

NORTHUMBERLAND COUNTY COUNCIL

TYNEDALE LOCAL AREA COUNCIL

At a meeting of the **Tynedale Local Area Council** held at Hexham House, Gilesgate, Hexham, Northumberland, NE46 3NH on Tuesday, 13 February 2018 at 6.00 p.m.

PRESENT

Councillor T Cessford
(Vice-Chair, in the Chair)

MEMBERS

A Dale	D Kennedy
R Gibson	N Oliver
C Homer (nos 97-100)	JR Riddle
CW Horncastle (nos 91-96)	A Sharp
I Hutchinson	KG Stow

OFFICERS

A Craig	Programme Officer (Highways Maintenance)
G Fairs	Highways Development Manager
M Ketley	Head of Planning Services
N Masson	Principal Solicitor
D Puttick	Senior Planning Officer
N Turnbull	Democratic Services Officer
J Wood	Senior Planning Officer

ALSO PRESENT

Councillor G Sanderson
J Bolland, Communications
C Harvey, Planning Officer (observer)
M Bulman, Lawyer (observer)
22 members of the public
2 members of the press

91. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Homer for the first part of the meeting and Councillors Quinn and Stewart for the whole of the meeting.

92. MINUTES

RESOLVED that the minutes of the following meetings of Tynedale Local Area Council, as circulated, be confirmed as a true record and signed by the Chair:-

- (i) 12 December 2017
- (ii) 9 January 2018

subject to the inclusion of an additional bullet point on the issues raised by Members on page 8 of the minutes of 9 January 2018 'Reference was made to the pressures from the £65 million shortfall and an extract of the external auditors report for the year ending 31 March 2017 was quoted'.

It was acknowledged that the meeting on 9 January 2018 had several substantial items on the agenda and that consideration be given in the future for a separate meeting to be held to allow sufficient discussion of the budget.

Councillor Cessford vacated the Chair, for Councillor Gibson, Vice-Chair Planning, to chair the development control section of the agenda.

DEVELOPMENT CONTROL

93. DETERMINATION OF PLANNING APPLICATIONS

The report explained how the Local Area Council was asked to decide the planning applications on the agenda using the powers delegated to it, and included details of the public speaking arrangements. (Report attached to the minutes as Appendix A.)

RESOLVED that the report be noted.

94. 16/01972/FUL

**Proposed demolition of bungalow and erection of a replacement dwellinghouse as amended by plans received 28th July 2017
Dunroamin, Ladycutter Lane, Corbridge, Northumberland, NE45 5RZ**

The Senior Planning Officer introduced the report with the aid of a powerpoint presentation. An addendum was circulated at the meeting which contained 2 additional conditions relating to highways safety to secure a construction method statement and the implementation of car parking areas prior to the dwelling being brought into use. The additional conditions were to be read in conjunction with those set out in the recommendation.

Ms N Allan, introduced herself as the agent and a Chartered Town Planner, addressed the committee on behalf of the applicant to speak in support of the application. She made the following comments:

- This was a simple application to replace one house with another house on a substantial plot of approximately 10 acres with paddocks and stables, located a significant distance from neighbours and public roads.
- A replacement house in the Green Belt was specifically permitted under paragraph 89 of the NPPF and the test was whether the new house would be materially larger than the existing building on site at the moment.
- The overriding test was whether there was an impact on the openness of the Green Belt, as the site had a house which would be replaced with a new house they argued that the new design did not materially change the openness of the Green Belt.
- There would be no impact on the purposes of the Green Belt which were important to ensure that there was no unrestricted sprawl of built up areas, no encroachment into open countryside and no merging of settlements.
- Reference was made to a number of methods to determine whether the new house was materially larger than the existing house, including design, mass and disposition however she suggested the most useful characteristic was volume. Officers had concluded that a 41% increase in volume was not a material increase.
- Recent case law in 2016 concluded that visual impact of the new dwelling was relevant. The width was narrower, the eaves height would be similar although the roof was higher to provide accommodation within it.
- Although technically the house would be more visible, the test was whether it would cause harm and whether there would be an impact on the openness of the Green Belt. It was considered that the new house would not have a significant impact on the landscape.
- Whilst the new house would be situated on a different spot there was no policy against this and it would allow the applicant to live on site and supervise the build.
- Benefits included using the existing infrastructure and resources, the new design of the new house was a significant improvement and would be energy efficient and sustainable.
- In conclusion, the application was permitted by policy and there was no reason not to follow the recommendation.

