

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, 11 December 2018 at 3.00 p.m.

PRESENT

Councillor G Stewart

(Chair, in the Chair for agenda items 96 - 98 and 109 - 111)

(Planning Vice-Chair Councillor R Gibson in the chair for items 99 - 108)

MEMBERS

T Cessford
C Homer
CW Horncastle
I Hutchinson
D Kennedy (no.s 101 -108)

N Oliver (no.s 101 - 111)
KR Quinn (no.s 96 - 106)
JR Riddle (no.s 96 - 104)
A. Sharp (no.s 96 - 108)
KG Stow (no.s 96 - 108)

OFFICERS

N Armstrong
K Blyth
D Brookes
M Bulman
F Churchill

M Francis
D Feige

J Hitching
S Kelly
D Lathan
M Patrick

D Puttick
V Robson
W Stephenson

N Turnbull

Senior Planning Officer
Principal Planning Officer
Infrastructure Records Manager
Lawyer
Interim Director of Planning
Services
Senior Planning Officer
Principal Ecologist and AONB
Officer
Senior Sustainable Drainage Officer
Building Conservation Officer
Senior Environmental Health Officer
Principal Highways Development
Management Officer
Senior Planning Officer
Building Conservation Officer
Principal Environmental Health
Officer
Democratic Services Officer

ALSO PRESENT

J Blenkinsopp, Lawyer (Observer)
25 members of the public

Ch.'s Initials.....

96. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Dale.

97. MINUTES

RESOLVED that the minutes of the meeting of Tynedale Local Area Council held on 13 November 2018, as circulated, be confirmed as a true record and signed by the Chair.

98. DISCLOSURES OF MEMBERS' INTERESTS

Councillor Homer declared a personal and prejudicial interest in planning application 18/03733/CCD and would leave the meeting during consideration of that item as she had been involved in discussions between Active Northumberland and the Council regarding the proposals as part of her portfolio holder responsibilities.

Councillor Sharp declared a personal and prejudicial interest in planning applications 18/01223/FUL, 18/01224/LBC and 18/01246/FUL and would leave the meeting during consideration of those items as his employer was the managing agent for the site.

DEVELOPMENT CONTROL

Councillor Stewart then vacated the Chair, for Planning Vice-Chair Councillor Gibson to chair the development control section of the agenda, as was the arrangement for all Local Area Councils.

99. 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.

100. 18/02109/OUT

**Outline permission for 26 dwellings and access road, car parking, landscaping, gardens and other ancillary works (some matters reserved including Appearance, Landscaping, Layout and Scale)
Land North East Of Scout Centre, The Green Mile, Barrasford,
Northumberland**

The Senior Planning Officer introduced the report with the aid of a powerpoint presentation.

Edward Heslop, Chair of Chollerton Parish Council, addressed the Committee to support the application. His comments included the following:-

- They agreed with the main issues raised by officers but disagreed with the conclusion.
- The village needed development which would help support sustainability of local facilities, such as the neighbouring first school at Chollerton which was proposed for closure.
- Barrasford needed affordable housing which was a very important issue identified by the Parish Council.
- There was very little opposition from the residents of the village with only a single letter of objection.
- The proposed site was not without its challenges which could be overcome.
- The planning permission for the site adjacent to the school was believed to have expired but there were issues against development at that location.
- The Parish Council and residents of the village supported the application.

Guy Munden, representing the applicant, Northumberland Estates, addressed the Committee in support of their application. He commented that:-

- The Planning Officer's reason for refusal of encroachment in the open countryside and that the site was not sustainable for a development on that scale, were contrary to the information contained within paragraphs 7.8 and 7.15 of the report.
- No material weight should be given to the Northumberland Local Plan given its early stage of preparation.
- There was no settlement boundary shown on the Tynedale Local Development Framework Proposals Map.
- The benefits of the application outweighed the perceived harm to the area.
- The applicant had offered to increase the number of affordable housing units to 7 which equated to 27% and was significantly over the recommended 15% threshold.
- The application recognised the need for more affordable housing which would contribute to the sustainability of services such as local schools.
- Information contained within paragraphs 7.21 and 7.23 of the officer's report was inconsistent and not strong evidence.
- The updated SHMA and under delivery in the West was queried.
- Reference was made to another site where there was no provision for affordable housing and the conclusion was that the development would be sustainable on similar evidence and contradicted the advice provided on this application. Correct and consistent evidence was required.
- This application was the only prospect of affordable housing for the village.

