

NORTHUMBERLAND COUNTY COUNCIL

TYNEDALE LOCAL AREA COUNCIL

At a meeting of the **Tynedale Local Area Council** held at Hexham Auction Mart, Tyne Green, Hexham, Northumberland, NE46 3SG on Tuesday, 10 December 2019 at 2.00 p.m.

PRESENT

Councillor G Stewart
(Chair, in the Chair for agenda items 86 - 88)

(Planning Vice-Chair Councillor R Gibson in the chair for items 89 - 104)

MEMBERS

T Cessford
A Dale
CR Homer
C Horncastle
I Hutchinson

D Kennedy (no.s 92 - 104)
K Quinn
JR Riddle
A Sharp
KG Stow

OFFICERS

N Armstrong
K Blyth
D Brookes
M Bulman
R Campbell
M Francis
M Haworth
R Murfin
M Patrick

V Robson
N Turnbull

Senior Planning Officer
Principal Planning Officer
Infrastructure Records Manager
Solicitor
Planning Officer
Senior Planning Officer
Planning Officer
Director of Planning
Principal Highways Development
Management Officer
Building Conservation Officer
Democratic Services Officer

ALSO PRESENT

35 members of the public
1 member of the press

86. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Oliver.

Ch.'s Initials.....

87. MINUTES

RESOLVED that the minutes of the meeting of Tynedale Local Area Council held on 11 November 2019, as circulated, be confirmed as a true record and signed by the Chair.

88. DISCLOSURES OF MEMBERS' INTERESTS

Councillor Homer having made representations in respect of earlier plans for planning application 19/01296/FUL and would therefore leave the room whilst the item was considered.

Councillor Dale declared a personal and prejudicial interest in planning applications 19/02392/VARYCO and 18/04458/FUL and would leave the room when the applications were considered.

Councillor Sharp declared an interest in planning application 19/01951/FUL as he was employed by the applicant and would leave the room whilst the item was discussed.

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.

DEVELOPMENT CONTROL

89. 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 B.)

RESOLVED that the report be noted.

90. 19/01484/REM
Reserved matters application for access, appearance, landscaping, layout and scale relating to planning permission 15/02292/OUT for the construction of 6 dwellings and associated parking
Land South Of East Melkridge Farm, Greengate Lane, Melkridge, Northumberland

The Chair reported that the application was withdrawn from the meeting at the request of the applicant.

91. 19/01380/FUL
Demolition, refurbishment and extension of Old Hexham Workhouse buildings into 34 No. Flats
The Old Workhouse, Corbridge Road, Hexham, Northumberland, NE46 1QJ

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

Arnold White spoke in objection to the application and highlighted the following issues:-

- He lived at 1 Peth Head and disagreed with the officer as the new building would look directly into his property.
- There would be less than 20 metres between the buildings.
- He had photographs on his mobile telephone which showed how close it would be (these were not shown to the Committee).
- Occupants would be able to look into his bedroom and living room.
- Frosted glass would only be used in one bathroom in the new building and he was concerned about the new residents looking into his property.
- The building had never been in residential use.
- The garage was not the nearest building.

Town Councillor Tom Gillanders, spoke on behalf of Hexham Town Council and as Chair of the Planning and Infrastructure Committee. He raised the following points:-

- The buildings had been empty for a number of years.
- The historical value of the site contributed to the authenticity and integrity of the Hexham Conservation Area and was a key building from the Victorian era.
- The scheme would provide a major boost to the town.
- The Town Council had been happy in principle with the proposed development which was of substantial importance to the town, subject to the inclusion of conditions and issues raised by the consultees being addressed.

Joanna Wylie, the agent for the applicant, spoke in support of the application. She made the following comments:-

- They sought to bring back into use an important heritage asset for Hexham.
- The site had good accessibility and connectivity and provided an opportunity for new housing.
- The design sought to sensitively renovate as much of the existing building as was possible, particularly on the external facing renovations, whilst utilising contemporary additions.
- The proposal looked to create a setting for a new community which had a unique, historically rich context; distinguished between modern and existing buildings and revived a prominent group of buildings with a suitable use.
- They hoped the proposal was sensitive to the character of the Conservation Area and built on its strong identity.

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

- Clarification was provided regarding the use of rooms nearest to 1 Peth Head; bedrooms and bathrooms were identified using the slides within the presentation.
- Significant consideration had been given to the residential amenity of existing residents and the separation between the buildings.
- Whilst it was acknowledged that the development would have an impact on the property at 1 Peth Head, it was located at an angle and therefore this impact would be to a lesser degree.
- The building was already in situ although would be used in a different way to previous occupants.
- The oblique angle of the buildings and position of roads between the two properties was not dissimilar to the space between residential properties in the vicinity.
- The Building Conservation Officer had recommended a programme of building recording the areas to be demolished and internal paintings and therefore condition 15 was proposed to be included.
- Viability assessment of information provided for this application had been cross-referenced with information for the adjacent site. The conclusion was that the site was unable to support a Section 106 contribution.

