



# Northumberland

## County Council

Your ref:

Our ref:

Enquiries to: Lesley Little

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Tel direct: 01670 622614

Date: Monday, 12 April 2021

Dear Sir or Madam,

Your attendance is requested at a virtual meeting of the **NORTH NORTHUMBERLAND LOCAL AREA COUNCIL** to be held on **THURSDAY, 22 APRIL 2021** at **2.00 PM**.

**Please note this will be a “virtual meeting” that will be streamed live on our Youtube channel at [youtube.com/NorthumberlandTV](https://www.youtube.com/NorthumberlandTV)**

Yours faithfully

Daljit Lally  
Chief Executive

To North Northumberland Local Area Council members as follows:-

G Castle (Chair), S Bridgett (Vice-Chair), T Thorne (Vice-Chair (Planning)), T Clark, G Hill, Lawrie, A Murray, W Pattison, G Renner-Thompson, G Roughead, C Seymour and J Watson

**Any member of the press or public may view the proceedings of this virtual meeting live on our YouTube channel at <https://www.youtube.com/NorthumberlandTV>. Members of the press and public may tweet, blog etc during the live broadcast as they would be able to during a regular Committee meeting. However, the only participants in the virtual meeting will be the Councillors concerned and the officers advising the Committee.**



Daljit Lally, Chief Executive  
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## AGENDA

### PART I

It is expected that the matters included in this part of the agenda will be dealt with in public.

1. **PROCEDURE TO BE FOLLOWED AT A VIRTUAL PLANNING COMMITTEE** (Pages 1 - 2)
2. **APOLOGIES FOR ABSENCE**
3. **MINUTES** (Pages 3 - 14)

The Minutes of the North Northumberland Local Area Council, held on Thursday 18 February 2021 as circulated, to be confirmed as a true record and signed by the Chair.
4. **DISCLOSURE OF MEMBERS' INTERESTS**

Unless already entered in the Council's Register of Members' interests, members are required to disclose any personal interest (which includes any disclosable pecuniary interest) they may have in any of the items included on the agenda for the meeting in accordance with the Code of Conduct adopted by the Council on 4 July 2012, and are reminded that if they have any personal interests of a prejudicial nature (as defined under paragraph 17 of the Code Conduct) they must not participate in any discussion or vote on the matter and must leave the room. NB Any member needing clarification must contact the monitoring officer by email at [monitoringofficer@northumberland.gov.uk](mailto:monitoringofficer@northumberland.gov.uk) . Please refer to the guidance on disclosures at the rear of this agenda letter.
5. **DETERMINATION OF PLANNING APPLICATIONS** (Pages 15 - 20)

To request the committee to decide the planning applications attached to this report using the powers delegated to it.

***Please note that printed letters of objection/support are no longer circulated with the agenda but are available on the Council's website at***  
***<http://www.northumberland.gov.uk/Planning.aspx>***
6. **20/03622/FUL** (Pages 21 - 38)

**Revisions to the layout to replace 2 approved dwellings with 3 dwellings and the creation of a new plot for one dwelling (amounting to two additional dwellings on the site). Revised description. Land South Of Mereburn House, Low Wood, Swarland, Northumberland**

7. **19/04941/FUL** (Pages 39 - 48)  
**Proposal for a single bungalow dwelling. (Amended plans rec'd 27.01.2020)**  
**Land West Of Burn House, Doddington, Northumberland**
8. **PLANNING APPEALS UPDATE** (Pages 49 - 58)  
  
For Members' information to report the progress of planning appeals. This is a monthly report and relates to appeals throughout all 5 Local Area Council Planning Committee areas and covers appeals of Strategic Planning Committee.
9. **S106 AGREEMENTS UPDATE REPORT** (Pages 59 - 64)  
  
For Members' information to report the agreement monitoring and collection of s106 contributions in the planning process. This is a monthly report and relates to agreements throughout Northumberland during the previous monthly period.
10. **NEWTON COMMON - PROPOSED SCHEME OF MANAGEMENT** (Pages 65 - 74)  
  
The report provides some background with regard to a request received from Newton-by-the-Sea Parish Council for the County Council to consult upon a scheme of management under the Commons Act 1899.
11. **URGENT BUSINESS**

**IF YOU HAVE AN INTEREST AT THIS MEETING, PLEASE:**

- Declare it and give details of its nature before the matter is discussion or as soon as it becomes apparent to you.
- Complete this sheet and pass it to the Democratic Services Officer.