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

- All planning applications were considered on their own merits. There was a policy requirement for 15% affordable housing and on this site the applicant had offered additional affordable housing due to concerns raised by officers during the application regarding the suitability of the site for development of this scale.
- Small scale development was permitted for the village of Barrasford.
- A brief background was provided for the site adjacent to the school which had been granted permission for 18 units in 2015 which had since lapsed. A subsequent application for 10 units had been refused for a number of reasons. Affordable housing would have been sought but none had been proposed.
- The Affordable Housing Officer had spoken to Registered Providers about provision and need for affordable housing which had to be balanced against the harm to the character and appearance of the village.
- The capacity of Chollerton C of E Voluntary Aided First School was 50 students with 36 on roll.
- The scale of the development at this location was questioned by officers. Officers could not confirm that the site would be suitable for a certain level of development which would need to be assessed as part of a separate application, although there may still be concerns due to the location and visual impact.
- The scale of the proposed development was one of the reasons for concern and also due to the encroachment beyond the established boundary of the settlement. Separate analysis would be required if a smaller development was proposed.

Councillor Horncastle proposed acceptance of the recommendation to refuse the application for the reasons contained in the officer's report which was seconded by Councillor Quinn.

Members expressed concern regarding the topography of the land, the position of the site in relation to the village envelope. The benefits of affordable housing and additional development which would support local services, were acknowledged.

A vote was taken as follows:- **FOR: 6; AGAINST: 4.**

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

101. 17/04661/FUL

**Proposed development for eight dwellings, including access, landscaping and parking
Land South Of Red Lion House, Corbridge Road, Hexham, NE46 1UL**

The Senior Planning Officer introduced the report with the aid of a powerpoint presentation. He reminded the Committee that the decision made on 26 September 2018 was that they were 'minded to approve the application

subject to conditions set out within the report and additional conditions received from consultees, and subject to resolution of outstanding issues with the Lead Local Flood Authority, and subject to any new conditions being approved by Committee.’ He reported that:

- Following additional consultation, the LLFA now raised no objections subject to conditions 17 to 22 as set out in the report.
- Conditions had been reworded to allow for the construction of a boundary wall within the curtilage of Red Lion Cottage, as a replacement for the existing timber fence, to minimise disturbance during construction and upon completion.
- Amendment had been made to the red line plan.
- Rewording of Condition 12 as recommended by the Council’s Public Protection Team, to secure details of protective measures for the private water supply during construction and upon completion of the dwellings. Condition 12 amended to read:

‘No development shall commence beyond the construction of the wall and enclosures within the curtilage of Red Lion Cottage until a scheme that specifies the provision that will be implemented to protect the Private Water Supply Borehole on Plot 1 during the construction period and thereafter has first been submitted to and approved in writing by the local planning authority. The scheme shall details measures to protect the private water supply during construction and following occupation of the dwellings. Thereafter, the borehole shall be protected in accordance with the approved scheme.

Reason: To protect and maintain clean drinking water.’

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

- There would be no development in the vicinity of the borehole as confirmed by the amended plans received during the course of the application process. The Council’s Public Protection Team would be formally consulted in relation to the discharge of the condition and would ensure that appropriate measures would be in place.
- The width and layout of the road was acceptable to Highways to accommodate the proposed development. A Transport Statement had not been required for the development of 8 dwellings.

Councillor Hutchinson proposed acceptance of the recommendation to approve the application subject to the conditions contained in the officer’s report and those updated at the committee which was seconded by Councillor Stow.

A vote was taken as follows:- **FOR: 11; AGAINST: 1.**

RESOLVED that the application be **GRANTED** permission for the reasons and with the conditions outlined in the report and reworded condition 12 as outlined above.

102. 18/03381/FUL

**Conversion and redevelopment of existing office building and attached golf bays to provide holiday accommodation
Golf Driving Range, Eastgate Bank, Mickley, NE43 7LS**

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

- The matter of foul drainage had been revisited as current guidance indicated an order of hierarchy to be considered during the planning process with preference given to mains connection and package treatment plants before the use of septic tanks, even if such facilities already exist. An additional condition to secure the details for the disposal of foul water from the site prior to occupation of the development was proposed as condition 10:

‘Notwithstanding the detail contained within the application, a scheme for the disposal of foul water from the site shall be submitted to and approved in writing by the local planning authority, and subsequently implemented in accordance with the approved details, prior to the occupation of the development hereby permitted. The scheme shall take account of the order of hierarchy, with preference given to mains sewer connection, as set out in current Environment Agency standing advice. Thereafter, the disposal of foul water from the site shall be carried out in accordance with the approved scheme.