Councillor Homer expressed support for the site which was a prominent structure in the gateway to Hexham and would bring a brownfield site back into use. She proposed acceptance of the recommendation to approve the application subject to the conditions contained in the officer's report which was seconded by Councillor Stewart.

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.

(2.29 pm Councillor Homer left the meeting whilst the following item was considered.)

92. 19/01296/FUL

**Erection of 43 no. Retirement Living Housing (category II type accommodation), communal facilities, landscaping and car parking, following demolition of existing building (as amended)
Car Park East Of Fairnington Centre, Corbridge Road, Hexham, Northumberland, NE46 1QJ**

The Senior Planning Officer introduced the report with the aid of a powerpoint presentation. Updates were provided as follows:-

- 9 standard postcard responses had been submitted expressing support for the proposals. 4 had provided additional comments raising the following comments:
 - The project would be a great benefit to Hexham.
 - There was interest for this type of development and it was needed in Hexham.
 - The revised plans were much better and the building would be an improvement in that area.

Town Councillor Tom Gillanders spoke on behalf of Hexham Town Council and stated the following:-

- The application had been considered by the Planning and Infrastructure Committee on 30 September 2019. They welcomed the principle of the site being developed for retirement homes but serious concerns regarding the original application had not been addressed by the amended plans, with the exception of the removal of the fourth storey.
- Concerns remained regarding the privacy and impact on Peth Head residents who had submitted a petition to the Council in May 2019.
- The design should be compatible with the adjacent Old Workhouse site.
- The impact of the frontage could be reduced via detailed agreements on materials/colours used for windows, doors and brick/stone work.
- The Hexham Neighbourhood Plan required 'high quality design'.

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

- The design of the building had changed as a result of negotiations and the developer had given a commitment to reconsider the materials proposed to be used. Conditions 3, 4, 5 and 6 required submission of details for materials/design details for windows and doors, boundary treatments and landscaping for approval. Officers recognised that this was an area of

concern and would seek to achieve a high quality combination of design detail.

- uPVC was no longer proposed to be used and further details of the use of natural stone was awaited.
- Whilst the default position required affordable housing to be built on-site, the type of development with a not insignificant monthly service charge did not lend itself to the provision of affordable homes on site. The viability appraisal provided by the applicant had been independently reviewed by relevant Council Officers and following further discussions a contribution of £290,250 had been agreed.
- The affordable housing contribution would be utilised on a site as close as possible to the application site, but would be dependent on the sites that became available. Decisions were taken on a case by case basis.
- Builders were required to provide affordable housing on-site unless there was a good reason why this was not possible.
- Discussions with the developer had resulted in a number of changes to the scheme including uPVC windows which were not acceptable and lower panelling previously proposed as scored mortar would be replaced with stone, although the precise details had not yet been finalised.
- Clarification was provided regarding the separation distances between the nearest properties which was in excess of 25 metres stated within Policy H32 of the Tynedale Local Plan. This part of the development would be two storeys, 6.6 metres high and officers were satisfied that the minimum requirements would be met.
- The accommodation would be self-contained units supported by a warden and with some communal facilities.
- The existing boundary wall was 2.2 metres at its highest.
- The three storey sections of the building would be 9.4 metres high and 27.4 metres to 35.5 metres from properties on Peth Head.

Several members expressed concern regarding the impact of properties on Peth Head and the design and attractiveness of the development when compared with the adjacent site and its location within the Conservation Area. Others commented on the usefulness of the site visit which had allayed concerns regarding proximity to nearby properties, comparison with the contemporary element within the adjacent development and the need for this type of retirement accommodation.

Councillor Hutchinson proposed acceptance of the recommendation to approve the application subject to the conditions contained in the officer's report and the Section 106 Agreement to secure a financial contribution of £290,250 to Affordable Housing and £17,400 to healthcare provision. This was seconded by Councillor Stewart.

Upon being put the vote the results were as follows:- **FOR: 9; AGAINST: 2; ABSTENTIONS: 0.**

RESOLVED that the application be **GRANTED** permission for the reasons and with the conditions as outlined in the report and subject to completion of a

Section 106 Agreement to secure a financial contribution of £290,250 to affordable Housing and £17,400 to healthcare provision.

(3.03 pm Councillor Homer returned to the meeting.)

(3.03 pm Councillor Dale left the meeting whilst the following item was considered.)

