

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, 23 August 2018 at 3.00pm

PRESENT

Councillor G. Castle
(Chair, in the Chair, items 1 - 3)

Councillor T. Thorne
(Planning Vice-chair, in the Chair, items 4 - 14)

MEMBERS

G. Hill
R. Lawrie (part)
R. Moore
A. Murray

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

OFFICERS IN ATTENDANCE

H. Bowers
K. Blyth
D. Brookes
M. Bulman
G. Fairs
C. McDonagh
R. Sittambalam
I. Stanners

Democratic Services Officer
Principal Planning Officer
Infrastructure Records Manager
Solicitor, Regulation
Highways Development Manager
Planning Officer
Senior Planning Officer
Housing Enabling Officer

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

(Councillor Castle in the Chair)

52. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bridgett, Clark and Pattison.

53. MINUTES

Ch.'s Initials.....

RESOLVED that the minutes of the meeting of North Northumberland Local Area Council held on Thursday 19 July 2018, as circulated, be confirmed as a true record and signed by the Chair.

54. DISCLOSURE OF MEMBERS' INTERESTS

- Councillor Thorne declared a personal and prejudicial interest in relation to planning application 18/00162/OUT as he owned land adjacent to the development and would leave the meeting whilst the items were being considered;
- Councillor Moore declared a personal and prejudicial interest in relation to the following rights of way matters: Definitive Map and Statement of Public Rights of Way, Alleged Restricted Byways Nos 56 & 10 (11), Parishes of Chatton and Chillingham and would leave the meeting whilst the items were being considered;
- Councillor Roughead declared a personal interest in relation to application 18/01517/CCD 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 and could participate on this planning application.

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 in the Chair)

55. 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.

56. 18/01016/FUL - Construction of steel framed Greenkeepers store, Alnwick Golf Club, Swansfield Park Road, Alnwick, Northumberland, NE66 2AB

Senior Planning Officer, Ragu Sittambalam introduced the application by firstly providing an update:

Following the preparation of the Committee Report, one objection was received raising the following issues;

- Notification of Neighbouring Occupiers
- Impact on local landscape
- Privacy and Amenity Issues
- Impact on the footpath/bridleway
- Ecological Impact

The majority of the issues raised had been addressed within the report but in response to the issue of notification, all the properties immediately adjacent to the site had been notified about the application.

In determining this application the officer had regard to s16 of the Planning (Listed Building & Conservation Areas) Act.

Mr Sittambalam then continued with a slide presentation of the application.

Mr Fergus Embleton-Black then spoke in objection of the application of which the key points were:-

- Residents had not received the notification letter and he had only found out about the planning application in the last week of July by coincidence;
- The unacceptable loss of privacy for his house. The hardstanding area would be 30 metres away from his bedroom window due to the gradients;
- The need for mitigation for a previously undisturbed site;
- Noise and light impact in early morning and evening;
- The value of the acoustic fence
- The loss of privacy to overcome tree planting and requested conditions to mitigate;
- Mitigation on the effect on wildlife;
- Traffic impacts and access to dwellings on Stoney Hills Lane

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

- In relation to the impact of the quasi industrial building, the objection regarding light was valid and conditions could be imposed to monitor the impact however, there were no subsequent wildlife impacts;
- In relation to the landscaping, there was a separation distance of at least 30 metres and it was not felt necessary for any further planting;
- According to the planning system, 4 properties had been notified about the planning application. Once letters were posted, the planning department had no control about the delivery of post;
- No landscape assessment had been carried out as it was Officer opinion that this was not necessary;
- In relation to the concern regarding the protection of green space, it was considered that the application would not be setting a precedent;

Councillor Castle moved the acceptance of the recommendation with the following conditions to be added:-

- External lighting be installed prior to development;
- A scheme for landscaping and planting be submitted prior to construction of the building

It was further queried whether checks could be made on letters addressed to residents. Kate Blyth, Principal Planning Officer stated that this would be looked into.

Councillor Thorne then seconded acceptance of the recommendation and It was therefore:-

RESOLVED that planning permission be GRANTED subject to the conditions and reasons in the report and with the additional conditions.

Councillor Thorne left the meeting prior to the following application being discussed.

Councillor Castle in the Chair.

Councillor Lawrie arrived at the meeting.

57. 18/00162/OUT - Outline application (All matters reserved); 40 dwellings - as amended 23/07/18. Land south of Lightpipe Farm, Longframlington, Northumberland, NE65 8DZ.