Reason: To ensure adequate provision is made for the disposal of foul water from the site, in accordance with Policy CS27 of the Tynedale Local Plan.’

The Interim Director of Planning Services read out the following statement which had been received from the local councillor, Councillor Dale, who was unable to attend the meeting due to arrangements made some time ago.

“My request for this application to be taken to committee was because of issues in the greenbelt in this area and that similar applications in the area have been refused by this Council and have also been lost on Appeal. This report states ‘This request has been made on the grounds that a similar application on the site was refused previously’. This statement is factually incorrect, there has been no similar applications on this site. There is an audit trail and I will take this issue up separately. However an apology for this misleading statement should be given at the Committee meeting.

For clarification the Applicants statement reports that there has been previous development in the greenbelt naming Leah Gardens and the site yet to be developed adjacent to Leah Gardens. Leah Gardens is a social housing development that was built on a rural exception site the development adjacent was infill I believe.

Concerns have been raised about a house to be included in the complex for a full-time caretaker in letters of objection and support. The Planning report particularly specifies that all five developments will be for holiday lets only and that this will be monitored if necessary.

There has been considerable flooding caused by poor drainage from the land around this development. Please can you ensure that the all flooding and land drainage issues have been addressed and linked into other land drainage systems in the area.

I note the comments in paragraphs 7.5 and 7.6 of the report. Members' views on the impact of the openness of the greenbelt is subjective and I hope that members found the site meeting helpful.

This application has caused concern amongst residents as the village is at the present time according to the Tynedale Local Plan all in the greenbelt.

However NCC Planning officers recommend that the application be granted as it is in accordance with the NPPF and Tynedale Local Plan.”

Mark Russell, spoke on behalf of the agent in support of the application. He made the following comments:

- They had made a pre-application submission in March 2018 and following discussions with Highways had adapted their proposals to incorporate their comments to ensure that the application was compliant with policy.
- The application sought a sustainable future for the site.
- The development would not have a greater impact on openness of the Green Belt than the existing development and would therefore was in accordance with paragraph 145 of the NPPF.
- The application had been assessed against the Northumberland Local Plan and consultees had no objections subject to conditions.
- The County Ecologist had preliminarily assessed the site and had no objections.
- The development was a for a small number of holiday accommodation which would improve the appearance of the site and meet the aims of the NPPF.
- There would be increased expenditure on locals services from holiday maker
- Jobs would be created during the construction phase and additional opportunities when marketed.
- The site was currently in a poor condition, it would be an established business which would benefit other local businesses.

- The application had been fully assessed by officers and was in accordance with relevant planning policies.
- The Committee were requested to approve the application.

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

- The application proposed small scale holiday accommodation only and full time occupation would be prevented with an appropriately worded condition.
- Any application for variation would require a separate planning application and trigger further assessment.
- Four of the units were small and would not be conducive to full time occupation.
- The wording of the condition to specify holiday accommodation had been updated to reflect changes in government guidance. Occupation of the units would be monitored by inspection of the register and enforcement action taken, if required.
- It would be unreasonable to impose a time limit for occupation of the units without evidence to support the fact that this was required. Opinions varied about the length of time for holiday duration. Conditions needed to be reasonable and enforceable.
- Officers were satisfied that the proposed units would not overlook any adjacent dwellings.
- Enforcement action would be taken by officers if a breach of condition was brought to their attention.
- The means of foul water drainage would be determined by officers in consultation with consultees. An order of hierarchy would be considered with preference given to mains connection and package treatment plants which were more sustainable than septic tanks.
- Officers were unaware of any flooding issues in the vicinity of the site.
- Whilst the redevelopment of the site did not meet any of the purposes set out in Policy NE7 of the Tynedale Local Plan, little weight was attributed to it as it was not in accordance with the NPPF.
- The proposed buildings were broadly on the same footprint as the existing building and were not considered to have a greater impact on the openness of the Green Belt. Whilst there was a 0.30 metre increase in the height of the structure, the overall floorspace was reduced.

Councillor Kennedy proposed acceptance of the recommendation to approve the application which was seconded by Councillor Oliver.