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

- There was no guidance within the NPPF to specify what was classed as 'materially larger' although a set of principles was established by case law which supported decision making. It was a subjective process and for decision-makers to determine whether the proposed development was materially larger, or not.
- Whilst case law, such as that quoted in paragraph 7.18 of the officer report, was helpful, it was a decision by one judge on a specific case in relation to concealment from public view. In the application under consideration, officers were of the view that the replacement dwelling would not be materially larger and therefore fell within the definition of appropriate development in paragraph 89 of the NPPF.

- A brief summary was provided of the findings of the Judicial Review undertaken of the the previous planning permission which had found that there had been an error by the Local Authority discounting certain elements of the floor area within the existing building which had skewed the figure for the percentage increase, and therefore there had been a failure to appropriately and accurately measure the increase in size. The second case was similar, also relating to floor area and the increase and therefore the report included detailed reference to relevant case law.
- Floor space and volumetric calculation were both considered relevant factors when considering whether a building was materially larger. However, as there was an absence of guidance in the NPPF and local policy and therefore there was a reliance on case law and both elements had a major role to play in determining this.
- There was nothing in the guidance in the NPPF to suggest that moving the dwelling within the plot was not acceptable and criteria related to whether a replacement dwelling was considered to be materially larger, whilst also considering landscape and design issues.
- Whilst the dwelling had been extended, there was no reference to the size of the original dwelling in the section which referred to replacement dwelling and therefore it was taken as the building in its current form.

Councillor Horncastle proposed acceptance of the recommendation to approve the application with the additional conditions contained in the addendum report which was seconded by Councillor Kennedy. Members voted unanimously in favour of the recommendation.

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

16. The dwelling hereby permitted shall not be occupied until the car parking area indicated on the approved plans, including any disabled parking spaces contained therein, has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

Reason: In the interests of highway safety, in accordance with Policies GD4 and GD6 of the Tynedale Local Plan.

17. No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement shall, where applicable, provide for:
 - a) Vehicle cleaning facilities;
 - b) The parking of vehicles of site operators and visitors;
 - c) The loading and unloading of plant and materials;

- d) Storage of plant and materials used in constructing the development;
and
- e) Measures to control the emission of dust and dirt.

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the aims of Policies GD2 and GD4 of the Tynedale Local Plan.

95. 17/02810/COU
Change of use of agricultural land to an outdoor education / tourism use (D1)
Land North West Of Waterside Farm, Humshaugh, Northumberland

The Senior Planning Officer introduced the report with the aid of a powerpoint presentation. She provided the following updates:

- A correction to the report at paragraph 2.3 which should read 10,000 visitors per year.
- A response has been received from the County Archaeologist who had confirmed that the proposed change of use would not have any visual impact on the nearby scheduled ancient monuments, nor would it impact on the understanding of the universal value of the structures. The absence of any groundworks associated with the car parking, meant the proposal would not have a physical impact on potential below ground archaeological remains. However, it had been noted that the absence of surfacing within the car park area could lead to damage of potential archaeological remains in wet weather, and as such an additional condition was recommended requiring the submission of a car parking management plan to identify how the parking would be managed to minimise any potential impact or damage in wet weather. Subject to this condition, the County Archaeologist had raised no objections.

Ms C Newby, the agent, addressed the committee on behalf of the applicant in support of the application. She made the following comments:

- They had worked with a number of Council departments as well as the Environment Agency and Historic England. Consultees were supportive of the change of use. The local MP, Northumberland Tourism, Historic England and Newcastle University also supported the project.
- The site and other historic venues was already used to deliver interactive historic reenactments. As they wished to use the site in excess of the 28 days per year allowed under permitted development rights, the application sought to formalise this use.
- Whilst some concerns had been expressed by local residents and the parish council about the extent of activity proposed, any additional development of the site in the future would be subject to further planning applications. At the present time no building or infrastructure was proposed and this would be controlled through the proposed conditions to

ensure that the Council retained control of the use of the land and ensure the proposed change of use was beneficial to the area.