Senior Planning Officer, Ragu Sittambalam introduced the application by firstly providing an update:

- 2 additional objections had been received raising new issues which had not already been raised in the report regarding loss of high quality agricultural land
- Following submission of additional information the LLFA had removed their objection to the proposal subject to conditions set out in their consultation response

Mr Sittambalam continued with the introduction of the report by way of a slide presentation.

Mr Steve Buckley spoke in objection of the application and raised the following key points:-

- Lightpipe Farm was subject to a disproportionate amount of development
- The scheme would be difficult to control
- If the application was approved, the village would have grown by 50% over 6 years
- If approved, Longframlington would be three quarters the size of Rothbury but with fewer pubs, shops, no takeaways, hotels or police
- The development would not add character to the settlement
- The latest 5 year supply report stated that a deliverable supply of housing land could be demonstrated equivalent to 12.1 years
- Paragraph 170 of the NPPF stated that decisions should recognise the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land was demonstrated to be necessary, areas of poorer quality land should be preferred to that of a higher quality
- The risk of flooding, sites were available elsewhere
- Access - if the development was allowed, developers should fund proper safe pedestrian and cyclist access

- Residents waited a long time to cross the road
- There was a vehicle every 7 seconds during the am and pm peak
- He requested Members to come and see how busy the road was at peak times
- The Council had a duty of care to allow a development equally accessible to all people whether able bodied or not and they had failed in that duty
- Paragraph 175 of the NPPF stated that when determining planning applications, local planning authorities should apply principals regarding significant harm to biodiversity. All bat species were protected by law. Where was the Bat Survey? How could mitigation plans be prepared without knowing if bats used the site?
- The proposal was about loss, not gain
- The Planning Officer believed the balance was tipped in favour of approval by a token junction modification which should have been constructed and paid for as a condition of a neighbouring development. A token junction modification did not outweigh the significant harm to the development and the loss of biodiversity.
- He urged the Committee to refuse the application

Councillor Graham Fremlin spoke on behalf of Longframlington Parish Council:-

- The proposed development would be on the C106 which was not designed for heavy traffic
- The road became very busy and a further development would add to that
- Access was already highly congested
- The junction was recognised by highways as being dangerous
- Alterations narrowing the junction would not make it easy for vehicles to turn left
- It would not be safe for pedestrians
- Highways had suggested parking restrictions, but where would existing residents park?
- The nearest bus stop was 700 metres from the development site. Children as young as 5 would be exposed to danger
- The recently withdrawn NCC plan quoted housing figures to be excessive, yet Longframlington had already provided much of the originally proposed housing for the North area outside the main settlements
- Deliveries would add to congestion and vehicles would not be able to park near by
- There were currently 107 houses under construction or with planning consent and 136 for sale
- There was an abundance of 4/5/6 bedroom houses either planned or built in the village, whilst there was little in the way of 2/3 bedroom affordable homes
- At the previous planning committee, members had stated that Longframlington was no longer an attractive village
- The NPPF stated that sustainable development should follow the approach of presumption in favour of sustainable development. The policies were all against and he requested that the Committee refuse the application for this reason.

Katherine Brooker, agent spoke in support of the application. The key points of which were:-

- The objection by the Parish Council and subsequent points had been covered by the Planning Officer in his report and specialist officers of the Authority
- The detail of the design was to be pursuant to the applicant
- The applicant had responded to the requirements of the Authority
- The junction realignment, bats and surface water and the principles of the Section 106 had been agreed and the position of bus stops as required
- The development was in accordance with policies in the NPPF and in a sustainable location
- Private views were not a reason for refusal or protected development to other less sustainable locations
- Regulation 18 - the applicant's advice did accord with NPPF sustainable principles
- The only issues to this are duly considered draft policies with limited weight
- In terms of character, site is placed, bordering on 3 sites, and would result in an acceptable form
- She referred to Councillor Thorne's letter and said that there were no reasons to refuse as the applicant was willing to sign up to a S106 agreement
- The development was above and beyond what was required
- In relation to deliveries, the applicant owned the land
- She requested Members to agree the recommendation

