

**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 June 2019 at 3.00 p.m.

**PRESENT**

Councillor G Stewart  
(Chair, in the Chair for agenda items 16 - 18)

(Planning Vice-Chair Councillor R Gibson in the chair for items 19 - 26)

**MEMBERS**

T Cessford	KR Quinn (no.s 16 - 24)
CR Homer (no.s 21 - 26)	JR Riddle (no.s 16 - 24)
C Horncastle	A Sharp
D Kennedy (no.s 20 - 24)	KG Stow
N Oliver	

**OFFICERS**

K Blyth	Principal Planning Officer
H Lancaster	Principal Solicitor (Regulation)
N Masson	Principal Solicitor (Planning and Highways)
E Sinnamon	Senior Planning Manager
N Turnbull	Democratic Services Officer

**ALSO PRESENT**

15 members of the public  
1 member of the press

**16. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors A Dale and I Hutchinson.

**17. MINUTES**

**RESOLVED** that the minutes of the meeting of Tynedale Local Area Council held on 14 May 2019, as circulated, be confirmed as a true record and signed by the Chair.

Ch.'s Initials.....

## 18. DISCLOSURES OF MEMBERS' INTERESTS

Councillor Horncastle declared a personal and prejudicial interest in planning application 18/02731/VARYCO as his family owned land adjoining the site and he would not participate in that item.

Councillor Quinn declared a personal and prejudicial interest in planning application 17/04497/FUL as she had submitted an objection to the application and she would not participate in that item.

### 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.***

## 19. 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. (A copy of the report is enclosed with the minutes as Appendix A.)

**RESOLVED** that the report be noted.

## 20. 18/02731/VARYCO

**Variation of condition 2 (approved plans) pursuant to planning permission 17/01334/VARYCO in order to add a revised site plan Hopedene, The Dene, Allendale, Northumberland, NE47 9PX**

*(4.10 pm Councillor Horncastle left the meeting whilst the application was considered.)*

The Principal Planning Officer introduced the report with the aid of a powerpoint presentation. She reported that 2 further letters of representation had been received since the report had been written which were circulated at the meeting. Members of the Committee were given time to read the additional correspondence.

Mrs Hale addressed the Committee to object to the application. She explained that she lived in her dream home and had supported the initial planning application for Hopedene, the applicant's dream home. However, their dream

home should not now be realised at the expense of others and their enjoyment. She also expressed concern regarding the use of conditions regarding the hedge and foliage which could be removed at some point in the future.

Mr. Butler, of Butler Haig Associates, also addressed the Committee to object to the application on behalf of neighbours. His comments included the following:-

- Unauthorised works outside the red line boundary have been ignored by officers.
- Whether the Highways section had been consulted about the change from using a soakaway to using the highway drains?
- Contrary to the assertion in paragraph 7.6 of the report, the main changes proposed by the application did not relate to the rear of the site. Garden space of the original proposal was not lacking, just 8 feet higher.
- Overlooking and impact of privacy from garden to garden was a material planning matter. This was supported in other refusal decisions made by the Council, appeal decisions and high court decisions.
- The terrace should have been twice the length of the meeting room away from the neighbouring property at Inglewood and not half. It also should only have been 700 mm above the original ground level and was now over twice that and even more on top of the mound.
- Would Members be happy if that was what had happened next door to them?
- Reference was made to an NCC refusal and 3 appeal decisions:
  - The already undertaken works have resulted in an unacceptable loss of privacy due to overlooking and as a result of their height above ground level and proximity to the common / shared boundary... contrary to the advice of the NPPF and aims of policy 14 (i) of the Castle Morpeth District Plan.
  - Planting of evergreen shrubs and climbers would be an impermanent solution that could not be relied upon to make an otherwise harmful development acceptable as plants could easily die or be removed by future occupants.
  - Decks have caused significant harm to the living conditions of future occupants through the overbearing nature of the structure and the loss of privacy that had occurred.
  - Overall, the works unacceptably harm the living conditions of the neighbouring residents with regard to the reduction in privacy and the potential for increased noise and disturbance.
- The Committee were asked to consider the significant adverse impact the proposal would have on neighbours and refuse the application.

Mrs. Gifford, the applicant, addressed the Committee in support of their application. She commented that:-

- It had been 7 months since their application had been deferred for further consideration of surface water drainage and land stability.