- The proposal would provide a boost to the area and compliment existing tourism enterprises. As recreational use was acceptable in the Green Belt and would have no impact on the designation.
- Historic England supported the development subject to conditions which were considered reasonable and agreeable to the applicant. The proposed use of the site would not create harm to the asset or potential assets.
- An ecological survey had been carried out which had found that it was of primarily of low ecological value. The watercourse to the south was of some local value and potential use by ground nesting birds which could be impacted. The County Ecologist had not objected subject to the mitigation measures proposed and controlled by condition 7.
- Concerns had been raised regarding the potential impact of additional traffic on the local highways network, however, the Highways Authority had agreed that the existing access would be appropriate and had not objected, subject to their conditions.
- The proposed use would formalise existing use by the applicant allowing continuation of expansion of sustainable development in line with local and national policy. The development could be controlled to ensure the Council retained control over use of the site and they requested that the officers recommendation for approval be supported.

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

- The information supplied by the applicant regarding the creation of jobs was taken at face value. Officers did not have any evidence to challenge the data. Looking at the scale of the operation it was reasonable to assume the figure regarding number of jobs to be created, was realistic.
- It was confirmed that no infrastructure was proposed at this time including arrangements for parking which would be informal. A further application would be required for any additional built development. A combined application could have been made. Progressing the scheme in this manner allowed the applicant to establish the principle of the scheme, develop their plans and seek funding.
- Any future application would be fully assessed to determine the impact of facilities, car parking, drainage etc.

Councillor Hutchinson proposed acceptance of the recommendation to approve the application with the additional condition regarding a car parking management plan. This was seconded by Councillor Stow and unanimously agreed.

Several Members expressed support for the application which would increase tourism and visitors to Hadrian's Wall.

It was therefore **RESOLVED** that the application be **GRANTED** permission for the reasons and with the conditions set out in the report and an additional condition which required the submission of a car parking management plan.

96. 17/04061/FUL

Proposed demolition of 24 garages and replacement with 6 no. 3 bed 5 Person semi-detached 2-storey houses with associated gardens and parking bays and new off site parking provision to replace spaces lost through demolition of garages

Garages East of 3-6 Greenwich Gardens, and Land North of 62 Langley Gardens, Haydon Bridge, Northumberland

The Senior Planning Officer introduced the report with the aid of a powerpoint presentation. She provided the following update:

- Two objections had been received which raised concerns regarding risk of flooding, highway issues and loss of parking, impact on public safety and impact on a public footpath.

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

- The Environment Agency had not objected to the application. The Lead Local Flood Authority (LLFA) was in the process of assessing a revised Flood Risk Assessment. The recommendation for approval was subject to the LLFA not having any adverse comments.
- Whilst the separation distance of 21 metres between the proposed dwellings and the rear of Greenwich Gardens was less than the 25 metres set out in the Tynedale Local Plan, it was given limited weight as this did not accord with the more recent national guidance set out in the NPPF, which did not set out a minimum distance. Each application had to be judged on its merits. As the distance was in keeping with that in the immediate area, it would not result in a level of harm to neighbouring residential amenity to refuse on those grounds.
- The garages proposed for demolition were privately owned by the applicant. It was not the role of the Local Planning Authority to specify who could or could not use parking spaces and therefore it would not be possible to include a condition to restrict use of the proposed replacement parking spaces for the sole use of individuals that had previously used the garages. The garages could have been taken out of use at any time and the displaced vehicles would have needed to find alternative parking within the estate. Reference was made to conditions 6 and 10 within the report related to the provision of the car parking spaces prior to occupation of the dwellings and their future management and maintenance. Condition 2 also required that the development be carried out in accordance with the approved plans. Officers were confident that these conditions would be sufficient to ensure that the parking spaces were provided.

Councillor Hutchinson proposed acceptance of the recommendation to approve the application which was seconded by Councillor Horncastle.

Councillor Sharp, the local member expressed his concerns regarding the proposals due to the impact of parking in the immediate vicinity of the development and suggested that a site visit be held. Members were advised by the Principal Solicitor, that as a motion had been moved, it had to be considered first before a motion for a deferment unless Councillor Hutchinson chose to withdraw his original motion. Councillor Hutchinson indicated that he did not wish to withdraw his motion.

Debate followed during which some members indicated that whilst they were sympathetic to the parking issue, they did not feel that a site visit was merited as 24 parking spaces were to be provided to replace the 24 garages identified for demolition. Whilst it would have been preferable to receive the response from the Lead Local Flooding Authority prior to the meeting, Councillor Hutchinson was confident that officers would ensure that conditions were included to mitigate any risk of flooding or that the development not be allowed.

A vote was taken as follows:- For 9; Abstention 1.

