

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, 9 April 2019 at 4.00 p.m.

PRESENT

Councillor R Gibson
(Planning Vice-Chair, in the chair)

MEMBERS

T Cessford
A Dale
CW Horncastle
I Hutchinson
D Kennedy

N Oliver
KR Quinn
JR Riddle
A Sharp
KG Stow

OFFICERS

N Armstrong
M Haworth
N Masson
E Sinnamon
N Turnbull

Senior Planning Officer
Planning Officer
Principal Solicitor
Senior Planning Manager
Democratic Services Officer

ALSO PRESENT

1 member of the press
11 members of the public

156. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Stewart.

157. 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) 26 February 2019
- (ii) 12 March 2019

Ch.'s Initials.....

158. DISCLOSURES OF MEMBERS' INTERESTS

Councillor Gibson declared a personal and prejudicial interest in planning application 18/02349/FUL as he knew the owner and would leave the room during consideration of that item.

DEVELOPMENT CONTROL

159. DETERMINATION OF PLANNING APPLICATIONS

The report requested the Local Area Council to decide the planning applications attached to the report using the powers delegated to it. Members were reminded of the principles which should govern their consideration of the applications, the procedure for handling representations, the requirement of conditions and the need for justifiable reasons for the granting of permission or refusal of planning applications. The procedure at Planning Committees was appended for information. (Report attached to the minutes as Appendix A.)

RESOLVED that the report be noted.

160. 18/02349/FUL

Change of use and conversion of the Railway inn Public House (Class A4) to a single residential dwelling (Class C3)

The Railway Inn, Fourstones, Hexham, Northumberland, NE47 5DG

(4.10 pm Councillor Gibson left the meeting whilst the application was considered. The meeting was Chaired by Councillor Cessford, Vice-Chair.)

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

Ken Page addressed the Committee to object to the application. He represented Fourstones Community Ventures Ltd, a private limited company set up in 2015 to represent community interest in the future of the Railway Inn. His comments included the following:-

- The viability report produced by a London and Oxfordshire based firm contained at least one serious error. Mr Smart, the applicant, had not run the pub himself; it had been run by Peter Desmond and Meghan Makepeace who had lived on the premises. Mr Smart had collected the takings each week.
- Page 10 of the viability report listed the characteristics needed for a pub to be viable and included investment, keeping existing customers happy and satisfied as well as attracting new customers. None of those things had been done or anything exceptional to set it apart from its competitors. The premises were dirty, cold, had irregular opening times and had been badly stocked, often running out of beer.

- Page 20 referred to factors stated by Mintel which would encourage people to visit a pub:
 - High quality food - not available in the 18 month period except for one.
 - Hot drinks - not even tea or coffee had been available.
 - Live entertainment - some music nights had been provided which had been well attended but with no food and a cold, dirty pub, it was difficult for a success to be made of these.
 - Improved decor - there had been no changes except it getting dirtier.
 - Improved customer service - none.
- The managers had run a number of functions at their own cost which had been supported by the village and had sold out. Thursday quiz nights had been attended by 30-40 people every week and had not appeared in the accounts.
- If the applicant's case was accepted, other rural pubs in Northumberland could be closed using the same arguments. There were numerous examples of pubs in more remote locations which were successful.
- The premises had been closed after 18 months and attempts had been made to sell it as a failing business. It had been allowed to deteriorate and required £100,000 to be brought back into use. Many of the fixtures and fittings had been removed when the premises had been viewed by prospective buyers. Close to asking price offers were understood to have been refused.
- A third party had offered zero rent for a year provided the estimated £100,000 repairs were carried out. However, they would not have been able to make their own management arrangements and no guarantee that the lease would be extended or at what cost. They could not have agreed to those conditions.

Steve Heminsley, Chair of Warden Parish Council, addressed the Committee with the following comments:-

- Whilst parish Councils had limited powers and small budgets, they could play a key role on issues of local importance, such as the temporary closure in November 2015 of the Railway Inn which had been at the heart of the village for 150 years.
- There had been little investment in the premises prior to its purchase by the current owner. Tenants of Martston's Brewery had struggled with the rent and subsequent managers had been on short term contracts.
- Meetings had been held since 2013, firstly with a view to purchasing and running the inn as a community pub. When it became known that it had been sold, to establish the new owners plans for the business.
- There had been encouraging early signs with public statements of a new kitchen, restaurant and refurbishment. However, there had been no capital investment in the business.
- In response to local concerns regarding the deterioration of the business, Warden Parish Council applied to register the Railway Inn as an Asset of Community Value which had been granted in December 2015.
- Following the closure in November 2015, the applicant had unsuccessfully applied to close the pub permanently in order to build on the site. A

second application had been made within 7 months despite there having been no material changes.

