

NORTHUMBERLAND COUNTY COUNCIL

NORTH NORTHUMBERLAND LOCAL AREA COUNCIL

At a meeting of the **North Northumberland Local Area Council** held in St. James' Church Centre, Pottergate, Alnwick, Northumberland, NE66 1JW on Thursday, 21 June 2018 at 3.00pm

PRESENT

Councillor G. Castle
(Chair, in the Chair, items 18 - 20)

Councillor T. Thorne
(Planning Vice-chair, in the Chair, items 21- 34)

MEMBERS

T. Clark
G. Hill
W. Pattison
R. Moore
A. Murray

G. Renner-Thompson
G. Roughead
C. Seymour
J. Watson

OFFICERS IN ATTENDANCE

A. Bell
J. Bellis
M. Bird
G. Fairs
L. Henry
J. Sharp
E. Sinnamon
R. Sittambalam

Definitive Map and Search Officer
Senior Planning Officer
Senior Democratic Services Officer
Highways Development Manager
Legal Services Manager
Planning Officer
Interim Head of Planning Services
Senior Planning Officer

45 members of the public and one member of the press were in attendance.

(Councillor Castle in the Chair.)

18. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bridgett and Lawrie.

19. MINUTES

RESOLVED that

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- (a) the minutes of the meeting of North Northumberland Local Area Council held on Thursday 24 May 2018, as circulated, be confirmed as a true record and signed by the Chair; and
- (b) The minutes of the meeting of the Rights of Way Committee held on Wednesday 13 March 2018, as circulated, be confirmed as a true record and signed by the Chair.

20. DISCLOSURE OF MEMBERS' INTERESTS

- Councillor Moore declared personal and prejudicial interests in relation to the following rights of way matters: Definitive Map Modification Orders Nos 18 and 22 (both 2016, minute numbers 29 and 30) and would leave the meeting whilst the items were considered
- Councillor Roughead declared a personal interest in relation to application 16/01976/FUL as he was chair of Berwick Town Council's planning committee, which had considered the application, but he had not been involved in the discussion/decision, so he could participate at this meeting
- Councillor Renner-Thompson declared an interest in relation to planning application 16/01976/FUL as his employer Simpsons Malt neighboured the site, but received legal advice that his interest was not sufficient to stop him from participating in the discussion/decision, as the item of business was too distant to relate directly to his employment.

Members were reminded that if they had any grounds for whether an interest might preclude them from participating in an application, they should seek legal advice at an early stage.

(Councillor Thorne then in the Chair.)

21. DETERMINATION OF PLANNING APPLICATIONS

The report explained how the Local Area Council was asked to decide the planning applications attached to the agenda using the powers delegated to it. (Report enclosed with official minutes as Appendix A).

RESOLVED that the report be noted.

22. **18/00006/FUL - 30 touring pitches, 5 tent pitches, office/coffee shop and toilet/shower block: Land West Of Beacon Hill Farm, High Hauxley**

Members were advised that the applicant had withdrawn this planning application.

23. **17/02893/FUL - Development of 9 Bedroom Bunkhouse (C1) with 2 Holiday Apartments (C3): Former Sailing Club Site, Coquet Street, Amble**

Senior Planning Officer Ragu Sittambalam introduced the application with the aid

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of a slides presentation.

In the absence of any public speakers being registered, members then asked questions of which the key points of responses from officers were:

- guidelines recommended 12 parking spaces for this size of development, but there were constraints on the site, it was not significant enough to warrant refusal, and there was public parking nearby
- the Council was required by law to provide coastal mitigation measures for such applications. A financial contribution would be provided in this case, and a habitat assessment had been completed and signed off by Natural England
- the application would include the extension of the walkway along the frontage to join up with the existing walkway
- The Amble Conservation Area was to the south of the site; Building Conservation had responded to say they considered there would be no impact on the Conservation Area.