<b>Name (please print):</b>
<b>Meeting:</b>
<b>Date:</b>
<b>Item to which your interest relates:</b>
<b>Nature of Registerable Personal Interest i.e either disclosable pecuniary interest (as defined by Annex 2 to Code of Conduct or other interest (as defined by Annex 3 to Code of Conduct) (please give details):</b>
<b>Nature of Non-registerable Personal Interest (please give details):</b>
<b>Are you intending to withdraw from the meeting?</b>

**1. Registerable Personal Interests** – You may have a Registerable Personal Interest if the issue being discussed in the meeting:

a) relates to any Disclosable Pecuniary Interest (as defined by Annex 1 to the Code of Conduct); or

b) any other interest (as defined by Annex 2 to the Code of Conduct)

The following interests are Disclosable Pecuniary Interests if they are an interest of either you or your spouse or civil partner:

(1) Employment, Office, Companies, Profession or vocation; (2) Sponsorship; (3) Contracts with the Council; (4) Land in the County; (5) Licences in the County; (6) Corporate Tenancies with the Council; or (7) Securities - interests in Companies trading with the Council.

The following are other Registerable Personal Interests:

(1) any body of which you are a member (or in a position of general control or management) to which you are appointed or nominated by the Council; (2) any body which (i) exercises functions of a public nature or (ii) has charitable purposes or (iii) one of whose principal purpose includes the influence of public opinion or policy (including any political party or trade union) of which you are a member (or in a position of general control or management ); or (3) any person from whom you have received within the previous three years a gift or hospitality with an estimated value of more than £50 which is attributable to your position as an elected or co-opted member of the Council.

**2. Non-registerable personal interests** - You may have a non-registerable personal interest when you attend a meeting of the Council or Cabinet, or one of their committees or sub-committees, and you are, or ought reasonably to be, aware that a decision in relation to an item of business which is to be transacted might reasonably be regarded as affecting your well being or financial position, or the well being or financial position of a person described below to a greater extent than most inhabitants of the area affected by the decision.

The persons referred to above are: (a) a member of your family; (b) any person with whom you have a close association; or (c) in relation to persons described in (a) and (b), their employer, any firm in which they are a partner, or company of which they are a director or shareholder.

### **3. Non-participation in Council Business**

When you attend a meeting of the Council or Cabinet, or one of their committees or sub-committees, and you are aware that the criteria set out below are satisfied in relation to any matter to be considered, or being considered at that meeting, you must : (a) Declare that fact to the meeting; (b) Not participate (or further participate) in any discussion of the matter at the meeting; (c) Not participate in any vote (or further vote) taken on the matter at the meeting; and (d) Leave the room whilst the matter is being discussed.

The criteria for the purposes of the above paragraph are that: (a) You have a registerable or non-registerable personal interest in the matter which is such that a member of the public knowing the relevant facts would reasonably think it so significant that it is likely to prejudice your judgement of the public interest; **and either** (b) the matter will affect the financial position of yourself or one of the persons or bodies referred to above or in any of your register entries; **or** (c) the matter concerns a request for any permission, licence, consent or registration sought by yourself or any of the persons referred to above or in any of your register entries.