- The engineers' report concluded that the flat area below the embankment in front of the house was an adequate filter area for surface runoff. However, they proposed that an additional filter drain be constructed and this had been approved by the lead Local Flood Authority (LLFA).
- The regrading issue on the grass terrace had been addressed.
- The engineers' report confirmed that the embankment was stable. It consisted of stiff clay and boulders removed from the house construction site. It was environmentally good practice to reuse everything on site and not transport it to landfill.
- The stability had been considered and approved by the Council's Building Control Team. They had monitored the situation since October 2018 on regular basis by walking around the embankment. There had been no signs of any excess water, flooding, cracking or slippage .
- The embankment had now greened up naturally. As a result of natural regeneration there had been a significant increase in birdlife and insects. Native birch, hazel and sorbus had been planted around the embankment which would take up water.
- The landscaping fit in with their original concept of a contemporary eco house of high quality which respected and enhanced the environment.
- Neither the Council's Building Control team nor the LLFA officers had objected to the revised scheme and the issues raised by the Committee had been resolved.

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

- The application had been deferred previously to consider surface water drainage and land stability only, and as such, only the relevant bodies on these matters had been consulted i.e the LLFA and Building Control.
- Clarification had been provided regarding amenity at the previous meeting which has pointed out that minimum privacy distances were taken from elevations of properties but it was never stated that amenity from garden areas was not a material planning consideration. It was considered that, on balance, there would be no significant increase loss of amenity from the original approved scheme which would give a clearer view into the neighbouring property at Inglewood than the proposed scheme which would include screening by the bund. The bund helped screen the windows and it was unlikely that anyone would stand on top of the bund for a prolonged period of time. Therefore, the impact would be intermittent. The Allendale Neighbourhood Plan and AONB guidance suggested that the impact on amenity would need to be significant and adverse to withhold planning permission. Officers did not consider this to be the case.
- Comments regarding change in land levels related to the movement of the soil.
- The applicant had been requested to provide information regarding land stability which had been assessed by Building Control team who had no comments to make on the report submitted.

- Paragraph 7.9 of the report outlined the Case Officer's response to Allendale Parish Council's objection that the application was not in keeping with Policy ANDP1 of the Allendale Neighbourhood Plan and that it significantly and adversely affected the amenity of nearby residents. A different view had been taken by the Case Officer. The test was very high.
- There were no specific distances contained within Policy GD2 of the Tynedale Local Plan which considered the impact of overbearing impact and loss of light.
- This was an application for retrospective planning permission as had been the case in November 2018 when it last came before committee. The only difference was that the land had grassed over
- Highways had not been consulted regarding the change in drainage arrangements from the soakaway to use of the drainage system. The LLFA had considered this proposal to be acceptable and had not requested that Highways be reconsulted.
- The original plans in 2016 which had been approved proposed a small patio area. Since then 2 further applications had been made for changes including the larger lawned area.
- The planning system included provision for applicants to apply for variation of plans throughout a build. If work had already been carried out, a retrospective application could be made. This was allowed and should not cloud members' views.
- There was no specific policy relating to mounds or bunds. The Allendale Neighbourhood Plan was more up to date than the Tynedale Core Strategy and included an additional test. It was necessary to assess developments to ensure that they did not significantly or adversely affect
  - the amenity of nearby residents or other sensitive land uses; or
  - the character and appearance of the settlement or area in which it was located.
- An independent Building Control Inspector had been employed by the applicants during the build. The final inspection / sign off would be carried out by the Council's Building Control section.

Councillor Stewart proposed acceptance of the recommendation to approve the application which was seconded by Councillor Stow.

Members discussed the amount of rain that had fallen over the winter period and continued reservations regarding land stability in the event of periods with prolonged wet weather. Significant concern was also expressed regarding the height of the bund and the impact on the amenity of the neighbours.

The Senior Planning Manager confirmed that the decision made by the Local Area Council on 13 November 2018 had been to defer the application to enable an assessment of surface water drainage and land stability of the current levels of the site only which had been technically appraised. It would not be possible to propose a reduction in the height of the bund via a condition as the impact of a reduction had not been assessed.

The Senior Planning Manager proposed that the wording of conditions 2, 3, 4 and 5 be amended to remove the references 'prior to occupation of the dwelling' as the dwelling was now complete and occupied. The conditions should therefore be amended to read 'within 3 months of the decision'.

A vote was taken as follows:- **FOR: 4; AGAINST: 5**, with the motion failing.

Councillor Riddle moved a revised recommendation that the application be refused permission due to the height of the bund and impact on the neighbour's amenity through loss of privacy. The principal planning officer clarified that Cllr Riddle wanted to refuse on the grounds of loss of amenity and not impact on the character of the area. Cllr Riddle confirmed that this was the case. The motion was seconded by Councillor Cessford.

