlined above with the inclusion of an additional condition related to the provision of trees which was seconded by Councillor Parry.

Concern was expressed by Councillor G Davey regarding the withdrawal of the Core Strategy and the effect this would have on the provision of affordable housing within the County and urged the Committee to object to the application. The Solicitor reminded Members that comments should be restricted to the application being considered and not wider matters. Councillor Reid stated that the reduction in the number of affordable housing units to be provided was due to the viability of the site and that there was no planning reason for the application to be refused.

A vote was taken as follows:- For 5; Against 2; Abstention 3.

RESOLVED that the application be **GRANTED** for the reasons and with the conditions as outlined in the report and amended above including the additional condition related to the provision of trees and subject to the completion of a Section 106 agreement for the payment of a replacement park and contributions towards the provision of play parks in the area.