Members welcomed the provision of additional tourism accommodation within the area although a number of Councillors expressed concern regarding the wording of the condition regarding tourism accommodation and occupation, which many would have preferred to have been strengthened. Other members were satisfied with the wording of the condition regarding occupation as holiday accommodation as it should be monitored and enforced, if required.

The Interim Director of Planning Services confirmed that the wording that had been utilised within condition 3 was enforceable. She reported that Members would shortly be provided with / consider a Local Enforcement Plan.

Upon being put to the vote, the recommendation was unanimously agreed.

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

(4.34 pm Councillor Sharp having disclosed a personal and prejudicial interest left the meeting whilst the following three applications were considered.)

103. 18/01223/FUL

**Demolition of existing modern structures, Change of Use of existing agricultural buildings to residential use including internal and external alterations and construction of 1.5 storey extension on footprint of previous building
Riding Farm, Riding Mill, NE44 6HW**

The Chair confirmed that the application, and application 18/01224/LBC would be presented together, however they would be voted on separately.

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

- Additional information had been received which meant that refusal reasons 2 and 3 had been resolved with the implementation of appropriate conditions and it was therefore requested that they be removed.

Keith Butler, the agent, spoke in support of the application. He made the following comments:

- He was pleased that Members had received the positive update as he had supplied information regarding the bat roost mitigation measures and gas membrane three months previously.
- He was a Chartered Building Surveyor with 30 years experience. Areas had been identified where structural work was required. In their professional opinion the buildings were structurally capable of the work proposed and a structural survey was not required.
- The bat roost was important to the county and not of regional interest. In response to the Ecologists comments, a bedroom was to be sectioned off for the bats. The bats were not using the building to the East. The best solution to protect the bats was the raising of the roof of building 2 which the officer had accepted in October 2018, although not raising the roof would produce a better scheme for human residents.
- The development included new rafters, breathable felt and reclaimed stone. The existing roof structure was to be retained so there would be no loss of the historic structure. The proposals were a traditional arrangement for farm buildings and there would be less than substantial

harm. There would be public benefit through the protection of the bat roost.

- With regard to comments that information had not been supplied, details regarding the underfloor heating had been supplied in May and July and the flues in July. He had not received any further clarification on what further details were required.
- They had supplied details of a gas membrane to be inserted to protect against methane and carbon dioxide ground gasses, however, this was not proportional in a low risk former coal mining area. Coal Authority guidance was not being followed.
- The number of openings had been reduced; only one new window opening was proposed so the extent of 'harm' was questioned. The proposed style had been used elsewhere in the Tynedale area. The screen and windows mirrored those in the existing building.
- Believes that there would not be substantial harm or even less than substantial harm.
- Public benefit included:
 - Protection of the bat roost.
 - Provision of modest homes in a sustainable location and supporting services such as local schools.
 - Employment during the construction phase.
- The application was supported by Broomhaugh and Riding Mill Parish Council.
- The listed building would be protected into the 21st century.
- Comparison with the conversion of Hadrian House and Prospect House where the public benefit outweighed the harm.
- He requested that the application be supported by Members.

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

- The gingang had been listed in the 1990's.
- The more recent additions had been built before the Tynedale Local Plan had been adopted in 2000. The NPPF had not been in place and the setting of the listed building would not have been considered when the more recent buildings had been added.
- The building was capable of conversion if officers were provided with all of the information that they required. A structural report had been requested but not supplied. They did not know the depth of the foundations and many other details and therefore could not assess the impact of raising the roof.
- The Conservation Officer was unable to assess the impact of the proposal on the structure to be converted without a structural survey which would provide details of openings, floors etc. Chapter 16 of the NPPF, conserving and enhancing the historic environment, was used to assess the weight to be given to heritage assets. A significant contingency fund might be required as there could be additional financial constraints. It was confirmed that financial issues were not a planning consideration.

- A structural report would provide details such as: the depth of the floor, details of the groundwork and strata, how the gas chamber and gas membrane could be accommodated if there were shallow foundations, section drawings and bore holes to enable assessment by an engineer.
- The applicant had been requested to supply a structural survey during pre-application advice. Whilst they respected his professional qualifications, they were not in a position to make a judgement without the information.
- A bat mitigation licence would be required for any work which would impact on the resident bat population.
- A recent mine gas incident report recommended that ground gas protection should be made mandatory in all developments whether in high or low risk areas of the coal field. Public health protection adopt a precautionary approach and advocate that as a minimum standard a membrane and sub-floor void was required or a gas curtain to enable the pressure to be released. The depth of the stone walls could prevent this. Information had now been received which had enabled Public Protection to withdraw their objection.
- Consideration of the application by Members was not premature. Information had been requested but not provided. More than 200 emails had been exchanged regarding the application with 17 the previous day. Unfortunately officers were unable to make an alternate recommendation without being provided with information about the structure under the ground.