A vote was taken as follows:- **FOR: 5; AGAINST: 3; ABSTENTION: 1**.

**RESOLVED** that the application be **REFUSED** as the development has a detrimental impact upon the amenity of the neighbouring property through loss of privacy contrary to Tynedale District Local Plan GD2, Allendale Neighbourhood Development Plan Policy ANDP1 and the NPPF.

*(3.55 pm Councillor Horncastle returned to the meeting.)*

**21. 18/04500/FUL  
Proposed 2 storey rear extension  
15 Princes Street, Corbridge, Northumberland, NE45 5DA**

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

Richard Hart-Jackson, representing Corbridge Village Trust, addressed the Committee to object to the application. He made reference to the following:-

- What could be built in a Conservation Area.
- The description of Corbridge within the Northumberland Local Plan and Tynedale Local Plan.
- The area had been designated a conservation area in 1974 to preserve and protect the distinctiveness of character in the older central part of the village.
- Applications for development in Conservation Areas were to be assessed against criteria in the Tynedale District Local Plan which stated that the development must:
  - Preserve or enhance the character and / or appearance of the Conservation Area.
  - Be in scale with, and respect the quality and character of the areas and massing and proportions of the buildings in it, and
  - Materials must be appropriate to and in sympathy with the particular characteristics of the Conservation Area.

- The Trust would have no objection to an extension if constructed of a traditional design and materials. In their view, zinc cladding to the upper storey and roof was not appropriate or in sympathy with the characteristics of the Conservation Area.
- The Conservation Officer had not supported the first scheme which had been described as overly large and the mix of materials and modern windows caused harm to the traditional character of the property and the setting of the listed building next door. He queried how a modest reduction in size and change of materials on the ground floor from brick to stone had been sufficient for the Conservation Officer to support the revised scheme.
- Reference was made to the development mirroring a scheme further north on Princes Street. The Trust had objected in similar terms to the use of zinc cladding on that development also. He referred to discussions with a Senior Planning Officer regarding consideration of the application under delegated powers and the application of provisions in the Tynedale District Local Plan.
- It was immaterial that the development was small and at the rear of the property; he feared that it would be used in justification for other developments of this nature in the Conservation Area.
- The application would threaten the integrity of the Conservation Area and set a precedent for the disregarding of criteria for development within the Tynedale District Plan and to be included in the Northumberland Local Plan.

Bart Milburn, speaking for the applicant, addressed the Committee to speak in support of the application. He commented on the following points:-

- The property had originally been built as an 'L' shape.
- The Conservation Officer's issue with the first scheme had been with the proposed use of brick around the base which had been replaced with stone.
- The overall design and use of modern materials would create a modern high quality design within the historic environment which would cause no harm and was in accordance with the Council's own development plan and National Planning Policy Framework.
- No objections had been received from neighbours, the Parish Council, the planning officer or specialist conservation officer.
- The applicant had spoken with the neighbours who supported the application.
- The generic point raised by Corbridge Development Trust would be better addressed through discussions with the Planning Department. It had caused delay, anxiety, uncertainty and additional cost to the applicant.
- As stated in paragraph 7.6 of the report, the site was not visible from Princes Street, was only visible from long range views to the north east and therefore would not erode the historic character of the area.
- There would be no impact on adjacent listed buildings and a high quality modern development would be created within the Conservation Area. Paragraph 7.7 stated that the use of modern materials was appropriate. Other examples of modern materials already existed in Corbridge.

- The proposal had been architecturally designed to a high standard having regard to the setting within the Corbridge Conservation Area and the adjacent listed buildings.
- It had no impact on residential amenity and would raise design standards within the Conservation area using modern high quality materials. It was supported by the February 2019 version of the NPPF and was consistent with Conservation advice.
- It was requested that planning permission be granted without further delay as set out in the officer's report.