93. 19/02392/VARYCO

**Variation of condition 2 pursuant to planning permission 17/03218/FUL in order to allow minor amendments to the design
Osbit Power Ltd, Broomhaugh House, Riding Mill, Northumberland, NE44 6AW**

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

Clare Irving, spoke in objection to the application. Her property bordered the site and she was also representing neighbours who were unable to attend the meeting. She identified the following issues:-

- She and her neighbours had written letters of complaint regarding the increase in the height of the ridgeline which had become apparent during construction. It had increased by 1.5 metres and had made a big visual impact.
- They hadn't objected to the original application as the height of the ridgeline had been low and they could have lived with that. On the drawings it had been shown as in line with the flat roof of the canteen.
- The height above ground level had been shown as consistent across the new build.
- If the plans had shown what the actual height was going to be, they would all have objected when the original application had been made.
- Reference was made to the officer's report which stated that the approved plans hadn't taken into consideration variations in the ground level, the existing building had not been drawn to scale so the relationship with the new build was incorrect. The result was that the new build appeared higher.
- Reference to the current plans better reflecting the constructed building as the originals could have been misleading. Variations in the slope of the land were also not considered. They had been accepted as accurate.
- These had resulted in major changes to the approved plans and appear to have been dismissed in the report. She was of the opinion that it should have been dealt with by a major variation and this hadn't happened.
- With regard to the original application, they hadn't known about or understood the Green Belt planning policy.
- They hadn't wanted this development and could have objected under the aforementioned policy.
- It would appear that officers had not checked the application against all policies.

- What had been built could not be considered as limited. Only limited extensions to existing buildings were allowed under the Green Belt policy.
- A wing of the new build was longer than the existing building and also her house. The added ridgeline height made it worse.
- There had been inconsistencies throughout the case.
- The door and link corridor should have been included in the original application. There was no reference to sky lights.
- The plans were poor and didn't include drainage and lighting. The lighting was excessive.
- Whether the award of a grant from the Rural Business Growth Fund had affected the decision making process.
- If the original plans had been accurate, residents would have objected then.

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

- The original application had been determined under the Green Belt policy and the relationship with the adjacent building assessed.
- The plans had been taken on good faith although it was now acknowledged that the scale of the existing building was incorrect when compared with the proposed extension.
- Active enforcement action was being investigated in relation to other matters.
- Officers had been unaware of the grant award and this had not, nor would, influence the planning decision process.
- The height increase from 3.5 metres to 4.35 metres related to the small section of link corridor.
- The decision had been referred to members for transparency and their scrutiny due to the history of the site and number of responses. It was not considered to be a material amendment.
- The enforcement action was a separate issue and not related to the application which needed to be determined.
- Officers had assessed the extension under the Green Belt policy and had been satisfied with the scale of the building proposed. Despite the incorrect scaling and levelling of the ground, officers remained satisfied that the previous application had been assessed correctly. However, it would have been beneficial to residents if the information had been more clearly presented. With hindsight, this would not have altered the decision. If officers had been deliberately misled this would have resulted in a different conclusion. They had been aware of the scale of the building proposed and its relationship to the existing building.
- The original application had been determined by officers under the scheme of delegation in March 2018.
- Whilst residents had no recourse regarding the decision, the issues that they had now raised regarding scale, massing and the Green Belt policy had been considered when the original application had been determined.

Members sympathised with residents regarding the confusion in relation to the previous application and difference this would have made to their decisions to object to that application. The appropriateness of a site visit to better understand the relationship between the original building and extension was queried. However, given the specifics of the current application which related to the link corridor and door, this was decided not appropriate.

Councillor Hutchinson proposed acceptance of the recommendation to approve the application subject to the conditions contained in the officer's report. This was seconded by Councillor Quinn and unanimously agreed when put to the vote.

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

(Councillor Dale returned to the meeting.)

RIGHTS OF WAY

94. REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED PUBLIC BRIDLEWAY NO. 22 PARISH OF CORBRIDGE

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 to upgrade to public bridleway existing Parish of Corbridge Public Footpath No 22 from the U8093 road north of Lauder Grange in a westerly direction for a distance of 1370 metres over Ladycutter Lane, then in a general southerly and south-easterly direction to join the U8096 road 110 metres south-west of West Farm. (A copy of the report is enclosed with the minutes as Appendix A).

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

Upon being put to the vote 12 members voted in favour.

RESOLVED that the Local Area Council agreed that in the light of the evidence submitted it appears that public bridleway rights have not, on the balance of probability, been proven to exist over the route.

DEVELOPMENT CONTROL

95. 19/01949/FUL

Refurbishment and extension of an existing one storey agricultural building to form a single private dwelling-house Land North West of Leawater, Allendale, Northumberland

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

Stuart Searle, spoke in objection to the application and listed the following issues:-

- Whilst they welcomed the revised plans for the extension, they still had some concerns.
- The effect of the access road on the setting of the listed buildings which were located to the south and west of the field. The former school houses had been visited by the current Allendale school earlier in the year as they were a relevant part of Allendales history.
- They had a duty of care to the listed building, and also its setting, to protect them for future generations.
- The proposed access track winds for 100 metres through the landscape which would forever alter the local history.
- They were also concerned about the proposed access to the C290.
- The speed survey was undertaken during the previous winter when temperatures were low and had given a skewed impression of the average speed on the road and only just supported the claimed visibility splays. The view to the east was blocked by trees not on the applicants land.
- The C290 was a popular route and brought tourism to the area however, there was an increase in volume which he believed also led to an increase in speed. A number of serious accidents and a fatality had occurred on the stretch of road.
- Traffic survey guidelines recommended that surveys were undertaken in neutral months such as late spring or early autumn. It was therefore requested that a further survey be completed at a more representative time of year.
- It was requested that the application be refused.