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

- Further development of this land was open space and it was recognised that there would be an environmental impact. There would be benefits socially through the delivery of the junction to alleviate existing highway concerns
- Development in Longframlington had been market led in the absence of a plan/strategy. The realignment was part of the proposal, using the development to balance the harm with a demonstrable benefit. The development would deliver affordable and financial contributions toward housing, health and education. At present there was no bus to secure an existing service running through the village and this was an opportunity to secure that
- A bat survey had been provided by Ecology. Members were asked to note that the applicant sought outline permission with all matters reserved. At the site visit it was unanimously agreed that access would be assessed again
- The Drainage Officer was content with the surface water on and off site and a condition would be added to alleviate any problems
- In respect to a comment regarding ancient hedgeland and trees, it was reiterated that this was an outline application with all matters reserved
- Valid reasons were required for refusal
- Where officers believed that harm would be less than substantial harm, a precautionary approach would be taken. The Conservation Officer was of the opinion that the development would be at the lower end of

substantial harm and the development was in the appropriate location for new housing

- There was no test of public benefit to the whole application. The harm only related to the Heritage Asset for Reserved Matters
- In response to a concern relating to assurances, it was advised that it would be very unlikely that a scheme would be agreed under delegated powers

Councillor Watson then moved that the application be refused. He had listened carefully to the Officer's report and had attended the site visit. He believed the development would cause substantial harm, overdevelopment and would change the character of the village. The development should not be approved in order to improve the junction and he was firmly against the application.

The reasons for refusal was that the development would have an environmental impact; overdevelopment of open countryside; adverse impact on the surrounding area. This was seconded by Councillor Hill.

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

- Members agreed that the application be refused. The realignment of the junction would not make it any safer as there were too many cars using the A697. The junction improvement did not outweigh the harm of the development. Longframlington had increased by 50% over the last few years
- A balance of harm had been established whether the development was in the public interest or not
- Economic and agricultural loss

The motion to refuse was then put to the vote and was supported by 8 votes for, with 1 abstention. It was therefore:

RESOLVED that the application be REFUSED subject to the following reasons:-

- 1) On balance there is no residual benefit from the junction that would outweigh the substantial harm in terms of environmental impact
- 2) Overdevelopment of the site
- 3) Adverse impact on the surrounding area

Councillor Thorne returned to the meeting.

Councillor Thorne in the Chair.

- 58. 18/02250/FUL - Demolition of indoor riding arena and development of 26 dwellings - amended 09/08/18. Land north and east of Liseswood, Old Park Road, Swarland, Northumberland.**

Senior Planning Officer, Ragu Sittambalam introduced the application firstly by way of an update.

One additional objection had been received raising no further issues than those set out in section 5 of the report.

There was to be an amendment to condition 23 titled 'Surface Water Drainage Scheme to be Submitted' to add a requirement to;

Provide details of the permeable paving for private driveways throughout the development;

Which would be added to the condition should members be minded to recommend approval.

In addition, the plan 18 referred to in condition 2 'Approved Plans' should be revision C not B following an update.

Following a request from the Local Member there had been agreement from the developer to provide an additional length of footpath along The Avenue to connect to the access at Vyner Path. Details of this would be set out in the presentation and would be secured by an additional condition, details of which are to be provided prior to occupation of the development.

Mr Sittambalam continued with the introduction of the report by way of a slide presentation.

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

- The historical landscape would be protected and any work to be done would require prior consent
- The education and housing conditions were set out as in the report

Councillor Thorne then moved that the application be granted as per the Planning Officer's recommendation in the report, the application was supported by the Parish Council; the site was subject to extant consent for 15 bungalows and would be an attractive development. This was seconded by Councillor Castle and was unanimously agreed.

RESOLVED that Members authorise the Head of Service to GRANT permission subject to a Legal Agreement pursuant to s106 of the Town & Country Planning Act 1990 (as amended) to secure the following obligations:

- Affordable housing provision of 15% on site (4 units);
- £72,000 Education contribution;
- £3,300 Coastal Mitigation contribution; and

The conditions as set out in the report as updated at the start of the presentation.

Details of Additional Footway to be Submitted

Notwithstanding the off-site highway works agreed as part of this permission, prior to occupation of the development hereby approved details of;

a) A footway to span from the crossroads between Park Road and the Avenue, northward to the entrance into Vyner Park;

b) Program of delivery;

Shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the program of delivery.

In the event that the delivery of the footway is not to be provided, a report detailing the rationale shall be submitted to the Local Planning Authority who shall, if satisfied, dispense of the requirement for works in writing.

Reason: To promote sustainable transport in accordance with the National Planning Policy Framework.