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

- Originally a larger scheme had been proposed which had been reduced in scale and materials on the ground floor had been changed to match the existing stone.
- There was a duty to preserve and enhance Conservation areas and it was not unusual to use modern additions to older buildings.
- With regard to setting a precedent, officers were of the view that the extension would have little visibility to the wider area and therefore a limited impact.
- The use of zinc, whilst creating a more modern appearance was considered appropriate in the location. The design and materials of the proposed development would not be harmful to the character of the existing property, character and appearance of the conservation area or the setting of the adjacent Grade II Listed Buildings. The application had been assessed by the Conservation Officer who had no objection to the revised scheme.
- Blanket approval could not be given for the use of zinc as the decision would be dependent on the circumstances of each case. The use of zinc on this extension encouraged it to be viewed as a new addition which was sometimes better than if materials and design were copied as they often did not look right.
- There wasn't a specific policy which referred to visibility of a development in a Conservation Area. The Case Officer had described the visibility of the development in relation to properties in the immediate vicinity and wider area. It was considered that the proposal maintained and enhanced the character of the area in compliance with Policy BE1 of the Tynedale Core Strategy.
- Character appraisals were relevant documents to inform how planning applications should be treated. In particular Policy BE1 points a) conserve and c) quality of design were relevant in this case.
- The combination of the reduction in scale and change of materials from brick to stone on the ground floor had satisfied the Conservation Officer that the scheme would no longer have an adverse impact.
- With reference to comments made about precedence, each application was judged on its own merits. However, accents within the locality could be picked up. Zinc had been used elsewhere in the village and it was considered appropriate in this case.



- Weight was given to the protection of heritage assets, however, the property was considered to be separate from the adjacent dwelling and the Conservation Officer had concluded there would be no harm to the setting of the neighbouring listed building.

Councillor Quinn proposed acceptance of the recommendation to approve the application which was seconded by Councillor Stewart.

Members of the Committee had different views regarding the use of modern materials in a Conservation Area.

A vote was taken as follows:- **FOR: 9; AGAINST: 2.**

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

## 22. 17/04497/FUL

### **Demolition of existing allotment shed and erection of allotment workshop, greenhouse and yurt for agricultural food production Land South West Of Street Houses, Street Houses, Wylam**

*(4.40 pm Councillor Quinn left the meeting whilst the application was considered.)*

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

Jos Joures, Chair of Wylam Parish Council, addressed the Committee to object to the application. His comments included the following:-

- This planning application had resulted in the largest number of representations submitted indicating the importance of the matter to residents.
- The Parish Council had 6 guiding principles:
  - Support the retention of public and business/retail services in the village.
  - Work to ensure Wylam and its facilities can be safely enjoyed by all their residents and visitors.
  - Support the development of sports, recreational and/or cultural opportunities for everyone in the village.
  - Protect and promote access to their cultural and industrial heritage.
  - Protect and promote their natural environment.
  - Protect and promote their community resources and work to maximise participation in village life.
- The village had previously been described as an 'industrial hellhole' and was now enjoyed by walkers, horse riders and cyclists along Hadrian's Way which was an important part of the heritage of the area.
- The site was 0.5 miles from the village in the countryside and in the Green Belt which was to be treasured.

- George Stephenson's birthplace, a National Trust property, was located within a short distance of the site.
- Trees had been cut down on the south side of the site.
- The land was adjacent to a site of special scientific interest and was important to nature.
- They did not object to growing of fruit trees on the site if there was a small commercial element with minimal impact on the issues previously raised.
- The proposal was for a substantial building to make the land a place of business and they raised concerns regarding the lack of road and parking facilities, utilities, water and sanitation.

Sammy Coxell, the applicant, addressed the Committee to speak in support of her application. She raised the following points:-

- She understood the concerns that had been raised as she lived nearby and appreciated the surroundings and character of the area.
- Consultation with 9 external bodies had resulted in 7 responses with no objection; 2 had not replied.
- She had tried to engage with the local community but her knocking on doors had been met with hostility and she had been deterred from further engagement.
- They were involved with community interest projects and had donated produce to the Women's Institute.
- They shared concerns regarding sustainability and the environment.
- The proposed workshop was twice the size of the current building and would be constructed with a living roof and natural render to ensure it was in keeping with George Stephenson's cottage.
- The trees that had been trimmed to a height of 16 feet had been leylandii which were not native to the area. They proposed to plant a willow hedge around the entire property to provide a better habitat for wildlife and insects.
- With reference to the non agricultural designation, reference was made to examples of other local vegetable growing facilities and market gardens which were successful. A project in America was located on a site with less than a third of an acre which produced 8,000 tonnes.
- She loved Wylam and envisaged a building made with natural reclaimed materials which would have the charm of an English country garden.
- The proposals would add interest to the Waggonway and they would welcome community involvement which would contribute to the village of Wylam.
- She would be the only employee and normally cycled from Ovingham. She had used the vehicular access about 8 times and normally parked elsewhere.
- The site was serviced by mains water and electricity.

