

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 February 2020 at 4.00 p.m.

PRESENT

Councillor G Stewart
(Chair, in the Chair for agenda items 125 - 128)

(Planning Vice-Chair Councillor R Gibson in the chair for items 129 - 135)

MEMBERS

T Cessford
A Dale
N Oliver (no.s 125 - 131)
K Quinn

JR Riddle
A Sharp
KG Stow

OFFICERS

K Blyth
D Brookes
R O'Farrell

C Hall
M Haworth
N Masson
M Patrick

N Snowdon

N Turnbull

Principal Planning Officer
Infrastructure Records Manager
Interim Executive Director of
Regeneration, Commercial and
Economy
Planning Technician
Planning Officer
Principal Solicitor
Principal Highways Development
Management Officer
Principal Programme Officer
(Highways Improvement)
Democratic Services Officer

ALSO PRESENT

6 members of the public
1 member of the press

125. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Homer, Horncastle and Hutchinson.

Ch.'s Initials.....

126. MINUTES

RESOLVED that the minutes of the meeting of Tynedale Local Area Council held on 14 January 2020, as circulated, be confirmed as a true record and signed by the Chair.

127. DISCLOSURES OF MEMBERS' INTERESTS

Councillor Sharp declared an interest in the Rights of Way item in the Parish of Healey as the applicant and himself were employed by the same employer and he would leave the meeting whilst the item was considered.

Councillor Dale declared an interest in the Rights of Way item in the Parish of Healey as she knew the landowner and would leave the meeting whilst the item was considered.

128. LOCAL TRANSPORT PLAN PROGRAMME 2020-21

The Local Area Council received a report which set out the draft Local Transport Plan (LTP) programme for 2020-21 for consideration and comment prior to final approval of the programme. (A copy of the report is enclosed with the minutes as Appendix A).

The Principal Programme Officer (Highways Improvement) highlighted the following points:

- Following the 'climate emergency' declaration, the format of the LTP programme had been revised and now addressed improvements and maintenance schemes across 4 key areas: Walking and Cycling; Safety; Roads; and Bridges, Structures and Landslips.
- The grant allocation from the Department of Transport was expected to be £18.6 million based on indicative settlement figures and was due to be confirmed by 31 March 2020.
- Information regarding road safety schemes were included with 'Traffic Management Safety Schemes' and were not identified individually. A copy of a letter identifying schemes to be considered would be recirculated to members.

Members made the following comments:

- A further £15 million had been allocated for improvements to footpaths, 'U' and 'C' classified roads in addition to the £100 million already set aside for improvements to the road network. Letters had been sent to all Councillors to request nominations of urgent schemes.
- A bid would be made for additional funds following the Government's recent statement regarding provision of £5 billion to improve bus services and cycle lanes. It was hoped that announcements regarding further

funding streams would be forthcoming and bids for extra assistance in Northumberland would be made.

- It was costly to install even small stretches of cycle paths.
- It would be useful to obtain school transport plans when considering proposals for school schemes.
- Maintenance continued to be a concern and this should be prioritised to prevent further deterioration of pavements and roads across the network e.g moss on pavements needed to be removed, upkeep on drains and ditches continued. Councillors were requested to report any issues of concern, such as blocked drains, water pooling on roads, in order that these could be addressed.
- Drainage had been recognised as a maintenance priority and funding had been increased from £50,000 to £0.75 million.
- Improvements to the Council's website was to be made to make it easier for members of the public to report issues.

A number of Councillors queried the status or asked for a review of schemes in the following locations:

- Footpaths alongside the A695.
- Ditches alongside the A68.
- Reopening of Gilsland station.

The Principal Programme Officer (Highways Improvement) reported that all Members, Towns and Parish Councils would be given feedback in May 2020 regarding schemes they had identified for their areas.

The Chair and members thanked officers for the new report format which was easy to understand. Members were encouraged to contact officers or portfolio holders with any queries.

RESOLVED that the report be received.

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.

RIGHTS OF WAY

(4.05 pm Councillors Sharp and Dale left the meeting whilst the following item was considered).

**129. REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY
ALLEGED RESTRICTED BYWAY NO 17
PARISH OF HEALEY**

David Brookes, Infrastructure Records Manager, introduced the report in which the Local Area Council was asked to give consideration to all the relevant evidence gathered in support and rebuttal of a proposal to upgrade to restricted byway existing Parish of Healey Public Footpath No 6 from the C270 immediately east of Lane Head Cottage in a general north-easterly direction passing to the east of Healey Hall and west of Corf Gate, to join the U8099 road 90 metres south-west of the Old Vicarage. (A copy of the report is enclosed with the minutes as Appendix B).