- Template letters had been utilised to enable residents to express their objection to the proposals so that a true reflection of the opposition of the plans were communicated to the Planning Department and this meeting. There were over 100 letters of objection and no letters in support of the application.
- The path followed by the current owner was listed on the CAMRA website as a classic tactic by property developers (purchase, closure and change of use application).
- The Parish Council welcomed the officers report. Several months had been taken to weigh the applicant's case before recommending refusal. They believed it reflected the flimsiness of the case, the real motives of purchasing the pub and the poorly argued case against the pub's viability as a future successful enterprise.
- There was no reason not to accept the officer's recommendation.
- Local and national planning frameworks referred to the need to preserve the viability, vitality and sustainability of rural communities. The permanent closure of the pub would represent a blow to the vitality of Fourstones and the committee were urged to reject the application.

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

- The principle of this application was different on a number of grounds to the Medburn case where refusal had been overturned by the Planning Inspector. This application was for reuse of a building. Fourstones was a smaller village where only small scale development was permitted and conversion of existing buildings could be considered. It would also not be classed as inappropriate development within the Green Belt. However, detailed consideration needed to be given to the loss of a pub as a community facility and therefore a different test to the Medburn case.
- An initial application had been made in 2017 and refused shortly after, the officer was unable to confirm the exact date at the meeting. That application had not been accompanied by any supporting evidence and therefore refused under delegated powers. The current application had been validated in August 2018 and submitted with additional information including a viability report which had contained useful information not previously received. Under the Scheme of Delegation the matter was referred to committee for determination.

Councillor Kennedy proposed acceptance of the recommendation to refuse the application which was seconded by Councillor Quinn and unanimously agreed.

Members expressed their concern regarding the closure of rural facilities and the impact that this had on local communities. The premises had potential for provision of accommodation given the proximity to Hadrian's Wall and the importance of tourism in the area. A robust business plan was needed and it

was suggested that contact be made with a nearby public house which had been in similar circumstances and was now doing well after being bought by a community group. Alternatively the current owner needed to consider the marketing of the property and realistic offers given the current condition of the building.

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

(4.40 pm Councillor Gibson returned to the room and resumed the position of Chair for the remainder of the meeting.)

161. 18/03325/FUL

**Construction of single storey rear extension, first floor side extension with dormer
Apperley Farm West Cottage, Stocksfield, Northumberland, NE43 7SJ**

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

Ben Kinch, agent for the applicant, spoke in support of the application. He made the following comments:

- The applicants had purchased the property in 2018. The house was too small and the application proposed the addition of a third bedroom and modern kitchen dining room.
- The adjacent property had been extended in incremental stages whilst they proposed a single application. An inconsistent approach had been adopted by the Local Planning Authority which jeopardised the owner's plans to extend. They requested that their application be considered fairly.
- The original case officer had supported the application and had found no conflict of the extension in the Green Belt.
- Apperley Farm East Cottage was over 200m² and triple the size of the original cottage albeit through smaller incremental extensions. It was unfair that a piecemeal approach was acceptable.
- Permission for the latest extension for Apperley Farm East Cottage had been granted in July 2018 and an application only a few months later should be considered in a consistent manner with regard to the scale having an appropriate or inappropriate impact on the Green Belt.
- The proposals for Apperley Farm West Cottage were in line with that proposed on the adjacent property with regard to density. The extension of 74m² would actually be 40m² smaller than the extensions permitted next door.
- The proposed extension was designed to be subservient to the host dwelling to enable identification of the original building and the contemporary addition. Many hours had been spent on the design to compliment the original building. It would not be detrimental to the Green Belt. The adjacent dwelling had been repeatedly extended without a

negative impact on the Green Belt. This single application was smaller and should be acceptable when compared with the collective extensions of the neighbouring property.

- Whilst the contemporary design might not be to the personal taste of the Building Conservation Officer; innovation should not be stifled was encouraged in national planning policy.