Councillor Clark then moved that the application be granted as per the officer Recommendation; he considered it to be a welcome addition to Amble with its facilities and safe storage for bikes. Cycling facilities attracted tourists, and also reduced reduced car usage and helped protect the environment. This was seconded by Councillor Watson, who also referred to Amble's growth as a tourist Destination; the application was a welcome addition to attract more tourism.

Members then debated the application, of which their key points were:

- the proposal was appropriate and would be a very good facility for Amble
- the Warkworth to Amble road was a beautiful route, and the skyline could be spoilt by tall buildings
- the application could not be challenged on its design, which was good
- the bunkhouse fitted in and added a new dimension
- the absence of some three members from the site visit on 18 June 2018 was noted as they had been attending a conference.

The motion to grant was then put to the vote, and agreed unanimously, so it was thus:

RESOLVED that the application be GRANTED subject to a s106 legal agreement to secure a coastal mitigation contribution of £5,940 and the conditions in the report.

24. 18/01014/FUL - Proposed construction of 7 dwellings: Land West Of Station Road, Station Road, Embleton

Senior Planning Officer James Bellis introduced the application with the aid of a slides presentation.

Peter Biggers then spoke on behalf of local residents who had objected, of which his key points were:

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- Embleton was a sustainable village centre, but policy S1 of the Alnwick Core Strategy required any development to relate to the scale and function of the settlement. The site was not well related to Embleton, and was located on greenfield land outside of the settlement
- it was housing in the open countryside that neither supported agriculture nor country enterprise, so did not adhere to policy S14
- the developing Neighbourhood Plan stipulated an increase of three units per year locally, which was currently exceeded. It was the wrong housing type and did not meet local need; they were likely to be purchased for use as second homes. The housing supply in Northumberland had now been exceeded, so this development was not needed in order to make up for any shortfall elsewhere in the county
- the proposed ribbon formation would materially change the road from rural to urban. The fenestration and chimneys would not fit with the character of the area. It was not within the Conservation Area, but would have an impact on its setting
- it would have an adverse impact on the landscape character. Proactive conservation of the local area took place, and replacing farmland with a ribbon development would not support it. There was no justification for diverting the existing right of way that went through the site.

Councillor Terry Howells then spoke on behalf of Embleton Parish Council, of which his key points were:

- Embleton Parish Council were not against development, as long as it was appropriate. However this development would be outside of the settlement boundary and thus against the Alnwick Local Framework and Alnwick District Plan, policies which retained significant weight, as confirmed by the Executive Director of Place
- Embleton had developed much in three years, with 16 affordable houses, 39 for the open market and six at reduced cost. There were concerns that 60% of the housing for rent locally was for non-permanent living, and 35% of houses in the village were for letting or second homes. This application would not meet local needs
- the local target for Embleton was for 65 new houses to be built between 2016 - 2036, but 55 houses had already been built, so only 10 more were needed over 18 years to reach the target
- it was located at a very straight narrow road bend, at which regular near misses occurred. A single entrance away from the corner would be better. The only access for the B1339 was from Station Road, which was unsuitable for both this application and a previously submitted one.

Rod Hepplewhite then spoke in support, of which his key points were:

- the applicants felt misled by officers. Positive responses had been received to two pre-application enquiries. Since 2015, they had worked with four planning officers and had revised their proposals, layouts, reduced the number of units from nine to seven, and addressed all issues raised by officers. No indication had been given until recently that the development was being seen anything other than positively

- there had been no objections from highways, ecology, building conservation, the Trees and Woodlands Officer, rights of way, or the Local Lead Flood Authority
- if the development was unacceptable in principle, why had his clients been encouraged to submit the application? They had employed people to undertake various work on the proposal, but there was no prospect of it being granted. They were looking to complain and appeal. They had spent much on the application and should perhaps be reimbursed for unnecessary expense incurred.

