

NORTHUMBERLAND COUNTY COUNCIL

ASHINGTON & BLYTH LOCAL AREA COUNCIL

At a meeting of the **Ashington & Blyth Local Area Council** held on **Wednesday, 13 October 2021 at 4:00 pm** in County Hall, Morpeth, Northumberland

PRESENT

Councillor L Grimshaw (Chair)

MEMBERS

C Ball
D Carr
E Cartie
B Gallacher
J Lang
K Nisbet
K Parry

M Purvis
J Reid
M Richardson
E Simpson
A Wallace
A Watson

OFFICERS

M Bulman
R Greally

W Laing
J Murphy

Lawyer
Assistant Democratic Services
Officer
Planning Officer
Planning Area Manager

Around 7 members of the press and public were present.

01 APOLOGIES

Apologies were received from C. Humprey and W. Ploszaj.

03. PROCEDURE AT PLANNING MEETINGS

Councillor Gallacher, Vice-Chair (Planning) (in the Chair) outlined the procedure which would be followed at the meeting.

04 DISCLOSURE OF MEMBER'S INTERESTS

Councillor B Gallacher disclosed an interest in the planning application on item 6 as he had already expressed his opinion on the application and agreed that he would leave the room during the item.

05 PLANNING APPLICATION: 21/03198/CCD

J Murphy, Planning Area Manager, introduced the planning application to the committee with the aid of a power point presentation. It was noted that there were no updates since the report was finalised.

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

- The application was brought to the committee as it was a school and was felt that it was of public interest. It was added to the referral list to bring to member's attention and the Chair felt it was worthy to be brought to the committee.
- The new fence would be the same colour all the way around which was an unpainted steel colour.
- Members agreed the new fence would look better than the mismatch fences that were in situ.
- There was one objection against the application however the officers had spoken to the objector and satisfied their concerns.

Councillor Parry proposed acceptance of the recommendations to approve the application as outlined in the report, which was seconded by Councillor Reid. A vote was taken, and it was unanimously agreed.

RESOLVED that the application be **GRANTED** for the reasons and with the conditions as outlined in the report.

06 APPEALS UPDATE

RESOLVED that the information be noted .

Councillor Gallacher left the room. Councillor D Carr chaired the next planning item.

07 PLANNING APPLICATION: 20/03203/FUL

W Laing, Planning Officer, introduced the application with the aid of powerpoint presentation.

D Thompson addressed the committee speaking in opposition of the application. Her comments were as follows: -

Chair's Initials.....

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- Under planning policies GP1 the application failed to demonstrate sequential testing and the re-use of buildings in the area.
- Policy STP3.E the application failed to minimize the impact on local amenities for new or existing residents.
- Policy ECN11 the application failed to fully address highways, access and amenity for point (b) whilst restricted convenience were not a planning consideration these had been highlighted as part of the objection as the estate was legally protected.
- Under principles of development the applicant states only one customer a day and no customers waiting. Inaccurate responses had been provided throughout this application process for example providing the number of bedrooms the household had. If they were inaccurate on the number of bedrooms they may have been inaccurate on the number of customers.
- A similar application nearby was refused on the grounds that it could have led to other applications of a similar nature being submitted. It was rejected as it was recognized that it was a residential estate. Changing the house from C3 use to C3 + A1/E1 could have resulted in other applications for professional services and retail within the residential area.
- The application had a detrimental effect on the residential area as well as the Town Centre and existing commercial premises as it drew trade and footfall away from the area.
- There was a suggestion that restrictions could have been applied to the application but it was questioned how the Authority would enforce the restrictions.
- Increased traffic, noise and general disturbances were detrimental to the residential area.
- When 60% of the residents in the local area had objected it was questioned how the application could be approved. Of all the public responses that were submitted 90% were objections.
- Fallowfield was a desirable area to live in with a low turnover of residents. Changing the character and amenity of the area could have deterred new people moving into the area.
- The extension was granted with a door and window originally as part of the residential home. If the application was granted the privacy of neighbouring properties would have been lost as customers who entered or left the salon would have looked directly into the rear garden of neighbouring properties. The window and door had not been built in the location that was originally granted.
- Under regulations the property was required to have 3 parking spaces as it was a four-bedroom house. The property would require an additional parking space for the salon if it was granted. Highways had stated that the lack of one parking space would not have substantiated a refusal on highway safety grounds as the salon was only to have one customer at a time.
- Highways suggested parking could have been across the drive however this would have meant parking on the pavement which would have restricted pedestrians. The property was also within 10 metres of the junction for access to the street.
- The applicant had stated that the postman parked opposite the house which would have caused further parking problems. Parking was already tight within the cul-de-sac.