59. 18/01326/CCD - Redevelopment of site for cafe and public access amenities - amended 07/08/18 public car park, Benthall, Beadnell, Northumberland, NE67 5BQ

Mr Chris McDonagh introduced the application with the aid of a slides presentation.

Anthony Baird then spoke in objection, of which his key points were:

- He was a keen water sport enthusiast
- In order to make the area attractive, access was needed by car and the site should be close to the beach and was concerned the plans would have a negative impact
- At peak times, the overspill car park could accommodate 40 cars (there were 80 car parking spaces in the main car park). The new plan for 100 spaces would deter people from using the facilities
- The aim to make Beadnell more attractive and reducing parking spaces was an inconsistent approach
- As surf boards were fragile, water sport users would park on the grass to avoid damage. The plan was to remove the grass which would have a negative impact
- Most water businesses were closed in winter and from an economic and business perspective, could not see how the amenities at Beadnell would work throughout the year

Councillor Alison Nation then spoke on behalf of Beadnell Parish Council, of which her key points were:-

- When the application came before the Parish Council they had voted to support it however, there were a number of points raised by objectors:
 - Whether there was a need for this development and whether it was sustainable
 - The suitability of the location had been questioned

- The design
 - The internal layout had attracted comment
- On the first point the “need” for such a development - In the preparation stage of the North Northumberland Coast Neighbourhood Plan it was established that the community would benefit from such a development . Policy 21 supported small scale new or improved community and/or visitor facilities
 - On the second point “location” - the options were limited and the chosen site, whilst not ideal, would seem to be the most suitable available
 - On the third and fourth point, “internal layout” - the Parish Council was mindful of the financial constraint and need to avoid delays in submitting the bid for funding. Nevertheless, perhaps modifications to the plans could be considered making the internal layout more workable, the sales area maximised and a more adequate serving area
 - The Parish Council was concerned that DDA requirements were not fully considered, particularly the ramp on the south elevation should be transferred to the north elevation so that the need to cross over functional space was negated
 - The application also did not demonstrate how it would use natural resources prudently. If this application was approved, the Parish Council would wish to see a condition to improve that situation
 - On balance, the development was sustainable, would create employment and was supported by many permanent residents and would have a positive impact on the community
 - The Parish Council supported the approval of the application

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

- The disabled access would be picked up at the building regs stage in terms of complying with the legislation on disabled access
- Although there would be a loss of parking spaces, the policy was aimed towards the provision of water sports and cafe
- The issue regarding the loss of car parking spaces was more of an operational issue, the existing car park would stay and the proposed use could be incorporated
- Parking details and practicalities would be sought through a condition
- The consideration of this application was purely for the building

Councillor Renner-Thompson moved that the application be granted as per the Planning Officer’s recommendation in the report. Whilst he sympathised with the objector, the application for the redevelopment was required to progress the bid for grant funding from the Coastal Communities Funds bid. In addition the redevelopment would create employment opportunities from the water sports and the rooftop cafe and the present public toilet facilities would be upgraded. This was seconded by Councillor Thorne who had also taken on board the objector’s concerns but agreed that the redevelopment would be a great asset to Beadnell.

The motion to support the Officer recommendation to grant the application was then put to the vote, and agreed by 8 votes in support with 2 abstentions.

RESOLVED that the application be GRANTED subject to conditions and reasons in the report.

60. **18/01517/CCD - Renewal of planning consent, ref. C/10/00224/CCD and 15/03718/CCD, to allow the site to continue to be used as an overflow car park. In addition lay timber edging (telegraph pole or similar) fixed to the ground via steel pins or hoops to prevent vehicles from parking within 10m of the Town Walls. Overflow car park, land north of Elizabethan defences, Violet Terrace, Berwick upon Tweed, Northumberland.**

Chris McDonagh introduced the application by way of presentation on screen.

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

- The application was first approved in 2010 and then in 2015;

Councillor Seymour then moved the Officer recommendation to approve the application subject to the conditions in the report, which was seconded by Councillor Moore.

Some discussion took place regarding the need for the car park and it was suggested that the local members for the Berwick area consider the erection of additional signage for the overflow car park.

The motion to grant was then put to the vote, and agreed by 9 votes with 1 abstention.

RESOLVED that the application be GRANTED permission subject to the conditions and reasons listed in the report.

(The meeting then adjourned for 15 minutes at 5.05 pm and restarted at 5.20 pm)

RIGHTS OF WAY

61. **PUBLIC RIGHTS OF WAY DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY
ALLEGED BYWAY OPEN TO ALL TRAFFIC No 34
PARISH OF ADDERSTONE WITH LUCKER**

David Brookes, Infrastructure Records Manager, was in attendance to introduce all the rights of way reports.