**This guidance is not a complete statement of the rules on declaration of interests which are contained in the Members' Code of Conduct. If in any doubt, please consult the Monitoring Officer or relevant Democratic Services Officer before the meeting.**

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## Northumberland County Council

### PROCEDURE AT VIRTUAL PLANNING COMMITTEE

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#### A Welcome from Chairman to members and those watching on the livestream

Welcome to also include reference to

- (i) Fact that meeting is being held on a virtual basis
- (ii) Members are asked to keep microphones on mute unless speaking and otherwise respect the etiquette of a remote meeting including raising a hand when they wish to speak
- (iii) The changes to the public speaking protocol to include written representations being read out by an officer (but to retain speaking by local member where applicable)

#### B Record remote attendance of members

- (i) Legal officer asks each member in alphabetical order to indicate presence at meeting
- (ii) Democratic Services Officer (DSO) to announce and record any apologies received

#### C Minutes of previous meeting and Disclosure of Members' Interests

#### D Development Control

##### APPLICATION

##### Chair

Introduces application

Site Visit Video (previously circulated) - invite members' questions

##### Planning Officer

Updates – Changes to recommendations – present report

Public written representations and speaking (local member)

Objector(s) (up to 750 words) – to be read by Officer

Local member (up to 5 mins)/ parish councillor (up to 750 words)- to be read by Officer

Applicant/Supporter (up to 750 words) – to be read by Officer

NO QUESTIONS IN RELATION TO WRITTEN REPRESENTATIONS OR OF/BY LOCAL COUNCILLOR

**Committee members' questions to Planning Officers**

Chairman to respond to raised hands of members as to whether they have any questions of the Planning Officers

**Debate (Rules)**

Proposal

Seconded

DEBATE

Again Chairman to respond to raised hand of members as to whether they wish to participate in the debate

- No speeches until proposal seconded
- Speech may not exceed 6 minutes
- Amendments to Motions
- Approve/Refuse/Defer

**Vote(by majority or Chair's casting vote)**

- (i) Planning Officer confirms and reads out wording of resolution
- (ii) Legal officer should then proceed to ask each member in turn to indicate which way they wish to vote – FOR/AGAINST/ABSTAIN (reminding members that they should abstain where they have not heard all of the consideration of the application)



## NORTHUMBERLAND COUNTY COUNCIL

### NORTH NORTHUMBERLAND LOCAL AREA COUNCIL

At the meeting of the **North Northumberland Local Area Council** held at Remote Meeting on Thursday, 18 February 2021 at 2.00 pm.

#### PRESENT

G Castle (Chair) (in the Chair)

#### MEMBERS

S Bridgett  
A Murray  
G Renner-Thompson  
C Seymour  
J Watson

G Hill  
W Pattison  
G Roughead  
T Thorne

#### OFFICERS

G Bucknall  
M Bulman  
V Cartmell

B Hodgson

P Jones  
D Lathan  
D Rumney

J Sharp  
E Sinnamon  
N Snowdon

L Tipple  
J Turner  
M Williams

Highways Delivery Area Manager  
Solicitor  
Planning Area Manager -  
Development Management  
Neighbourhood Services Area  
Manager  
Service Director - Local Services  
Senior Environmental Health Officer  
Principal Programme Officer  
(Highways Maintenance)  
Planning Officer  
Development Service Manager  
Principal Programme Officer  
(Highways Improvement)  
Planning Officer  
Accessing Aidan Project Officer  
Team Leader - ICT Practitioner SIFA

#### 181      **PROCEDURE TO BE FOLLOWED AT A PLANNING COMMITTEE**

The procedure which would be followed for the planning items on the agenda were outlined.

**RESOLVED** that the information be noted

182 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor T Clark.

183 **DISCLOSURES OF INTEREST**

Councillor Thorne advised that he had a personal non prejudicial interest in application 20/02082/VARYCO as his family owned land and the adjacent farm to the application site.

184 **CHAIR'S ANNOUNCEMENT**

The Chair advised that at the request of Councillor Hill he had agreed that an additional item on Winter Maintenance Programme would be added to the agenda and would be discussed as item 10A. Councillor Thorne, Vice-Chair (Planning) then took the Chair for the planning items on the agenda.