Maria Ferguson, representing the agent, spoke in support of the application. She highlighted the following points:-

- Detailed pre-application discussions had been held with officers regarding the principle of the re-use of the building.
- The applicant's architect had worked closely with planning officers and highways engineer to ensure a development which was respectful of the setting and safe.
- They considered that the objectors' primary concerns related to the protection of private views, which was not a planning consideration.

- The building was suitable for conversion and could contribute to the housing needs of the area. It was structurally sound and of traditional appearance and it's retention in the landscape for the future was important.
- The development respected the appearance, re-used all openings and would be constructed with traditional materials. The modest extension accorded with the most recently adopted development plan document, the neighbourhood plan, and the Council's emerging plan, and would be a subordinate and sympathetic addition.
- Access to the site was safe with regard to vehicle speeds. Highways had not objected and were satisfied with the visibility splays and that the speed surveys had been conducted by a suitably qualified consultant and carried out in an appropriate way.
- The National Planning Policy Framework (NPPF) stated that permission should only be refused on highway grounds where the highway implications were severe. There was no evidence that this would be the case and no justification under local or national planning policies to refuse planning permission on this basis.
- The proposed development would not impinge on anyone's privacy as the nearest house was 40 metres away, in excess of the 21 metres normally expected and discussed and applications approved earlier in the meeting.
- Whether a condition for obscured glazing to a window in the south elevation met the various tests for planning conditions as it was barely perceptible from the properties to the south.
- In response to concerns regarding the access road, these features were not unusual in rural areas and would be constructed using permeable paving grids which would allow grass to go through. The surrounding topography would also mitigate its appearance.
- The proposed development was supported by the Parish Council whose Neighbourhood Plan supported the conversion of buildings to provide housing. It would meet the areas local needs and contribute to the vitality of the Thornley Gate community and neighbouring villages.
- The officer's recommendation to approve the planning permission be supported.

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

- Clarification was provided regarding the location of the building.
- The Highways engineer had been reconsulted and was satisfied with the speed traffic survey. The speeds were appropriate for the proposal of one additional dwelling.
- Reference was made to paragraph 7.4 of the report which referred to Policy ANDP 7 of the Allendale Neighbourhood Plan which related to the conversion of buildings in the open countryside and was supportive of the conversion and re-use of redundant and disused buildings. The plan had been adopted and was representative of the views of the local community.
- The proposals for the access road had been discussed with the applicant. It was considered to be the only feasible option given the private road to

the north and the scheduled ancient monument to the south. It would be constructed with panels which would allow the grass to grow through. Conditions would restrict and control lighting.

- Relocation of the track away from existing buildings would require more extensive engineering works to cut into the hillside, due to the slope of the land, which would have a more significant impact than the current proposed track.

Councillor Horncastle referred to the comments made by the Conservation Officer who had expressed concerns regarding the impact of the proposed access road on the setting of the listed buildings. He moved that the application be deferred in order that a site visit be held to assess the potential impact of the access track for the proposed development on the Listed Buildings, which was difficult to visualise.

This was seconded by Councillor Sharp.

Upon being put the vote the results were as follows:- **FOR: 11; AGAINST: 0; ABSTENTIONS: 1.**

RESOLVED that the application be **DEFERRED** in order that a site visit be held.

Councillor Riddle left the meeting and was not present whilst the following item was considered.

96. 19/01950/FUL

Creation of a pair of semi-detached dwellings including attached garages Land East of South View, Thornley Gate, Allendale, Northumberland

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

Mike Williams spoke on behalf of the 15 objectors who had made representations in response to the application. He made the following comments:-

- There had been no representations made in support of the application.
- The officer report recommended that the application be approved despite acknowledging a number of breaches of the various local plans and issues relating to access, parking and highways safety.
- He focussed on the Allendale Neighbourhood Development Plan and referred to its objectives, namely: management of environmental impacts, meeting housing needs, conservation of assets and also highlighted sections of Policy ANDP1.
- They did not consider the proposed development would meet a demonstrable housing need in the neighbourhood or that it could be described as affordable housing.

- Thornley Lodge would be overlooked and their privacy invaded. A condition which required obscured glazing in 1 window would be insufficient. There would be less than 13 metres between the properties.
- It failed to meet any of the key objectives set out in the plans or Core Strategy.
- The land was not unused, it had been used by a local farmer and his predecessors for grazing sheep.
- Car parking standards required 3 car parking spaces for each 4 bedroomed dwelling. Only 2 were proposed. The Highways response to the consultation stated that parking standards were not met by the proposal.
- Adjacent cottages were accessed by a narrow private road which did not have turning space. Site lines would make it difficult to allow safe access to the main road with a 60 mph speed limit.
- Construction vehicles, occupants and visitors would need to use the cottages private driveway which would encroach on the privacy of current occupants. They had stated that they would not allow it to be used for access. This had been described by officers as a civil matter.
- Permission was refused for a single dwelling on the site in 1989 when it had been described by the Chief Planning Officer as unsatisfactory.