In this report, Members were asked to consider all the relevant evidence gathered in support and rebuttal of the existence of public vehicular rights over the U2061 road, between the U2005 road, south-east of Adderstone Low Mill and existing Footpath No 23 at Adderstone Low Mill. (Report attached to the official minutes as Appendix B.)

RESOLVED that:

- (i) there is sufficient evidence to indicate that public vehicular rights have been reasonably alleged to exist over the route B-X;
- (ii) there is sufficient evidence to indicated that, on a balance of probability, public vehicular rights have been shown to exist over the route X-W;
- (iii) there is not sufficient evidence to indicate that, on a balance of probability, public vehicular rights have been shown to exist over the route W-A;
- (iv) the Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorized vehicular rights over the route B-X-W;
- (v) the route B-X-W be included in a future Definitive Map Modification Order as a byway open to all traffic.

Councillor Moore left the meeting prior to the following application being discussed.

**62. REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY
ALLEGED RESTRICTED BYWAYS NOS 56 & 10 (11)
PARISHES OF CHATTON & CHILLINGHAM**

Members were asked to consider all the relevant evidence gathered in support and rebuttal of a proposal to add to the Definitive Map and Statement a restricted byway from the C43 road north-east of Chillingham Barns in an easterly direction over the U1095 road (alleged Parish of Chillingham Byway Open to All Traffic No 10 (11)) crossing the Hollow Burn to the Chillingham/Chatton parish boundary then in a general north-easterly and northerly direction to join the U1103 road (Parish of Chatton Byway Open to All Traffic No 49) at Amerside Law and to agree that:

- (i) there is sufficient evidence to indicate that public vehicular rights have reasonably alleged to exist over the route G-A-B-H;
- (ii) the Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorized vehicular rights over the route G-A;
- (iii) the route G-A be included in a future Definitive Map Modification Order as a Byway Open to All Traffic;
- (iv) the Natural Environment and Rural Communities Act 2006 would appear to have extinguished the public's motorized vehicular rights over the route A-B;
- (V) the route A-B be included in a future Definitive Map Modification Order as a Restricted Byway

Following a discussion about the map evidence the Officer recommendation to include the route G-A as a Byway Open to All Traffic and the route A-B as a Restricted Byway in a future Modification Order was then put to the vote, and refused by 4 votes against and 3 in support with 2 abstentions.

(Councillor Moore then returned to the meeting.)

SUSPENSION OF STANDING ORDERS

63. At 6:50 pm Councillor Thorne proposed the suspension of standing orders in order to continue the meeting beyond the 3 hour limit which was seconded by Councillor Castle.

RESOLVED that in accordance with the Council's Constitution, standing orders be suspended and the meeting continue over the 3 hour limit.

64. **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY
ALLEGED RESTRICTED BYWAYS NOS 5 & 6
PARISH OF HEPPLÉ**

Members were asked to consider all the relevant evidence gathered in support and rebuttal of a proposal to add to the Definitive Map and Statement a restricted byway from the U4025 road east of Farnham Park in a general south-easterly direction to joint the B6431 road west of Caistron.

RESOLVED that:

- (i) there is sufficient evidence to indicate that, on the balance of probabilities, public vehicular rights have been shown to exist over the route;
- (ii) the Natural Environment & Rural Communities Act, 2006 would appear to have extinguished the public's motorized vehicular rights over the route;
- (iii) the route be included in a future Definitive Map Modification Order as a restricted byway.

65. **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY
ALLEGED PUBLIC BRIDLEWAY No 54
PARISH OF KIRKNEWTON)**

Members were asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of public bridleway rights over part of Public Footpath No2, between the B6351 road as Westnewton and that footpath's junction with Public Bridleway No 1, north-west of Old Station House.

RESOLVED that:

- (i) on a balance of probability, public bridleway rights have not been shown to exist over the route of alleged Public Bridleway No 54;
- (ii) as the landowner has, in the past, indicated that they are not opposed to the route being recognized as a public bridleway, officers investigate the possibility of public bridleway rights being created by means of a path creation agreement or path creation order.

66. **DATE OF NEXT MEETING**

It was noted that the next meeting would take place on Thursday 20 September 2018, in St James' Church Centre, Alnwick.

CHAIR.....

DATE.....