- If the application was granted a precedent would have been set for further commercial or business applications.
- Had a sequential test been undertaken to see if there were any suitable commercial properties?
- The high-street was described as dying with a number of places where hairdresser's could work from.
- The local plan was in place to revitalize the area, yet this application did not match the plan.
- The hairdresser was already operating a mobile business and may have chosen to bring more clients to the property and expand the business.
- The planning report failed to take into account the comments of objections from the neighbouring residents.
- Planning officers were there to advise the committee however the committee were able to make their own decision on the application and did not have to agree with the recommendations.
- It was hoped that the committee would support the 60% of residents that had opposed the application.
- It was reminded that local Councillors were elected to help in the community not just for the benefit of one household.
- By refusing the application it would allow the residents to continue to enjoy the character and privacy of the estate.
- Other Authorities had refused similar planning applications across the country following the national planning policy.

W Scott addressed the committee speaking in support of the application. His comments were as follows: -

- The salon was purely an opportunity for the applicant to work from home part time to help with childcare issues.
- Many of the objections were in relation to parking however as written in the report the salon would have been a single person salon with one customer a day. The room was dual use and contained washing machines etc. to be used as a utility room.
- It would be a one car per customer (if any at all) on a part time basis. Some days there would have been no clients at all. It was hardly an intrusion on anyone's daily life.
- The applicant had hoped that neighbours would have felt that it was a convenient option that they could have walked to.
- The applicants are the only people who had addressed the parking issue by having a drive for three cars. Most objectors felt that they were okay to park anywhere even when their own driveway was clear.
- Parking was not raised as a concern with Highways or Planning. Postal deliveries were more likely to cause issues than a single car pulling off a driveway.
- No concerns from neighbours were brought to the applicants personally, even when the work was being carried out.
- The applicants wanted to do things correctly hence the application, the direct neighbours were always aware of the intent.

- Being called disingenuous upset the applicants greatly. The building and application process were done with professional advice in full view of everyone concerned. If the applicants were disingenuous, they would not have
- Objectors to the salon should look on the Fallowfields social media page where there were open advertisements for services and goods run from home.
- Any objections to the fence had been addressed by the Highways and Planning department.
- The fencing was identical to the houses on the estate that were already granted permission.
- Objectors with civic mindfulness and duty should have looked at all corner properties throughout the estate who had already erected similar fences with or without permission.
- The salon posed no threat to the safety, appearance or value of the estate. Nothing was externally visible and the status quo would not have been changed.
- The small part-time salon was to be regulated, and in view of the necessary bodies.
- The level of abuse and treatment of the applicant was shocking, letters had been distributed containing false claims regarding the application.
- It was mentioned that not all supporters lived on the estate however not all opposers lived on the estate either.
- The applicants had to justify who was visiting their home as it was felt that objectors were constantly watching and making complaints.
- It was highlighted that primarily the property was the applicants home where they wanted to raise their children.
- The business was only to have one customer at a time and there was no intention to submit further applications to increase this.

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

- It was clarified that the part retrospective application was for the fence as although the salon business had been set up it was not yet in operation at the time of the application.
- Highways inspected the site for the additional parking as well as inspecting the impact of the fence on the highway and visibility.
- There was a previous planning application elsewhere in the estate (application number 03/00290/COU) it was for a far larger use with more staff and customers. It was more for a commercial use in comparison.
- Business viability was not a planning consideration.
- Highways had inspected the site and had put their comments on the public access which had clearly stated there was no concerns around the parking given the number of parking spaces the dwelling had and that there would only be one customer per day.
- The applicant had stated they had recently come off maternity leave and were using the salon to build their business back up. It was not fair or realistic to assume that the comments in the application were not true. The application was to be assessed on the comments made in the application which was there would be one customer per day.