Members then asked questions of which the key responses from officers were:

- regarding concerns expressed about the process followed, the pre-application advice had stated that the site was sustainable but any application would be subject to caveats. A number of meetings had taken place between the applicant, agent and officers
- regarding Station Road crossing the site, it was the settlement boundary but this was not a saved policy, but a subjective consideration.

Councillor Pattison then moved that the application be refused as per the officer recommendation. This was seconded by Councillor Castle, who considered that the development very clearly constituted a departure into the open countryside.

Discussion followed during which the key points from members were:

- it had been a very emotive application locally, with over 50 objections received
- a member considered that the criticism of officers and the planning process seemed unfair
- it was right not to build on this greenfield land
- every planning application was considered on its own merits and Planning Services were clear in their advice in this case that it was a breach of greenfield land into the open countryside.

The motion to refuse was then put to the vote, and agreed unanimously, so it was thus:

RESOLVED that the application be REFUSED for the reasons outlined in the report.

25. 16/01976/FUL - Development of 30 Dwellings - Amended 16/04/18: Land West of Greenwood, Cornhill Road, Tweedmouth

Mr Sittambalam introduced the application by firstly providing two updates: the District Valuation Service (DVS) had provided a summary sheet of calculations in respect of the revised contributions sought by Northumberland County Council which had been uploaded as a publicly accessible document. There was no new information contained within the summary sheet in respect of this application. Also, for clarification at paragraph 7.27 of the report, the total profit yield calculated by the DVS should have read 18.5%, not 18.2%.

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Mr Sittambalam then continued introducing the application with the aid of a slides presentation.

Simon Maden then spoke in support, of which his key points were:

- his company had been successful with an application for a neighbouring site, which would bring much needed family homes. This had been supported by the Planning Inspector, with costs awarded
- the construction process would provide careers for local school leavers, keeping a larger proportion of skills locally. Maden Eco employed 22 staff and local contractors, and was supported by the Homes and Communities Department
- all properties would be A rated. All comments received originally by statutory consultees had been addressed. Attention had been given to requirements for drainage and the permeability of the hard surface
- engagement had taken place with local schools about naming the streets.

Members then asked questions of which the key responses from officers were:

- planning obligation types included health, education and affordable housing. Much work had been done to the house types. Noise attenuation from the neighbouring Simpsons Malt plant had been carried out. Obligations had not been sought as the development included a number of two bed bungalows, which reduced the value of the development and level of profit for the developer
- the other application had been allowed appeal mostly in relation to considerations about noise
- colleagues in the education and health services assessed such applications to considers how the local authority and NHS would cope with increasing local capacity. Much support had been expressed for the need for two bed bungalows
- it depended on the operations concerned whether the Health and Safety Executive was consulted on applications. The HSE had no objections to this application, and would be further consulted if any new issues arose
- Simpsons Malt had objected to the application.

Councillor Hill then moved the officer recommendation to grant the application, which was seconded by Councillor Watson.

Discussion followed in which the key points from members were:

- it was key that the neighbouring site had been agreed at appeal
- the proposed housing type was needed locally
- given that local school budgets were tight, even a contribution such as £5,000 would make a big difference.

The motion to support the officer recommendation to grant the application was then put to the vote, and agreed by 10 votes in support and one abstention, so it was thus:

RESOLVED that the application be GRANTED subject to resolution of the Local Lead Flood Authority's concerns and the conditions in the report.

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26. 17/04605/FUL - Development of 10 Principal Occupancy Dwellings (2 On-Site Affordable): The Friars, Bamburgh

Mr Sittambalam introduced the application by firstly providing an update: following the amendment to the description, there had been one further objection received. But it raised no issues further to those raised in the report. The application had also been subject to a site visit previously.

Mr Sittambalam then continued introducing the application with the aid of a slides presentation.