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

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

(4.39 pm Councillors Sharp and Dale returned to the meeting).

DEVELOPMENT CONTROL

130. 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 C.)

RESOLVED that the report be noted.

**131. 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 Planning Officer introduced the report with the aid of a powerpoint presentation. The application had been deferred at the meeting on 12

November 2019 in order for a site visit to be held. The proposals had been amended with changes to the orientation of the properties and now proposed access via Greengate Lane to reflect the comments and concerns raised at the previous meeting.

Kevan Stronach spoke against the application and highlighted the following:-

- The changes regarding orientation of the properties and access via Greengate Lane were welcomed.
- Any conveyancing documentation should include conditions regarding access and parking via Greengate Lane for residents and visitors to properties on the proposed development.
- It would be preferable if traffic on Greengate Lane could pass safely in both directions at once and that some foot path provision be provided.
- Objections throughout had related to the density and design of the development and the accuracy of plans submitted. The space was not large enough for 6 properties following a comparison of measurements of plots against the site plan.
- Clarification had not been provided in response to queries in relation to the 4 property rule relating to access from an unadopted road, except to state that it no longer applied and to refer to the Manual for Streets. The last two significant developments in the village had 4 or less properties accessed from an unadopted road and therefore any development should be of no more than 4 properties.
- The plots were to be located on a significant slope and it was not clear how this was to be dealt with. The side elevation plans appeared to show the houses on flat land. If the ground level was to be raised to achieve that, then the roof line of the properties would be significantly higher than was stated and would create a far denser development. Permission should not be granted until the above issues were addressed and clarified. A simpler solution would be to move the development South where the area was larger and flatter.
- Paragraph 11.9 of the Manual for Streets makes it clear that unadopted communal areas will need to be managed and maintained. This applied equally to the areas sited on or around the access road and the farmyard to the North. The farmyard would have increased footfall due to residents placing and retrieving refuse bins, visitors, local authority staff, emergency services and fuel suppliers entering the area. Gravel proposed for the access road would be dispersed by vehicles and weather over time and would require relaying. Residents could be left to deal with potentially significant maintenance issues as no information had been provided by the developer regarding maintenance.
- Could the refuse be stored adjacent to the junction of the access road and Greengate Lane rather than next to the Old Chapel.
- The positioning of plot 1 was now significantly closer to the existing property Morning View than was originally suggested. The planning report was incorrect as it failed to state that Morning View had ground floor patio doors to its side elevation facing plot 1 and its privacy would be affected.

Nick Sayer, the applicant spoke in support of the application and made the following points:

- Detailed discussions had been held with the Planning Officer and a Highways Development officer following the comments made at the meeting on 12 November 2019 by the Parish Council and local residents. This had resulted in a new scheme with vehicular access off Greengate Lane.
- He had revised the scheme to appease the local community but questioned whether they would be satisfied with any proposals for development on the land. They could have jointly purchased the land to control what happened.
- This and the previous scheme had been scrutinised by officers in Planning, Highways, Conservation, Environmental Health and had been recommended for approval. Comments made by the Parish Council and local residents had been taken into account and had not formed a reason to refuse the application.
- Issues regarding repairs to the access and shared drive area were not relevant to the planning application.
- The drawings were to scale as confirmed in paragraph 7.9 of the report. They had been measured against the Council's GIS systems and the scale had been found to be correct. Unless an individual had a calibrated printer to print drawings, they would be printed to suit the paper size chosen. Inclusion of a scale bar on all drawings ensured that they could be interpreted.
- Permanent bin stores were provided within the gardens of the dwellings and therefore the temporary bin store area was for use on bin collection days for a short period. A number of residents bins had been located in the shared drive area during the site visit and he presumed that this was acceptable as a temporary bin storage area.
- Outline permission had been granted for a development of 6 no. 4 bedroom semi-detached dwellings which had been reduced to 3 bedroom dwellings under the current proposal.
- The proposed development was sustainable as it would add to the visual amenity and provide affordable housing, enabling local people to obtain a home in the village. Many village properties were holiday homes or too expensive for locals to purchase which meant that local people had to move away from the village to find housing that they could afford. This development would ensure that six local families would be able to find affordable housing.

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

- Officers worked using a paperless system; the measurements had been rechecked and were correct. The Public Access system had been set up for documents to be viewed digitally. A sample plan printed on A3 paper was 'short' as the scale did not appear correct.