- The committee was reminded that they should only be looking at the merits of this application and not scrutinise previous, historical applications as there was not enough information regarding them.
- It was clarified that the two chairs shown in the presentation were for one customer. One was positioned at a sink and the other would be where the client's hair was cut.
- Each application would be assessed on their own merits so it could not be said that granting this proposal would set a precedent for other, similar applications.
- It was clarified that the proposal was brought to committee due to the fence application and the hairdressing business did not require planning permission based on the proposal at the time. The business was controlled by conditions so if use intensified such as noise or deliveries it could be reviewed or investigated by the Planning department. However, as it stood the business could run under permitted development rights.
- There were many businesses that were already conducted from homes due to permitted development rights such as; dog grooming. It's not about the change of use as such but the impact of the use and that it remained ancillary to the main purpose of the dwelling.
- It was hoped that if the proposal was accepted that the conditions were monitored appropriately and necessary action would take place if needed.
- If the conditions in the application were not adhered to then enforcement would be looked into. It would be discussed with the applicant in the first instance and would give them the opportunity to correct that, or if the applicant wanted to increase the customer number they would have had to apply again.
- It was clarified that permitted development was not a blanket term that could be used for every application. It was dependent on the level of the use. Only small-scale use could have constituted permitted development. The application was not on the same bar as change of use applications as the impact on the surroundings was minimal. Each situation would have been assessed on its own merit and a judgement made based on the impacts.
- The policies that were considered for the application were included in the report. All written objections were considered during the report. Due to the scale of the business being ancillary some of the policies raised by the objector would not have applied as they are for commercial premises. The officers were confident that every policy relevant to the application had been duly considered.
- The applicant could have sought a certificate of lawfulness for the hairdressing business alone however the application was a joint application which was well within the applicant's rights and still gave the applicant the desired permissions.
- The application was brought to the committee due to the level of public interest. It was referred to the Chair delegation procedure it was felt that it should have been brought to committee. Any application that had a level of public interest would be referred to the Chair delegation scheme, and the Chair would have looked at the application with the Head of Planning and determined if it needed to go to committee. There was not a specific level of public interest that would warrant the application going to the Chair's delegation scheme each application was taking on its own merits.

- The applicant completed the relevant certificates to establish the ownership of the land to the side of the property where the fence was erected and bushes removed. No responses were received and land ownership remains unknown. Notwithstanding this, the applicant followed due process and is entitled to have the retrospective planning application considered, which planning law allows for.
- There was not a set prescription for a fence height next to a highway. Permitted development rights allowed fences to be built to a certain height without planning permission. This fence was above the height of permitted hence there was a planning application. Highways had assessed the application in reference to visibility etc.

Councillor Parry proposed acceptance of the recommendations to approve the application as outlined in the report, which was seconded by Councillor Reid.

Members raised concerns that previous applications of a similar nature had been refused for explicit reasons.

Concerns were raised regarding the application taking custom away from the high-street as highlighted by objectors. The Wansbeck Local Plan looked to invigorate the high-street. It was highlighted that the Council could have provided rate relief if needed and it was felt that it would have been more appropriate to find an appropriate dwelling to operate a salon from.

Members highlighted that the business was allowed regardless of the application due to permitted development. The applicant had removed bushes which were part of the original design and intended to create open space, however from experience these areas tended to become unkempt. In an ideal world the corner plots would not have been enclosed with a fence as the original design was intended to make the estate more friendly. However, the reality was that to make the space look tidy fences were built therefore it was felt that little could be done but to grant the application.

A vote was taken on the recommendation to grant permission with the conditions in the Officer's report, as follows; FOR 8 AGAINST 5

RESOLVED that the application be **GRANTED** for the reasons and with the conditions as outlined in the report.

08. DATE OF NEXT MEETING

It was noted that the next meeting was for planning items only and, subject to there being any planning business, would take place on Wednesday, 10 November 2021, time to be confirmed.

The meeting closed at 5.03 pm

Chair _____

Date _____