Tim Ferguson then spoke in objection on behalf of residents, of which his key points were:

- the future of the site had been concerning residents since 2014, and after a proposal to reduce the number of houses on the site from seven to five, it was now proposed to double it back to 10
- it was speculative, in an extremely sensitive location at the edge of the Area of Outstanding Natural Beauty (AONB) and within the curtilage of grade two listed buildings, in the open countryside, would erode the natural landscape, be susceptible to flooding and impact on wildlife
- it was contrary to policy 9 of the Neighbourhood Plan and its stipulations on settlement limits; approving it would go against proactive planning at the local level
- housing land was available within other housing settlements nearby; there was no essential need to release land for this development, and if approved, could risk urban sprawl.

Councillor Andrew Bardgett then spoke on behalf of Bamburgh Parish Council, of which his key points were:

- the site had not been occupied for years, and to apply on a former paddock was purely speculative
- it was not a case of tilting consideration of the application against the weight of the Neighbourhood Plan, as stated by the agent; it would require a huge tilt to make it acceptable, and agreeing the application would be an insult to people who had developed the local Neighbourhood Plan
- it was not a suitable location for affordable housing and would harm local listed buildings
- Friary Farm residents would look straight into the back of the proposed houses.

Nicola Allen then spoke in support of the application, of which her key points were:

- the owners had pursued development of the site since 2015. It would not be a ribbon development as it fitted in between the farm and housing
- the application had previously been proposed for approval in March 2018. The designs had been altered in response to advice from officers
- the change in settlement boundary only changed the balance of matters under consideration. A number of issues including flooding and ecological matters raised by residents had been addressed

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- Bamburgh was sustainable and the scheme should be assessed on its merits. The design had been carefully thought out. It would cause some harm, but not a substantial level, and this would be outweighed by the public benefits. 47% of housing in Bamburgh were second homes; only allowing new permanent residence housing would address this
- the Council could not demonstrate a five year housing supply as the Core Strategy had been put back. The Neighbourhood Plan did not allocate sites for development. Currently, Bamburgh was not allocating any sites. In the absence of a Local Plan, the NPPF should be looked to regarding boosting housing supply and increasing sustainability.

Members then asked questions of which the key responses from officers were:

- when the Neighbourhood Plan was passed, it still needed to have regard to the NPPF. The recommendation from the original report had changed to refusal due to the made status of Neighbourhood Plan policy. The NPPF stated that settlement boundaries should not stifle development if applications could positively add to the community, but this application did not offer enough benefits
- full weight now needed to be given to the local Neighbourhood Plan when considering planning applications within the plan's area
- the two affordable houses were not considered to be of sufficient public benefit to justify developing outside of the the settlement boundary but would provide sufficient public benefit to outweigh the harm on heritage assets
- it was considered that the application would impact on heritage assets
- the application agreed by this committee in May 2018 at North Sunderland was an exception site as it included 100% affordable housing.

Councillor Renner-Thompson then moved the officer recommendation to refuse the application, and referred to its location outside of the settlement boundary. This Was seconded by Councillor Pattison.

Members then debated the application, of which their key points were:

- it proposed significant benefits, but not as many as last month's application with 100% affordable housing
- it was not considered to be a speculative development as the field and house had been in the ownership of the family for a long time
- the settlement boundary change was a policy change, and there was not enough reasons to overturn the recommendation to refuse.

The motion to refuse was then put to the vote, and agreed unanimously, so it was thus:

RESOLVED that the application be REFUSED for the reason listed in the report.

27. 17/03382/FUL - Retrospective demolition of existing out buildings and the construction of 3 terraced houses: Outbuildings, Milfield, NE71 6JD

Planning Officer Jon Sharp introduced the application with the aid of a slides

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presentation.