Maria Ferguson, representing the agent, spoke in support of the application. She highlighted the following points:-

- The applicant was a local man and had inherited the site. His great grandfather had been born in Allendale and had farmed and owned various local farms. He had also owned most of the properties in Thornley Gate including South View next to the application site. The family were a well known and established Allendale family having run the post office for 100 years. They had donated land for the golf course enabling locals to enjoy the sport.
- South View and the access had been sold but this land had been retained with a view to building on it. A clause had been included in the deeds to South View for the application site to benefit from a right of way over the access for the purpose of building 1 or 2 houses.
- The applicant and his architect have worked to ensure that the houses have been designed to a high quality, of a traditional appearance and with high quality materials to be respectful of the character and appearance of the village.
- All the trees on the site were to be retained and protected throughout the development process. The Council's ecologist had not raised an objection.
- Concerns regarding parking and access were private, civil considerations, not relevant to the determination of the planning application. The applicant understood the ownership of the road and his rights over it.
- No objection had been raised by Highways. Access to the site was considered to be safe and suitable and there would be no justification under local or national planning policies to withhold consent on that basis. Parking provision was deemed sufficient.

- The development was acceptable in all other respects including drainage, ecology and archeology.
- The Parish Council supported the proposal as it was in accordance with its Neighbourhood Plan. It also accorded with the Council's emerging draft plan and policy STP1 that housing would add to the vitality of rural areas and support services in neighbouring villages.
- She hoped that the officer's recommendation to approve planning permission would be supported.

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

- The site lies within the smaller village of Thornley Gate as identified in Tynedale Core Strategy Policy H3. Whilst the site does not have ready access to services in Thornley Gate, the NPPF is clear that development in one settlement can support services in another nearby. In this case, the site is close to Allendale Village and would support services there. The principle of development is also acceptable under the Allendale NP policies
- The issue regarding the access road and covenants contained within transfer deeds was immaterial to consideration of the planning application which considered the engineering perspective. The grant of planning permission did not confer a right to use the access road. However, officers have ensured that the applicant has served the correct notices.
- The policies applicable now would be different from policies in force when a previous application was refused in 1989.
- There was no specific policy which specified distances between a garden and a window which overlooked the garden these normally relate to facing elevations of buildings. There was no specific policy which specified the distance between proposed buildings and existing gardens. However, there was existing screening between the two properties which are separated by a road.

Councillor Hutchinson proposed acceptance of the officer's recommendation to approve the application with the conditions contained within the report which was seconded by Councillor Stewart.

The Local Member made reference to compliance with policies within the Allendale Neighbourhood Plan, and whilst sympathising with residents who objected to the application, was unable to assist as the application was likely to be approved on appeal.

Upon being put to the vote the proposal was unanimously agreed.

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

The meeting adjourned at 4.33 pm for a short break.

(4.47 pm Councillor Dale left the meeting whilst the following item was considered.)

**97. 18/04458/FUL
(Retrospective) Application for construction of timber building for commercial breeding of rabbits and guinea pigs
Starvall, Kiln Pit Hill, Consett, Northumberland, DH8 9SB**

The Principal Planning Officer circulated at the meeting a late representation received from the Chairman of Healey Parish Council and time was allowed for Members to read it. She introduced the report with the aid of a powerpoint presentation and reported that a response had now been received from the AONB who had commented on: the relevance regarding purpose and use, the requirement for recessive colours and sought a condition seeking additional landscaping on the site.

The Principal Planning Officer also advised that condition 5 was to be updated to read:

“Details of the vehicular access shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details within three months of the date of this permission. Thereafter, the vehicular access shall be retained in accordance with the approved details.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.”

Robin Wood, agent for the applicant addressed the committee in support of the application. He made the following points:-

- This site was not subject any enforcement action and no enforcement notice had been served on the applicant.
- Notices were believed to be outstanding on various sites to the south but they were nothing to do with this applicant or application and were irrelevant to the considerations.
- The applicant started the building as he thought he had bought land with permission for a building, which proved not to be the case. He stopped building when made aware of this and only recommenced work when he received a letter from the Council’s enforcement section. This confirmed that a building used for the breeding of rabbits was considered to be agricultural use and therefore a building constructed on agricultural land for agricultural use could be supported when an application was submitted.
- An application was made in good faith based on the advice received. It was refused 7 months later on the basis that breeding rabbits was not an agricultural use.
- The Council’s initial advice was wrong.