185 **DETERMINATION OF PLANNING APPLICATIONS**

The report requested the Committee 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

186 **20/02082/VARYCO**

**REMOVAL OF CONDITION 8 (RESTRICTIONS OF TYPES OF FLYING) - TO ALLOW FLYING TRAINING, CIRCUITS, TOUCH-AND-GO MANOEUVRES TO TAKE PLACE AT THE SITE ON A PERMANENT BASIS.**

**VARIATION TO CONDITION 4 (CURRENT RESTRICTION IS 120 DAYS) - TO ALLOW THE NUMBER OF AIRCRAFT ARRIVALS AND DEPARTURES TO 150 DAYS PER YEAR ON A PERMANENT BASIS.**

**VARIATION TO CONDITION 5 (RESTRICTION ON TAKE OFFS AND LANDINGS) - TO INCREASE DAILY AIRCRAFT MOVEMENTS TO 50 MOVEMENTS IN A 24 HOUR PERIOD TO ACCOMMODATE FLYING TRAINING AND ADD 200 MOVEMENTS WITHIN A 24 HOUR PERIOD TO SUPPORT AIR RALLIES TO TAKE PLACE AT THE SITE ON A PERMANENT BASIS.**

**VARIATION TO CONDITION 7 (NO AIR RALLIES) - TO ALLOW THE SITE TO BE USED FOR UP TO 4 AIR RALLIES, FESTIVALS OR SIMILAR CHARITABLE ACTIVITIES PER YEAR ON A PERMANENT BASIS ON APPROVED PLANNING APPLICATION 17/03436/VARYCO (REVISED DESCRIPTION 05.08.2020).**

**POULTRY FARM, ATHEYS MOOR, LONGFRAMLINGTON, MORPETH  
NORTHUMBERLAND  
NE65 8EG**

V Cartmell, Planning Area Manager - Development Management introduced the application to the Committee with the aid of a Power Point presentation. Updates were provided as follows:

- The map shown on the Committee report was out of date, however the map shown on the presentation to the Committee was accurate.
- Condition 1 – proposed to include an additional plan to the list of approved plans. The plan shows circuit patterns in the noise sensitive areas.
- Condition 5 – proposed to add the definition of a touch and go manoeuvre. The additional sentence to be included was “The touch and go manoeuvre will be classed as two movements.”

D. Lathan, Senior Environmental Health Officer advised Members that there was a legal definition of what microlights were and this was tied to the original permission provided in 2010 which limited what could fly from the site. Details were provided on the three types of microlights. The touch and go manoeuvre would allow the aircraft to touch down on the runway and then take off again, it was an important part of training and would be classed as two movements. A circuit was a manoeuvre where the aircraft would take off and then it would fly a circuit to ensure everything was ok and then it would fly off to its destination. On approach to the airfield, the aircraft would do a circuit to see which landing strip was being used and to ensure everything was ok before coming into land. In each instance it would be a single circuit of the airfield.

Statements submitted in objection to the application from Dene House Farm and Embleton Steads were read to the Committee by L. Little, Senior Democratic Services Officer and would be filed with the signed minutes and uploaded to the Council’s website.

A statement in support of the application from Mr D Coppin was read to the Committee by J Sharp, Planning Officer and would be filed with the signed minutes and uploaded to the Council’s website.

In response to questions from the Committee the following information was provided:

- The wider public benefit had not been considered as part of the application. The main issues taken into consideration in coming to the recommendation were the impact on amenity and landscape. It was proposed that rallies would be held over 24 hours four times per year with micro pilots flying in to the airfield to raise funds for local charities and then flying back out to the respective air fields, there would be no

training flights during this time and the events would be open to the public.