Councillor Hutchinson proposed acceptance of the recommendation to refuse the application for the reasons contained in the officer's recommendation, as amended above, which was seconded by Councillor Stewart.

Members commented on the need to protect the buildings for the future and the potential harm to the fabric of the building during construction. They noted that a significant period of time had elapsed from acceptance and validation of the application and the structural survey had not been supplied.

A vote was taken as follows:- **FOR: 8; AGAINST: 0, ABSTENTIONS: 3.**

RESOLVED that the application be **REFUSED** permission for the first reason outlined in the report.

104. 18/01224/LBC

Listed building consent for demolition of existing modern structures, Change of Use of existing agricultural buildings to residential use including internal and external alterations and construction of 1.5 storey extension on footprint of previous building Riding Farm, Riding Mill, NE44 6HW

Following the application being presented jointly with 18/01223/FUL, a separate vote was then taken on the above application.

Councillor Hutchinson proposed acceptance of the recommendation to refuse the application for the reason given by the officer in their report, which was seconded by Councillor Stewart.

A vote was taken as follows:- **FOR: 8; AGAINST: 0, ABSTENTIONS: 3.**

RESOLVED that the application be **REFUSED** permission for the reason outlined in the report.

105. 18/01246/FUL

**Construction of two one and a half storey dwellings and alterations to parking and access arrangements
Riding Farm, Riding Mill, NE44 6HW**

The Senior Planning Officer introduced the report with the aid of a powerpoint presentation.

Roddy Finlay, a director for the managing agent, spoke in support of the application and highlighted the following points:

- Paragraph 7.7 of the report stated that the site was listed as a housing development site allocation in the Draft Northumberland Local Plan but given little weight at the present time.
- Paragraph 48 of the NPPF states that greater weight may be given if there were fewer or no local unresolved objections.
- The only feedback received related to the lower yield of housing and that the site was in a restricted green field area.
- He disagreed with the statement within paragraph 7.13 that the buildings at Riding Farm were the first buildings seen when entering the village from the West as 6 Riding Grange sat in an elevated position. At a closer position, 12 and 3 Riding Grange were visible with only a small section of the gin gan roof visible.
- The new dwellings were further away from the gin gan than properties in Riding Grange. They were to be located at the rear of the barn where there would be less than substantial harm.
- He disputed paragraph 7.15 and stated that there should not be a higher threshold of public harm than for former Council buildings, such as Prospect House, where there was loss of a public building. There would be the same public benefits for Riding Farm.
- He queried the extent of overlooking of the new buildings on Riding Grange. Residents had not raised concerns. They proposed use of obscured glass and skylights.
- The application proposed modest semi-detached cottages in a sustainable village and the Committee were requested to approve the application.

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

- Reference needed to be made to the NPPF and legislation when considering the proposed development which would be located in front of the listed building. The context of the site needed to be considered along with the level of amenity. The reduced outlook would make the site feel cramped.
- The Conservation Officer referred to Chapter 16 of the NPPF, conserving and enhancing the historic environment, where setting was a key aspect when assessing applications. Reference was made to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which protected listed buildings, their setting and historic interest. The proposed development would affect how the Riding Farm buildings were seen and experienced. They had been established as a traditional Northumbrian farmstead. If there was infill development, the buildings would be obscured.

Councillor Hutchinson proposed acceptance of the recommendation to refuse the application for the reasons in the officer's report, which was seconded by Councillor Quinn and unanimously agreed.

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

(5.40 pm Councillor Sharp returned to the meeting.)

106. 18/02238/FUL

**Application to rebuild barn which had permission under T/20080196 for change of use and conversion of existing barn to create a single residential dwelling and garage (retrospective)
Acomb View, The Riding, Acomb, Hexham, Northumberland, NE46 4PF**

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

- One additional representation had been received in support of the proposals and requesting that the application be approved. Matters raised included:
 - The proposal would not amount to inappropriate development in the Green Belt considering it as limited infill in a village.
 - The site is not in an isolated location and has access to services in Acomb.
 - There was no conflict with development plan policies of the NPPF.
 - The harm caused by the proposals was questioned as they were of the opinion that the redevelopment would enhance the setting of the adjacent listed buildings.