- The agent had prepared the application for a rural business 12 months previously. No further information or amendments had been requested. The applicant had put further development of the business on hold.
- The building was to be used for the commercial breeding of rabbits and guinea pigs for sale into the pet trade. The applicant had a contract with a national pet retailer. The use was akin to many agricultural rearing enterprises found in rural areas as stated in paragraph 7.38 of the report. It needed a rural location like poultry rearing. For animal welfare reasons it could not go in an industrial area and also could not be located in a residential area.
- Local policies were out of date and inconsistent with the national framework which allowed for more than agricultural development in rural areas. This was recognised in paragraph 7.3 of the report.
- Even though there wasn't a specific policy relating to a use did not mean that it was unacceptable as there couldn't be a policy to cover every type of development e.g. horse breeding. Such cases were to be looked at on their own merits.
- Current agricultural permitted development allowed buildings up to 1000 m² without the need for planning permission. The timber building was just over 400 m² in size and had previously been used on a farm for agriculture. It was of a low level, not prominent and not visually unacceptable.
- The applicant had sought to engage with the planning system and officers. He would prefer a permanent permission as the recommendation for temporary permission did not give him certainty.
- The committee were asked to support the officer recommendation for the reasons outlined.

SUSPENSION OF STANDING ORDERS

At 5.00 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.

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

- The breeding of rabbits was not an agricultural use but could be compared with horse breeding in that if the business was demonstrated to be viable, a countryside location could be acceptable.
- Granting of permission for a temporary period of 3 years would allow the applicant to prove whether the business was valid and truly viable. The Council would wish to support existing rural businesses, where possible.
- A site visit had revealed that there were a large number of rabbits housed in the building and there would appear to be a genuine business.

- The recommendation for granting permission for a period of 3 years was personal to the applicant to allow time to ascertain whether it was viable rural business. If successful after three years, the applicant would need to submit an application for permanent permission.
- Enforcement notices related to adjacent sites and were unconnected to this site. There were no pending enforcement notices or investigations in relation to this applicant.
- What had been submitted for the current application suggested that the business was viable. A more accurate judgement would be able to be made when the business was out of the development phase and in business as usual and not reflecting the costs of startup.
- After 3 years the business case and turnover records would be reviewed by an independent valuer to assess if the business was viable.
- The applicant had a contract with a national pet retailer and the additional period would enable the applicant to build the business. There was no automatic right in a rural location.
- The animals had been seen by officers visiting the site. It was clear that the operation was on a business scale; they were not keeping a few pets.
- The approach recommended was consistent with fledgling rural businesses. If the officers had been misled or the business was not viable there would be a remedy to cease operations at the end of the three year period.
- It was considered fair that, as the applicant had invested money into the business after receiving correspondence from the Council's enforcement section regarding the use being considered as agricultural; which would be permitted, it would be appropriate to give a 3 year temporary permission which would expire on 11 December 2022.
- The building was suitable for agricultural use, although the breeding of rabbits was not an agricultural use. Whether the size of the building was appropriate for the business was yet to be determined; a smaller building might be more appropriate.
- The North Pennines AONB had now commented that, on the basis of the proposal, the use was appropriate.
- There was no record of any issues outstanding in relation to this site.
- The previous refusal had been based on a strict interpretation that the proposed use was not agricultural and therefore not justified.
- Whilst not an agricultural use, the purpose did require a stand off distance between it and other buildings.
- The 3 year temporary personal permission could not be sold on. The approach was restrictive but provided support to this particular business.
- The site was previously a field. Clarification had been provided following receipt of a complaint.
- As it was proposed that temporary permission be granted, it would be unreasonable to include conditions at this stage regarding landscaping which would require significant investment. Additional landscaping would be required if permanent permission was granted.
- A condition was proposed regarding colour treatment of the building.
- Officers had not received any intimidating treatment from the applicant.

Councillor Kennedy proposed acceptance of the officer's recommendation to approve the application with the conditions contained within the report and as amended by the officer in relation to condition no. 5. This was seconded by Councillor Stewart and was unanimously agreed.

RESOLVED that the application be **GRANTED** permission for the reasons and with the conditions as outlined in the report and the amended condition no 5:

"Details of the vehicular access shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details within three months of the date of this permission. Thereafter, the vehicular access shall be retained in accordance with the approved details.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework."

(Councillor Dale returned to the meeting).

98. 19/00630/FUL

**Retrospective: Creation of concrete hardstanding for existing helicopter landing area (amended description)
Land West of Doddend Quarry, Allendale, Northumberland**

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

- The recommendation be revised to read:

"Minded to approve subject to no objection to the Habitat Regulations Assessment (HRA) being received from Natural England and in accordance with the conditions as set out in the report."

Maria Ferguson, the agent, spoke in support of the application and made the following comments:-

- The application had been made at the request of Council officers following a complaint that work had been carried out without permission.
- The helicopter landing area had been in existence and use for many years. It was evident on aerial photography roughly surfaced with loose material.
- During its last use in that form, loose material had entered a helicopter engine which had caused significant damage at great cost. The pad had been deemed unsafe with the pilot refusing to land there again unless it was safely surfaced. Work had been carried out urgently as it was an existing landing area without knowing that planning permission would be required.
- The report contained details of the evidence provided regarding the historical use. The Council could not enforce against the use itself and

matters raised regarding the footpath, bird protection and frequency of use were not relevant to the application which sought to regularise the physical surface only. Those issues were present irrespective of the surface.