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

- There was no definition of scale to determine whether a site was an agricultural or horticultural holding. Normally agricultural applications would be accompanied by an agricultural number to support the case for an exception to be made in the Green Belt. Officers were of the view that buildings on the site did not fall within the scope of agriculture and that there were no very special circumstances which would allow development within the Green belt.
- Approval would not normally be given for a building of this scale on a site of this size.
- It was proposed that the yurt be used as office and storage space for the associated business.
- The provision of employment for a sole part time employee would not make the development less inappropriate in the Green Belt.
- The original proposal included provision for a classroom and visits by school children but the question about access had led to that element being withdrawn.
- Reference had been made by the applicant regarding aspirations regarding scale of production which would require transportation on a barrow as there was no vehicular access. The scale of production on the site could not be limited by conditions, if approved.
- The Highways Development Team had not objected and could not restrict the use of vehicles to the site. Use of the private road was a civil matter and not a planning consideration.

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

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

*(5.09 pm Councillor Quinn returned to the meeting.)*

**23. 19/00702/FUL**

**Extension and alterations to existing office building  
Blue Sky Resorts Ltd, Heathergate Country Park, Lowgate, Hexham,  
Northumberland, NE46 2NN**

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

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

- Only neighbours immediately adjacent to the office building had been notified of this application. In addition, a site notice had been placed at the entrance to the caravan park. However, residents were aware of this application as they had referred to it in their representations in response to another current planning application in respect of the caravan park.

- Officers were of the view that the proposal was for a limited extension of the building, which although in the Green Belt, was permitted under the exceptions listed under paragraph 145 of the NPPF. They had concluded that the proposal would not amount to inappropriate development.
- Whilst previously it had been the practice to describe extensions in terms of a percentage, case law had determined that to refuse permission for anything over 33% was too restrictive a view. The proposal was for a single storey extension to the rear and front of the building which was displayed on the floor plan. The building would be 2.9 metres high.
- It was not anticipated that the scheme would lead to an increased number of vehicle trips as the building was ancillary to the holiday park. The Highways Development Management Team had not objected to the application, subject to a condition regarding a construction method statement and inclusion of informatives.
- Materials proposed were of natural stone and render with replacement aluminium windows and doors which would unify the openings.
- With reference to another application for the site regarding periods of occupation, the Principal Planning confirmed that this would be discussed when those applications came before committee.

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

A vote was taken as follows:- **FOR: 9; AGAINST: 0; ABSTENTIONS: 2.**

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

## **24. 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.

At 5.25 pm a short break was held. The meeting resumed at 5.35 pm.

## **RIGHTS OF WAY**

### **25. CORRECTIVE APPLICATION: CLAYHOLE, SPARTYLEA, ALLENDALE S19 (2) (A) COMMONS ACT 2006**

The Local Area Council considered a report which contained details of an application under s19 (2) (a) Commons Act 2006. (A copy of the report is enclosed with the minutes as **Appendix C.**)

The Principal Solicitor (Corporate and Governance) outlined the report and the duties of Northumberland County Council as a Commons Registration Authority which, under the Commons Registration Act 2006, was to keep and maintain a register of Common and Town and Village Green within its area.

An application was made on 21 December 2017 to amend the Commons Register to remove an area of land within the curtilage of Clayhole, Spartylea, included within the common due to the alleged incorrect plotting of the boundary when the boundary line was transposed from the plan attached to the application made in 1967 to register the area as common land.

The Principal Solicitor (Corporate and Governance) explained the process that had been followed to date.

This was the first application of this nature and it was proposed that a similar procedure be adopted to the applications to establish village green status for new areas of land, namely, that Counsel be appointed.

Counsel would advise if a hearing or Inquiry was appropriate and also if a specialist boundary surveyor was required to establish whether the boundaries had been incorrectly plotted and, if so, where the correct boundary should lie.

In response to a question, it was confirmed that neighbouring authorities had been consulted regarding their procedures and included a delegation of the decision to officers. It was therefore proposed that a similar approach be adopted in Northumberland.

**RESOLVED** that:

1. Council be appointed to make a recommendation as to whether the application in respect of Clayhole, Spartylea, Allendale, be granted.
2. The determination of the matter be delegated to the Deputy Chief Executive in consultation with the Chair of the Tynedale Local Area Council.

**26. DATE OF NEXT MEETING**

The next meeting would be held on Tuesday 9 July 2019 at Hexham House, Gilesgate, Hexham at 4.00 p.m.

**CHAIR** \_\_\_\_\_

**DATE** \_\_\_\_\_