SUSPENSION OF STANDING ORDERS

At 5.55 pm it was agreed that standing orders be suspended to continue the meeting beyond the 3 hour limit.

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

Fiona Morris, spoke on behalf of her parents who were the applicants and were abroad. She made the following comments:

- The applicants had been living in a motorhome on the site since June 2017. As the current application had been submitted in June 2018 and had been determined, her parents had gone abroad to a warmer location and had been unable to return with the notice given for the meeting date.
- Her parents had sold their property elsewhere and had located to the North East so they could be closer to her family who lived in Ovingham.
- They had bought the plot with planning permission for conversion. They had been directed by Planning Enforcement to cease the building work following issues on the site. They had not realised the impact of removal of the walls.
- Residents in the vicinity of the site had been happy that the development had been progressing and it had meant that children were no longer accessing the area.
- The family had been welcomed by the village including events such as BBQs. The plot was now an abandoned building site.
- They found it hard to understand the reasons for the recommendation to refuse the planning permission.
- The planning application was supported by the Parish Council and had received no objections from any of the neighbours.

David Morris, also spoke on in support of the application raising the following points:

- The structure of the building on the site had deteriorated. Whilst trees had been removed prior to the applicants purchase, the root structure had remained. They had been advised by their independent Building Control advisers that deeper foundations were required. They had not known that removing the walls would invalidate the consent that had been granted.
- Work had ceased in June 2018 whilst they had waited for the new application to be assessed.
- The application was for a building that would look the same as the previous consent with the same materials.
- It met the tests within the NPPF.
- It was a brownfield site and would have no impact on the openness of the Green Belt.
- A smaller building would be constructed which would not have a greater impact that the previous use of the barn as caravan storage.

- The application was supported by the neighbours.
- The Committee were requested to approve the application as it would be of benefit to the local area.

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

- The main building, the former barn, has been demolished with only the small outbuilding being retained.
- A tree survey had identified that 3 trees be removed but there were now none on the northern boundary.
- Discussions had not been held with the Planning Section prior to the removal of the barn walls and they had therefore not been given an opportunity to assess the stability of the walls and determine whether there was any action that could be taken to stabilise them.
- Applicants were able to obtain advice from approved independent Building Control inspectors who were registered with the Local Authority as an alternative to using the Council's Building Control services.
- The site was outside the village settlement and in open countryside where development was restricted to reuse of existing buildings. This was more sustainable compared to new buildings to avoid isolated development.
- Whilst Acomb Parish Council supported the application and the Acomb Neighbourhood Plan was post examination, development in the Green Belt was regarded as inappropriate.
- Permission had been granted previously for a conversion scheme as there would have been no greater impact than the buildings that had been in situ. Unfortunately, there were no buildings there now which meant the application had been assessed under a different policy context.
- Exceptions to the construction of new buildings in the Green Belt were listed in paragraph 7.14 of the report and included the replacement of a building in the same use and limited infilling in villages. Officers did not consider that the proposals met either of these exceptions.
- Officers did not consider that very special circumstances have been demonstrated to outweigh the harm to the construction of a new dwelling in the Green Belt and open countryside.
- Case law referred to removal of sections of wall and it was not clear if those cases referred to were comparable to this site and extent of demolition. It was regrettable that the Council had not been contacted before their removal.
- Officers were convinced the proposed development could not be classed as 'limited infilling in villages'. They were required to assess applications in a consistent manner following current guidance and legislation. They strongly counseled against a decision for an exception on this ground as it did not meet the test. If the Committee were of the opinion that the recommendation for refusal was incorrect, the more appropriate decision for approval would be via very special circumstances.

Members understood the difficulties of officers in the application of policy and assessment of new build which had a different policy context to conversion

applications. They considered that the circumstances of this application was extremely unusual and unique as there had been a building on the site previously and they considered the matter to be a timing issue. It was understood that the building would not look dissimilar to the building that would have been built under the previous conversion permission, with the same layout and utilising the same stone and other materials.

The Lawyer explained that if the Committee determined there were very special circumstances, they would need to outweigh the harm to the Green Belt.