- The footpath would be safer as loose material could no longer be whipped up by the rotor blade movement. The pilot was responsible for ensuring the landing area was clear of people before making any manoeuvres.
- The main issue for consideration related to the ecological and visual impact of the development.
- A Habitat Regulations Assessment carried out by the Council found that the development had an acceptable impact on ecological features.
- The pad was only visible from the footpath in its immediate vicinity. The adjacent quarry and surfaced path was also visible. It was not an untouched or remote location where there were no other man made features. It could not be seen from further afield. She considered that there was no impact on the character, appearance or tranquility of the wider AONB itself.

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

- An informative could be included regarding signage to alert users of the public right of way regarding the proximity of the helicopter landing area, if the application was approved.
- Verbal confirmation had been received from Natural England that the HRA was acceptable, however written confirmation was required.

Councillor Stewart proposed acceptance of the recommendation that they be minded to approve the application, subject to no objection to the Habitat Regulations Assessment being received from Natural England, and in accordance with the conditions as set out in the report. This was seconded by Councillor Hutchinson and was unanimously agreed.

RESOLVED that the application be **MINDED TO GRANT** permission for the reasons and with the conditions as outlined in the report, subject to no objection to the Habitat Regulations Assessment being received from Natural England.

99. 19/00621/FUL
Demolition of existing single storey attached cottage and construction of one and a half detached cottage
Annexe, Kirkholmedale, Lantys Lonnen, Haltwhistle, Northumberland,
NE49 0HQ

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

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

- The principal of building a new detached dwelling on employment land was not permitted. There was a shortfall of employment land in the county. If planning permission was granted for a separate residential dwelling it could sterilise the rest of the employment site if there was noise.
- Whilst the applicant was the owner and occupier of the house and adjacent unit, they could not restrict future occupants of the new dwelling who might be affected by noise from the industrial units.
- Public protection would be duty bound to investigate a complaint regarding a statutory noise nuisance.
- A new application has been submitted for an annexe to the existing dwelling.

Councillor Sharp confirmed he had not predetermined the matter and had not participated in the debate when the planning application had been considered by Haltwhistle Town Council. He proposed that a site visit be held as he did not think the new building would affect the employment land. As this was not seconded, the motion fell.

Councillor Hutchinson proposed acceptance of the officer's recommendation to refuse the application for the reasons set out in the officer's report which was seconded by Councillor Stewart.

Upon being put the vote the results were as follows:- **FOR: 11; AGAINST: 0; ABSTENTIONS: 1.**

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

100. 19/02370/FUL

**Change of use of industrial unit from B1 (Business) to D2 (Assembly and Leisure) for use as personal training studio
Tynedale House Clearances, 26A Haugh Lane Industrial Estate, Hexham, Northumberland, NE46 3PU**

The Principal Planning Officer introduced the report with the aid of a powerpoint presentation. She requested that the recommendation be amended to give temporary consent and requested the inclusion of the following additional condition:

“07. Temporary Permission

The development to which this permission relates is granted for a temporary period expiring on 11th December 2022, after which the use shall cease and all operational development associated with the building/use shall be removed from the site and the building restored to its former condition no later than one month from that date.

Reason: The use is not considered to be suitable for permanent retention in this location in accordance with the National Planning Policy Framework and saved policies ED1 and ED5 of the Tynedale Local Plan.”

The Director of Planning explained that the Regeneration Team when consulted had advised that current demand for units on this site was low and there were a number of vacancies on the business park, temporary permission for 3 years would enable the applicant to determine whether the business was viable and whether they may wish to move into a larger unit, with low capital expenditure, would enable the unit to be occupied in the intervening period and allow time for the impact of the Borderlands deal to generate interest in the business park.

In answer to questions from Members, it was confirmed that:-

- The business would employ 1 member of staff.
- Whilst the applicant had included information regarding opening hours, it was not proposed that the hours of operation be limited given the location.
- Use of the building as a personal training studio would not require large capital expenditure on multiple pieces of equipment or machines.
- The applicant would be permitted to play music or the radio, however condition no. 3 prevented the amplification of speech or music within the premises.

Councillor Sharp proposed acceptance of the recommendation to approve the application subject to the conditions contained in the officer’s report and the additional condition 07 regarding temporary permission for 3 years. This was seconded by Councillor Cessford and unanimously agreed.

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

“07. Temporary Permission

The development to which this permission relates is granted for a temporary period expiring on 11th December 2022, after which the use shall cease and all operational development associated with the building/use shall be removed from the site and the building restored to its former condition no later than one month from that date.

Reason: The use is not considered to be suitable for permanent retention in this location in accordance with the National Planning Policy Framework and saved policies ED1 and ED5 of the Tynedale Local Plan.”