RESOLVED that that Members be minded to **GRANT** permission for the reasons and with the conditions as outlined in the report and subject to the satisfactory resolution of outstanding matters with the Lead Local Flood Authority and any necessary recommended conditions.

97. PLANNING APPEALS UPDATE

A report was received which provided an update on the progress of planning appeals received for the Tynedale area. (A copy of the report is enclosed with the minutes as Appendix B).

The report included decisions made and appeals lodged from 1 January 2018. It was intended that a planning appeals update report would be submitted on a regular basis to future meetings. It was noted that no planning appeals had been allowed.

RESOLVED that the report be noted.

OTHER LOCAL AREA COUNCIL BUSINESS

On the conclusion of the development control business at 5.12 pm the meeting adjourned as the remainder of the agenda consisted of other Local Area Council business scheduled to begin at 6.00 pm. Councillor Cessford returned to the Chair and continued the meeting at 6.00 pm.

DISCUSSION ITEMS - CORPORATE

98. Community Chest Awards

Councillor Cessford, Chair of the Tynedale Community Chest Panel welcomed recipients of Community Chest awards to the meeting and commented that it was pleasing to be able to recognise the contribution that the voluntary groups made to the lives of residents around the county. £32,000 had been awarded earlier in the year with a further £35,000 in the latest round of applications. Certificates were presented to representatives from:

- Hexham Holiday Club
- Spetchells Conservation Interest Group
- West Northumberland Food Bank
- Higher Ground Allendale
- Happy Faces Prudhoe
- The Hextol Foundation
- Bellingham Town Hall
- Bellingham Playground Development Project
- Wylam Winter Tales

RESOLVED that the information be received.

99. REPORT OF THE SERVICE DIRECTOR - LOCAL SERVICES

LTP Programme 2018/19

The Local Area Council received a report which set out the draft Local Transport Plan (LTP) programme for 2018-19 for consideration and comment prior to final approval of the programme. (A copy of the report is enclosed with the minutes as Appendix C).

Councillor Sanderson, Portfolio Holder for Environment and Local Services was in attendance the meeting to explain the changes to the process which had included input from Town and Parish Councils and County Councillors to identify priorities for local areas. Funding had been allocated following analysis of road condition surveys and the list of local priorities.

He assured Members that the process was fair and transparent and highlighted the following points:

- The amount for safety schemes had been increased from £220,000 to £330,000.
- The fund for rural roads had been increased by 10%.
- An extra £200,000 had been allocated to the local area Highways managers, primarily to address drainage problems and the damage caused to road surface arising from frozen water.
- An additional £420,000 had been allocated to address the recent significant increase in potholes. This was in addition to an additional

£930,000 received from the Government and would permit the acquisition of extra machinery and staff time. It was also intended that with the exception of repairs which were required to be made within 24 hours, other repairs would be cut out and filled with a more durable material so that the repair would last and not reappear within a short period of time. A letter had been sent to the Editor of the Hexham Courant to explain how potholes would be fixed in a sustainable way in future in response to a recent article.

- A reserve list of schemes had been created if there was capacity or reserve within the budget.

In response to a question regarding work on the A6079 Five Lane Ends to Chollerton identified within the surface dressing programme for 2017/18, the Programme Officer agreed to provide an update following the meeting.

Members made the following comments:

- An audit trail was required to log the reporting and repair of potholes to defend insurance claims and for review by the Government.
- Regular work was required to maintain gulleys and ditches. It was hoped that an improvement would be seen in the next 12 months.
- Whilst there had not been significant amounts of snowfall during the winter to date when compared to 2010 and 2011, the road surface had suffered following regular periods of rainfall followed immediately by frost, this has also required significant use of salt supplies to treat the highways network.
- A recommendation that the Council look at best practice in the LGA and work with other councils which performed well in this area.
- It was pleasing that the west area was to be allocated an equitable share of the resources for the county.
- Employees in Local Services did a remarkable job with the resources available to keep the highways network clear in winter. There was confidence that they would be able to cope if there was a particularly severe period.
- Improvements would be made to the council's website in the near future to make it easier for residents to report problems, view issues raised in their local area, and receive feedback when an item has been fixed / resolved.

RESOLVED that the report and presentation be received.

100. DATE OF NEXT MEETING

The next meeting would be held on 13 March 2018 at Hexham House, Gilesgate, Hexham at 4.00 p.m.

CHAIR _____

DATE _____