Councillor Horncastle proposed that the application be minded to approve subject to conditions to be brought back before the committee which was seconded by Councillor Quinn.

Members discussed the grounds for very special circumstances including whether the application was in the open countryside. They were also opposed to leaving a derelict site which they considered would be more harmful. They considered whether it could be classed as an exception under paragraph 145 g) of the NPPF under the grounds that it was redevelopment of previously developed land.

The Interim Director of Planning Services stated that exception could only be used where there was an existing development, and not in this case as the building had been demolished.

She also advised that if Members were minded to approve the application it would be more appropriate for the application be deferred in order that further time and consideration could be given to determine the reasons for approval by the proposer and the Vice-Chair (Planning).

Councillors Horncastle and Quinn agreed to withdraw the proposal for the application to be approved. Councillor Horncastle then proposed that the application be deferred which was seconded by Councillor Quinn.

A vote was taken as follows:- **FOR: 9; AGAINST: 1.**

RESOLVED that the application be **DEFERRED** in order that further time and consideration could be given to determine any potential reasons for approval.

107. 18/03733/CCD

**Partial change of use (3 no rooms from Class D2 to Class D1) and Internal conversion works with minor external alterations (introduction of 3 no new window openings)
Wentworth Leisure Centre, Alemouth Road, Hexham, NE46 3PD**

(6.38 pm Councillor Homer having disclosed a personal and prejudicial interest left the meeting whilst the application was considered.)

The Senior Planning Officer introduced the report with the aid of a powerpoint presentation.

Councillor Hutchinson proposed acceptance of the recommendation to approve the application, which was seconded by Councillor Sharp and unanimously agreed.

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

(6.43 pm Councillor Homer returned to the meeting.)

108. PLANNING APPEALS UPDATE

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

RESOLVED that the report be noted.

On the conclusion of the development control business at 6.55 pm, Councillor Gibson vacated the Chair and Councillor Stewart returned to the Chair to continue the meeting.

RIGHTS OF WAY

109. REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED BYWAY OPEN TO ALL TRAFFIC / RESTRICTED BYWAY NO 28 PARISH OF BAVINGTON

David Brookes, Infrastructure Records Manager, introduced the report in which the local area council was asked to give consideration to all the relevant evidence gathered in support and rebuttal of a proposal to add to the Definitive Map and Statement a byway open to all traffic / restricted byway from the C209 road 550 metres east of Thockrington Farm in a general north-easterly direction in part over the U5012 road to join the U5013 road south-east of Great Bavington Farm. (A copy of the report is enclosed with the minutes as Appendix C).

Clarification was provided regarding the change in use at point A and the need to ensure that there was wording and signage at appropriate locations.

Councillor Hutchinson moved acceptance of the recommendation set out in the report which was seconded by Councillor Gibson and unanimously agreed.

RESOLVED that the Local Area Council agreed that:

- (i) There is sufficient evidence to indicate that public vehicular rights have been reasonably alleged to exist over the route G - A - 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 A - H;
- (iii) The route A - H be included in the 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 G - A;
- (v) The route G - A be included in a future Definitive Map Modification Order as a Restricted Byway.

**110. REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY
ALLEGED PUBLIC BRIDLEWAY NO 2
PARISH OF NEWBROUGH**

David Brookes, Infrastructure Records Manager, introduced the report in which the local area council was asked to give consideration to all the relevant evidence gathered in support and rebuttal of a proposal to upgrade to public bridleway status existing Parish of Newbrough Public Footpath No 2 from the B6318 (Military) road south-east of South Teppermoor in a general southerly direction for a distance of 2000 metres to join Byway Open to All Traffic No 17 north-east of Greyside Farm. (A copy of the report is enclosed with the minutes as Appendix D).

Councillor Hutchinson moved acceptance of the recommendations as set out in the report which was seconded by Councillor Homer and unanimously agreed.

RESOLVED that the Local Area Council agreed that:

- (i) There is insufficient evidence to indicate that a public vehicular rights have on the balance of probability been proven to exist over the route;
- (ii) There is sufficient evidence to indicate that on the balance of probability public bridleway rights have been shown to exist over the route.
- (iii) The route should be included in a future Definitive Map Modification Order as a public bridleway.

111. DATE OF NEXT MEETING

The next meeting would be held on Tuesday 15 January 2019 at Hexham House, Gilesgate, Hexham at 4.00 p.m.

CHAIR _____

DATE _____