Mr J Jafaar then spoke in support, of which his key points were:

- the application had previously been agreed in November 2013, the culmination of two years of involvement across Planning Services and work with his architect, which had brought substantial financial costs. An independent panel needed to look at how this application had been handled
- work had commenced after the application had been granted, and an extension could be permitted, but he had been advised to reapply
- part 6 of the Town and Country Planning Act 1990 stated that if an owner could not put land to a reasonable use, then the owner could serve a purchase notice. He had been compliant with all Planning Services' recommendations for both applications, so the blame for these problems was the department's responsibility
- a meeting on 8 June 2018 discussed implications under Articles 6 and 8 of the European Convention on Human Rights as incorporated into English law by the Human Rights Act 1998, and compliance with the Town and Country Planning Act 1990
- paragraph 7.8 of the report confirmed that the proposal would not interfere with views to and from the listed building. The dwellings would be lower than the Red Lion, so would have less impact.

Members then asked questions of which the key responses from officers were:

- the applicant had been advised to reapply, but not by the case officer, who then received the application and was required to assess it
- the outbuilding was not standing, but it was unclear whether this was due to neglect or active demolition
- members needed to consider this specific application. If there were issues with how the previous application had been handled, they would have to be looked at separately. The previous application had not progressed, so this application had to be treated on its own merits
- the application agreed in 2013 had permission to begin development within three years. This permission had since lapsed, which was why this application was being presented now
- as it was an application for retrospective demolition, if it was not agreed then discussion would take place with the planning enforcement team regarding whether any action should be taken
- the principle of the proposal was considered acceptable, but the development would have too much impact on the listed building. The case officer hoped to discuss this further with the applicant
- planning policy had not changed since the last application had been considered, but interpretation of it could. The case officer had to be able to be free to reach a different conclusion to the previous application, by law, and be unfettered by the previous conclusion
- it was now a standard three year timescale for beginning development after being granted. Up until 2013 there had been a five year allowance
- there was a process under the Town and Country Planning Act 1990 for landowners requesting the Local Planning Authority to purchase the land if it was no value to them, but details would need to be looked into further

- members needed to consider whether the development as proposed offset the harm to be caused to the listed building.

Councillor Castle then commented that he saw no problem with the application when it was originally considered and saw no reason to refuse it now either, so would either move to grant or defer it for more information.

On procedural clarification about deferral, Councillor Castle moved that the application be granted, against the officer recommendation.

Councillor Hill stated that she would have moved deferral for Planning Services and the applicant to discuss the application further.

It was clarified that as Councillor Castle's motion was already proposed, it would have to be considered first if seconded. Councillor Renner-Thompson then seconded Councillor Castle's motion.

Detailed discussion followed during which the key points from members were:

- a member questioned whether any work had begun as he saw the site regularly, and that the site might have been changed but he was not aware of it being worked on
- there were insufficient grounds to refuse the application, subjective judgement applied now as previously
- Milfield Parish Council had not attended this meeting as they supported the officer recommendation to refuse the application
- it was a very limited plot; if 50% bigger it could have gone ahead, but as proposed it would be congested
- the design could be improved, and currently as proposed its impact would be too detrimental on the village
- the impact on the listed building was a subjective consideration; even the Conservation Officer had commented that the impact would be less than substantial.

The motion to grant the application against the officer recommendation was then put to the vote. Three votes were cast in support of the motion, seven against, with one abstention. The motion to grant thus fell.

Councillor Thorne then moved the officer recommendation to refuse the application for the reasons shown in the report. This was seconded by Councillor Moore. On this being put to the vote, the motion was supported by six votes, three against and two abstentions, so it was thus:

RESOLVED that the application be REFUSED for the reasons listed in the report.

28. Planning Appeals

Members received information on the progress of planning appeals.

RESOLVED that the report be noted.

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(The meeting then adjourned for 15 minutes at 5.15pm. On restarting the meeting at 5.30pm, Councillor Moore left the meeting for whilst the reports for Definitive Map Modification Orders (Nos 18 & 22) 2016 were considered.)

RIGHTS OF WAY

29. PUBLIC RIGHTS OF WAY DEFINITIVE MAP MODIFICATION ORDER (No 18) 2016 BYWAY OPEN TO ALL TRAFFIC No 26 (PARISH OF ELLINGHAM)

Alex Bell, Definitive Map and Search Officer, was in attendance to introduce all the rights of way reports.