101. 19/03810/CCD
Construction of new track and widening of access onto highway
Land Strip between Waite Farm House and West Rattenraw, Haydon
Bridge, Northumberland

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

Councillor Sharp proposed acceptance of the officer's recommendation to approve the application which was seconded by Councillor Stewart and unanimously agreed.

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

(Councillor Sharp left the meeting whilst the following item was considered.)

102. 19/01951/FUL
Construction of single storey dwelling and alterations to parking and
access arrangements
Riding Farm, Riding Mill, Northumberland, NE44 6HW

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

Keith Butler, the agent, spoke in support of the application. He raised the following points:-

- The reasons for refusal and Members comments had been taken into consideration with the proposal for a single bungalow with this application.
- The design reflected a single storey courtyard arrangement commonly found in farm buildings. They did not consider it to be less incongruous or less appropriate as there were single storey dwellings within the Riding Grange development.
- There was significant amenity space around the whole of the bungalow. Some of the dimensions quoted in the report were not correct. It was a two bedroomed bungalow and would not require the same amount of amenity space required by a large family home.
- Windows had been carefully located and use of obscured glazing in bathrooms would mean that there would be no direct overlooking of Listed Buildings. The proposed dwelling was also located further away from 1 Riding Grange than the hay shed. It would also have a lesser impact than a two storey dwelling or a new hay or straw shed in the previous location.
- This application significantly reduced any adverse impact upon 1 Riding Grange or the Listed Building.
- The Planning Inspector confirmed that the construction of the Riding Grange Estate and impact on the Listed Building would have been considered under Listed Building Legislation. This was contrary to what

the Committee had been informed at the last meeting. They could have looked upon the application differently.

- Riding Farm was not the most prominent feature viewed when approaching Riding Mill from the West. This was the two storey dwellings facing West at Riding Grange.
- The farm buildings and yard were already severed from the farmland by the adopted road to Riding Grange, amenity planting and a wall. The new dwelling would not sever any remaining link.
- Any adverse impact of the proposed bungalow would be significantly less than the impact from the construction of Riding Grange.
- The housing site allocation for the site had been removed. There had been no objections to the site at the Regulation 18 consultation. Planning policy had felt the site offered an opportunity for redevelopment within the settlement through new build and sensitive conversion of the existing Grade II listed building with an indicative capacity of 8 dwellings.
- The Regulation 18 consultation noted that it was unlikely to accommodate more than 4 units. Therefore in accordance with PPG it could not carry a site allocation in the local plan.
- Planning policy were supportive of new build on the site as it would contribute to the windfall housing requirement in the plan. There was a shortage of housing sites in the area not addressed by current allocations being examined at Inquiry.
- Whilst the Planning Inspector had dismissed the original application at appeal, this was fundamentally a different application which had addressed the original reasons for refusal.
- A similar appeal had been allowed in Morpeth the previous week as the Inspector had not considered there to be any impact upon adjacent Listed Buildings or the Morpeth Conservation Area. Comparison could also be made with the Prospect House approval and applications considered earlier in the meeting.
- The proposed dwelling was supported by the Parish Council and all statutory consultees with the exception of the Building Conservation Officer.
- Members were requested to support the application.

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

- The proposed dwelling would harm the setting of the Listed Building although not physically impinging on the building. It would harm the reasons why the buildings had been listed.
- The use of the land had been tested with a previous application and appeal decision and was found to be unacceptable in principle for new residential development.
- The Planning Inspector had concurred with the reasons for the previous refusal with regard to the impact on the setting of the Listed Buildings. The changes in this application did not overcome the reasons the Inspector dismissed the appeal.

- The planning policy process was separate to consideration of this application.
- There would be 8 metres distance between the bungalow and the Listed Building and 3 metres between the offshoot. It would be closer than 10 metres in the previous application which had included rear gardens.
- Whilst this was a smaller building, the Planning Inspector had concluded that the principle of development on the site was not appropriate and officers considered that the revised scheme was actually more detrimental than the original.
- It was clarified that impact on Heritage Assets could be no harm, less than substantial harm or substantial harm. In this case the harm on the setting of the Listed Building had been assessed as less than substantial harm, and there were not sufficient public benefits to outweigh this.
- Whilst potential land allocations had been debated, this did not automatically guarantee that planning permission would be granted. The deliverability of this site had been tested and the recommendation reflected the reasons for the previous approval and the decision of the Planning Inspector. The proposals did not address the issues in the appeal decision.

Councillor Hutchinson proposed acceptance of the officer’s recommendation to refuse the application for the reasons contained within the report which was seconded by Councillor Quinn.

Upon being put the vote the results were as follows:- **FOR: 9; AGAINST: 1; ABSTENTIONS: 1.**

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

(Councillor Sharp returned to the meeting.)

103. 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 C).

RESOLVED that the report be noted.

104. DATE OF NEXT MEETING

The next meeting would be held on Tuesday 14 January 2020 at Hexham House, Gilesgate, Hexham at 4.00 p.m.

CHAIR _____

DATE _____