- The increase of 40 movements per day to provide 50 in total had been easy to assess. The accumulative impact was well within levels at which Public Protection would be concerned. The World Health Organisation (WHO) stated that 55 decibels was the upper limit for annoyance and the predicted levels for 50 movements would be less than 50 decibels. The noise assessment had stated that it caused low harm in Framlington Park this also included the training flights and would not impact on amenity. The application had been assessed using the WHO standards and it was well below levels which would impact on amenity. The 200 movements would get closer to the 55 decibel level with 54.5 decibels at Framlington Park, but whilst it was close to the upper limit it was still below the level Public Protection would look at unless this was a daily occurrence, but these events would only be permitted on four occasions per year. With the conditions to be attached to any permission given, Public Protection were satisfied and raised no objection to the application.
- The original planning permission was submitted in 2010 and approved in 2011 however flying had already been taking place from the site under the 28 day rule, so had been going on a lot longer.
- Public Protection advised that on his system within the last 5 or 6 years it showed there had been 2 temporary event notices and no complaints found on that system in relation to the premises.
- It was clarified that the view of officers was that the proposed changes did not give rise to significant effects on the environment and would not require an Environmental Impact Assessment to be undertaken.
- The micro lights would be powered by liquid fuel, either kerosene or petrol, however the effects of these, due to the size, would not impact on air quality.

Councillor Castle proposed acceptance of the Officer's recommendation to approve the application with the conditions as outlined in the report and amended above, which was seconded by Councillor Hill.

Members understood some of the concerns which had been put forward from the objectors, however considered that the micro light centre had been in the area for a long period of time and with the conditions would not have a significant impact. In respect of a suggestion made to allow the application for the period of 12 months and then have a review, Members were advised that a reason for this would need to be provided and exactly what was to be achieved at the end of this time would also need to be identified. Due diligence had been undertaken by officers in relation to noise with modelling undertaken based on a worst case scenario and conditions to be attached to any permission given. If there was a problem in relation to noise identified during the operation of the site in breach of the conditions then enforcement action could be taken.

A vote was taken on the proposal to approve the application and it was unanimously

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

187    **20/03155/FUL**  
**6NO. TOURISM UNITS WITH ASSOCIATED ACCESS, PARKING AND**  
**AMENITY SPACE**  
**LAND NORTH OF NORTH FARM, EMBLETON, ALNWICK,**  
**NORTHUMBERLAND**  
**NE66 3DX**

J Sharp, Planning Officer introduced the application to the Committee with the aid of a Power Point presentation. He advised that additional letters of support had been received which took the total to 30 and one further letter of objection had been received in addition to the objection from the Parish Council.

A statement from Embleton Parish Council was read out to the Committee by L Little, Senior Democratic Services Officer and a copy would be filed with the signed minutes and be uploaded to the Council's website.

A statement from the applicant in support of the application was read out to the Committee by V Cartmell, Planning Area Manager and a copy would be filed with the signed minutes and be uploaded to the Council's website.

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

- This application was within the AONB which required that development would conserve or enhance the special qualities of the AONB and Officers were of the opinion that the tourism benefit or any other benefit of the proposed development outweighed the harm to the AONB. A High Court decision within the last few weeks in relation to another AONB was highlighted and the great weight that the conservation and enhancement to the AONB had played in making the decision. The applicant had offered to enter into a S106 legal agreement to extinguish the existing consent for the siting of 9 caravans should this application be granted, which had been accepted, however there was no policy which would require the applicant to do this.
- The Solicitor advised that a statutory requirement of a S106 agreement was that any obligation had to be necessary in order to allow the application to be granted. If Members were minded to approve this application then it would need to be stated that the extinguishment of the approval for the 9 caravans was a requirement for this application to be granted. She also reminded Members that should they be minded to grant permission that a comprehensive set of conditions would be attached to an application of this type.