The report informed members of the decision, of the Inspector appointed by the Secretary of State for the Department of the Environment, Food and Rural Affairs, to determine, following a public local inquiry, the above Order, that attracted four objections. (Report attached to the official minutes as Appendix B.)

Members were advised that this item was just to note a final decision made.

RESOLVED that the Inspector's decision to confirm the Order, as made, be noted.

30. PUBLIC RIGHTS OF WAY DEFINITIVE MAP MODIFICATION ORDER (No 22) 2016 BYWAYS OPEN TO ALL TRAFFIC Nos 9 & 56 (PARISHES OF EWART & KIRKNEWTON)

The report informed members of the interim decision, of the Inspector appointed by the Secretary of State for the Department of the Environment, Food and Rural Affairs, to determine, following an exchange of written representations, the above Order that attracted two objections. (Report attached to the official minutes as Appendix C.)

RESOLVED that the interim decision, of the Inspector, as follows, be noted:

- The Inspector intends to confirm the Order, subject to the removal of the most northerly 355 metres and most southerly 395 metres of the byway route, on the ground that these sections do not easily satisfy the balance of user test for being recorded as a byway open to all traffic.

(5.36pm: Councillor Moore then returned to the meeting.)

31. PUBLIC RIGHTS OF WAY MODIFICATION ORDER (No 12) 2017 ALLEGED BYWAY OPEN TO ALL TRAFFIC No 22 (PARISH OF DODDINGTON)

A joint introduction was provided by the Definitive Map Officer to ask members for their views on the action now thought appropriate in determining both Modification

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Orders (Nos 12 and 14) 2017. (Reports attached to the official minutes as Appendices D and E.)

Following requests for clarification, members were advised that unless the existing objections were withdrawn, both Orders would go to the Secretary of State for determination. Members needed to consider whether or not to give their support to the Orders, as made. Even if the Council's position changed, the Orders would still need to go to the Secretary of State. For example, if new evidence was received, the Council might no longer recommend approval, but the objections received so far were not considered to offer anything new, so the original recommendation remained.

Members unanimously agreed that the Council's position should be to support confirmation of the Orders, so it was:

RESOLVED that unless the objections are subsequently withdrawn, the Order, with all the objections, be submitted to the Secretary of State for Environment, Food and Rural Affairs for determination, accompanied with a recommendation that the Order be confirmed, as made.

**32. PUBLIC RIGHTS OF WAY MODIFICATION ORDER (No 14) 2017
ALLEGED RESTRICTED BYWAYS Nos 21, 22, 44 & 58 (PARISHES OF AKELD,
WOOLER & KIRKNEWTON)**

Further to the discussion during the previous item, the report requested members' views on the action now thought appropriate in determining the above mentioned Order. (Report attached to the official minutes as Appendix E.)

RESOLVED that unless the objections are subsequently withdrawn, the Order, with all the objections, be submitted to the Secretary of State for Environment, Food and Rural Affairs for determination, accompanied by a recommendation that the Order be confirmed, as made.

**33. PUBLIC RIGHTS OF WAY PROPOSED DOWNGRADING / DIVERSION OF
PUBLIC BRIDLEWAYS Nos 7 & 32 (PARISHES OF BOWSDEN AND KYLOE)**

The report requested members' views on a proposal to downgrade existing Public Bridleway No 7 (Parish of Bowsden) to public footpath status and to downgrade to public footpath status and divert alleged Public Bridleway No 32 (Parish of Kyloe). (Report attached to the official minutes as Appendix F.)

RESOLVED that support be given for downgrading the J-V-W-K-X-L bridleway to public footpath status, and the diversion of the X-L section onto the alternative route W-Z.

34. FUTURE MEETINGS

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It was noted that the next meeting would take place on Thursday 19 July at the Jubilee Centre, Spittal, Berwick upon Tweed.

CHAIR.....

DATE.....