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

- Extensions had been permitted on both Apperley Farm West and East Cottages. The larger 2 storey extension of East Cottage had been permitted in 2007 prior to the current local plan and adopted Core Strategy. A more recent extant permission existed for a glazed link between the existing house and sunroom which was not yet built.
- This application needed to be assessed as it was presented before members without reference to what had been approved on the adjacent property.
- The site visit had been suggested by the Case Officer and Principal Planning Officer in order to assess the impact of the proposals in the Green Belt and to consider the scale and design of the development.
- Paragraph 145 of the National Planning Policy Framework (NPPF) referred to an exception to the inappropriateness of new dwellings in the Green Belt provided 'the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building'. There was no set figure. However, supplementary planning guidance that has been used alongside the Tynedale Local Plan referred to 33% over the original size to provide a guide as to what might be appropriate.
- An application for a 2 storey extension in 2004 of 65m³ was refused and dismissed on appeal as it concluded that it would lead to disproportionate additions to the original dwelling and impact on the openness of the Green Belt.
- Landscaping could not be relied upon when assessing the impact on the openness of the Green Belt.
- Reference had been made to the Tynedale Local Plan policies when assessing the applications in 2015 and 2018. The design of the adjacent extensions was considered to be more sympathetic than the design proposed for Apperley Farm West Cottage. Officers did not dispute the quality of the design, but when assessed considered it not to be appropriate for the property.
- The property was not a designated Listed Building.
- Officers were unable to comment whether a design similar to the neighbouring property would be acceptable as it would need to be assessed under the same disproportionate additions test. They could only assess the application that had been made which was proposed to be refused on two grounds, impact on the Green belt and that the design was not appropriate for the property.

- The original building had been calculated to be between 256-260m³. Existing extensions amounted to an 84% increase over the original dwelling. The total extensions including the current proposal would total a 150% increase over the original size of the dwelling.
- The proposed site plan showed the building for Apperley Farm East Cottage with extensions which had planning permission but had not yet been built.
- The incremental alterations have resulted in a much larger dwelling than the original at Apperley Farm East Cottage, these were permitted prior to the adoption of the Tynedale District Local Plan. This did not create a precedent for the development at the application site as each application must be considered on its own merits, in accordance with current planning policies and any material planning considerations.

The Local Member requested that Councillor Riddle, the Portfolio Holder for Planning, Housing and Resilience, review the consistency of decisions with regard to planning permission in the Green Belt.

Councillor Hutchinson proposed acceptance of the recommendation to refuse the application for the reasons in the officer's report. This was seconded by Councillor Stow.

A vote was taken as follows:- **FOR: 10; AGAINST: 1.**

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

162. 19/00606/LBC

**Listed Building Consent for the replacement of existing boiler installations to east and west plant rooms, including replacement of existing flue linings
The Sele First School, Access Road to The Sele, Hexham, NE46 3QZF**

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

Councillor Cessford proposed acceptance of the recommendation to approve the application which was seconded by Councillor Kennedy and unanimously agreed.

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

163. 19/00062/CCD

Change of use from residential to school use

School House, Prudhoe Castle First School, Castle Road, Prudhoe, Northumberland NE42 6PH

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

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

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

164. 18/03644/FUL

Retrospective: Erection of a 5m x 3.5m external balcony at first floor level to rear of property

126 Western Avenue, Prudhoe, Northumberland, NE42 6QB

The Senior Planning Officer introduced the report with the aid of a powerpoint presentation. He reminded the Committee of the decision made on 12 March 2019 was that they were 'minded to approve the application' subject to consideration of conditions at a future meeting of the Committee.

In answer to a question, the Senior Planning Manager provided a brief explanation of the enforcement process if an applicant did not comply with conditions attached to a planning permission. This would include serving notice and prosecution at court with the penalty of a fine but would not include remedy of the breach. Generally, discussions with applicants led to compliance without the need for further action.

Councillor Hutchinson proposed acceptance of the recommendation to agree the proposed conditions following the 'minded to approve' decision on 12 March 2019. This was seconded by Councillor Cessford.

A vote was taken as follows:- **FOR: 10; AGAINST: 0; ABSTENTION: 1.**

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

165. 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.

166. DATE OF NEXT MEETING

The next meeting would be held on Tuesday 14 May 2019 at Hexham House, Gilesgate, Hexham at 4.00 p.m.

CHAIR _____

DATE _____