- The 4 property rule had been implemented by the utility companies many years ago and had been replaced by subsequent guidance which permitted more than 4 properties. The proposal for 6 dwellings would not form a valid reason to refuse the application.
- The access for the previous scheme had been considered acceptable and access by residents of the new dwellings could not be prevented across the yard.
- The principle of 6 dwellings had been determined as part of the outline planning application and therefore could not be debated.
- It was a separate matter for the landowner of the shared yard to determine who was given rights of access over the area.
- This application was for reserved matters and therefore the application site area could not be extended as part of this process. If the applicant wished to revise and extend the site boundary, to build the dwellings on the flatter land to the south of the site, it would require submission of a separate application.
- On reflection by officers, it was considered that condition No. 07, which restricted vehicular access of residents from the U7062 Greengate Lane only, would be unenforceable. It was therefore recommended that it be deleted from the list of conditions and added as an informative. It was not possible to insist that the landowner include a covenant.
- Following the changes to the scheme since the application had been considered in November 2019, there was no longer vehicular access to any of the plots from the shared yard area. Pedestrian access was only provided for the movement of refuse bins.
- It was suggested that an additional condition be added regarding finished floor levels, to provide certainty as to where the dwellings would be situated on the land.

The Principal Solicitor agreed that if a condition could not be enforced, it would be more suitable for it to be included as an informative and he queried if the Planning Officer was amending her recommendation.

The Principal Planning Officer confirmed that she was recommending that Condition No. 07 be deleted from the list of conditions and instead it be included as an informative. The Committee was also recommended to include an additional condition to provide clarification regarding finished floor levels. The following wording was suggested:

“Before development commences above damp proof course details of finished floor levels from a fixed datum point shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in complete accordance with the approved details.

Reason: In order to be able to monitor the development in the interests of visual amenity in accordance with Tynedale Local Plan Policy GD2 and the National Planning Policy Framework.”

Councillor Sharp moved that the application be granted with the inclusion of Condition No. 07 and the additional condition regarding finished floor levels. This was seconded by Councillor Stewart.

Whilst some Members felt strongly that Condition No. 07 should be retained as a condition, others referred to the advice given by officers regarding enforceability and that it should be changed to an informative.

The Principal Solicitor suggested that for clarity, a separate vote should be taken as to whether Condition No.07 was retained as a condition or changed to an informative.

Councillor Oliver, therefore proposed an amendment to the motion in that the officer's recommendation be accepted, that Condition No.07 be deleted as a condition and included as an informative and that a condition be included regarding finished floor levels. This was seconded by Councillor Cessford.

The Committee voted on the proposed amendment to the motion that Condition No. 07 be deleted and included as an informative and that an additional condition be included regarding finished floor levels.

A vote was taken as follows:- **FOR: 6; AGAINST: 2; ABSTENTIONS: 1.**

The motion was, therefore, amended and a vote was then taken on the original proposal with the Condition No. 07 being deleted and included as an informative and the addition of a condition regarding finished floor levels.

The results of the vote were as follows:- **FOR: 6; AGAINST: 1; ABSTENTIONS: 2.**

RESOLVED that the application be **GRANTED** permission for the reasons and with the conditions as outlined in the report and deletion of Condition No. 07 and included as an informative and the following additional condition:

“Before development commences above damp proof course details of finished floor levels from a fixed datum point shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in complete accordance with the approved details.

Reason: In order to be able to monitor the development in the interests of visual amenity in accordance with Tynedale Local Plan Policy GD2 and the National Planning Policy Framework.”

132. 19/04489/CCD

**Form new pedestrian gateway and pathway to pre-school and erect timber fence to rear garden to form new boundary
Pre School Playgroup, Allendale County First School, Shilburn Road,
Allendale, Hexham, Northumberland, NE47 9PT**

The Vice-Chair (Planning) confirmed that the application, and application 19/04490/LBC would be presented together, however they would be voted on separately.

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

Councillor Stewart proposed acceptance of the officer recommendation to approve the application for the reasons set out in the officers report which was seconded by Councillor Cessford.

Upon being put to a 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.

133. 19/04490/LBC

**Listed Building Consent: Form new pedestrian gateway and pathway to pre-school and erect timber fence to rear garden to form new boundary
Pre School Playgroup, Allendale County First School, Shilburn Road,
Allendale, Hexham, Northumberland, NE47 9PT**

Following the application being presented jointly with 19/04489/CCD, a separate vote was then taken on the above application.

Councillor Stewart proposed acceptance of the officer recommendation to approve the application for the reasons set out in the officers report which was seconded by Councillor Cessford.

Upon being put to a 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.

134. 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).

Clarification was provided regarding the reasons for costs being awarded on a case which had been dismissed by the Planning Inspector.

RESOLVED that the report be noted.

135. DATE OF NEXT MEETING

The next meeting would be held on Tuesday 10 March 2020 at Hexham House, Gilesgate, Hexham at 4.00 p.m.

CHAIR _____

DATE _____