- Whilst the policies of the emerging Neighbourhood Plan had been given weight in the consideration of the application, these had not been used for reasons for refusal. Development in the open countryside had also not been used as reason for refusal. An outline of the various policies contained in the Alnwick Core Strategy and Embleton Neighbourhood Plan were provided which both supported development in open countryside which supported farming and associated farming business and allowed development outside the boundaries for sustainable tourism and leisure respectively; and Alnwick District Wide Local Plan which protected the AONB. The application site was within the extremely sensitive site of the AONB and great weight need to be given to the AONB test.
- Caravans were seen as temporary structures as opposed to the proposed tourist units which were permanent structures and therefore increased the impact on the AONB.
- The difficult balance was understood, however the NPPF helped with guidance as it was not a straight planning balance. The recent Judicial Reviews had clearly stated that the conservation and enhancement of the AONB puts it into a special category of material considerations and it was not a planning balance, this was about protecting a very narrow coastal strip where views and tranquillity were of great importance. Whilst there was an appreciation of the design put forward, the vernacular of the site was of importance and there was an existing policy related to the type of static caravans which would be expected to be sited. Due to the topography caravans would not be visible from the road, however this proposal would increase the built form. Caravans would be less intrusive on the coast and would deliver a diversification of tourism offer.
- The previous large farm structures on the site had been moved to the other side of the road and the existing farm steading was being masked by new buildings.
- Statements on the site capacity would not be made by the planning team and an applicant could come forward with any application, however the views of the AONB Officer would need to be sought and their opinion on site capacity discussed. An application to relocate the proposed buildings on the location proposed for the caravans would need to be the subject of a separate application and a decision was required on the application before the Committee today.
- Whilst it was regrettable that no response had been provided by Tourism Officers this was not a reason to hold up an application. The tourism benefits had been acknowledged however the proposed development would not conserve or enhance the AONB.
- Members had to consider whether the development of the proposed buildings would enhance or conserve the setting of the AONB and if the relinquishment the existing permission for the 9 caravans would assist with this. It was clarified that the wording of a S106 agreement would require the applicant to agree that the existing permission for the 9 caravans would not be implemented.

Councillor Bridgett proposed approval of the application subject to conditions to be agreed by the Director of Planning and Vice-Chair (Planning) and subject to a S106 agreement stating that planning application 19/00510/COU would not be implemented and to also include a contribution in respect of coastal mitigation. Councillor Bridgett stated he considered that the provision of 6 units rather than 9 caravans would have less impact on the setting of the AONB. This proposal was seconded by Councillor Renner-Thompson.

Councillors Pattison and Hill advised that they could not go against the recommendation of the Planning Officer and views of the AONB Officer and could not support the proposal to approve the application. An alternative view was provided by other Members of the Committee who considered that the provision of good quality traditional buildings would be an improvement to the provision of caravans.

A vote was taken as follows: FOR 8; AGAINST 2; ABSTENSIONS 0.

**RESOLVED** that the application be **GRANTED** subject to conditions to be agreed by the Director of Planning and Vice-Chair (Planning) and subject to a S106 agreement stating that planning application 19/00510/COU would not be implemented and which would also include a contribution in respect of coastal mitigation.

188    **20/03025/VARYCO**  
**VARIATION OF CONDITION 2 PURSUANT TO PLANNING APPROVAL**  
**16/02231/COU DUE TO MODIFICATION OF SHOP FRONT DURING**  
**WORKS (RETROSPECTIVE)**  
**69 QUEEN STREET, AMBLE, MORPETH, NORTHUMBERLAND, NE65**  
**0DA**

Councillor Murray did not take part in this application.

The application was introduced to the Committee by L Tipple with the aid of a Power Point presentation.

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

- Consideration had been given to the objection from the Building Conservation Officer. It was accepted that there would be harm, however guidance allowed that to be off set against any public benefit. Officers were of the opinion that the less than substantial harm when balanced against other public benefits was that the overall impact would not be sufficient to warrant refusal.
- The public benefits were wide ranging and included tourism, economy, keeping alive trade within the town centre, the tools available allowed these to be considered against harm. Officers were generally very firm on matters within a conservation area, however in this instance they

considered that the development was acceptable and the recommendation to approve justified.

Councillor Watson proposed refusal of the application as he considered that the variation was inappropriate. The proposed alterations would not only result in a harmful impact to the quality and design of the scheme, but also the way in which it responds to the character of the designated heritage asset - the Amble Conservation area. This was seconded by Councillor Seymour.

A vote was taken and it was unanimously

**RESOLVED** that the application was **REFUSED** as the variation was inappropriate. The proposed alterations would not only result in a harmful impact to the quality and design of the scheme, but also the way in which it responds to the character of the designated heritage asset - the Amble Conservation area.

189 **PLANNING APPEALS UPDATE**

**RESOLVED** that the information be noted.

190 **S106 AGREEMENTS UPDATE REPORT**

**RESOLVED** that the information be noted.

Councillor Castle returned to the Chair at this point advising that a 10 minute break would be held. The meeting resumed at 4.40 pm

**SUSPENSION OF STANDING ORDERS**

**RESOLVED** that Standing Orders be suspended in order to allow the meeting to continue over 3 hours.

191 **WINTER MAINTENANCE PROGRAMME**

P Jones, Service Director, Local Services advised that over the previous 10 days teams from both Highways and Neighbourhood Services had worked on a 3 shift basis for 24 hours each day during very difficult winter conditions. There had been significant snowfall and some very challenging severe weather. All operators under winter services contracts had been deployed. The focus had been to keep the primary road networks open and only when work on these had been completed work had been undertaken on secondary routes and footpaths. The primary routes with the highest footfall were prioritised with work also being undertake at Covid vaccination and testing sites. Only once these had been completed areas with steep slopes or shopping centres within the priority 2 group had been treated. Of the 218 CRM requests logged, 82 had been for the North of the County with 10 in Berwick with 28 formal requests for footpath gritting of which 3 had been in



the Berwick area. These figures did not include any direct requests to Officers.

Councillor Castle advised that he had received emails complimenting the service provided in the Alnwick area and help had been provided in response to requests in certain areas. The Town Council had worked with the County Council to agree priority routes to be gritted and this had worked well.

Councillor Hill in acknowledging the hard work undertaken by staff stated that she had received numerous complaints from residents in Berwick with residents being unable to leave their homes due to the lack of gritting of footpaths. She highlighted that the Ranger which had previously been used in Berwick had been moved to Alnwick and she had been assured that the new contractors would be able to provide an improved service, which had not been the case. Officers clarified that the Ranger was not used to clear footpaths and that the new vehicle deployed in Berwick was able to navigate the tight streets like the Ranger but the gritter capacity was four times greater which allowed improved efficiency. During the extreme weather staff within Neighbourhood Services had all been deployed on gritting footpaths, which as previously stated, included Covid vaccination and testing centres, inclines and the town centre, it was only when these areas had been cleared that the teams were able to be deployed onto gritting of other priority 2 footways, however this would not include clearing ice and snow from all footways within estates across the town as there were not the resources available to do this and work had to be prioritised to the main routes. . Councillor Hill welcomed the offer for officers to work with the Town Council to review and agree priority routes for gritting as had been done in Alnwick.

In response to a query regarding residents clearing footpaths and any possibility liability if they did so, it was clarified that the clearing of footpaths by residents was encouraged and volunteer snow wardens who did go out to do this worked well in parts of the County.

Councillor Bridgett stated that staff within his area had worked exceptionally hard and deserved credit for this. The Ranger had actually been out of action and staff had managed without this resource. He highlighted that a resident had actually gone to the local depot and abused staff for gritting as the person did not want salt to be carried into their home. He considered that this was unacceptable behaviour and thanked staff for their work and patience.

Councillor Thorne thanked all concerned for the great service within his area, however he highlighted that a stretch of road from Pauperhaugh to Embleton Terrace with a steep gradient had not been gritted. Officers would investigate this.

The Chair thanked officers advising that overall it had been a very good performance.

192 **LOCAL TRANSPORT PLAN PROGRAMME 2021-22 AND HIGHWAY  
MAINTENANCE INVESTMENT IN U AND C ROADS AND FOOTWAYS  
PROGRAMME 2021-22**

P Jones, Service Director – Local Services provided a comprehensive introduction to the report advising that the Local Transport Plan (LTP) of just over £19m had been developed following dialogue with Town and Parish Councils along with Local Ward Members. The proposed expenditure across the four key areas was as set out in the report and the highlights brought to the Members attention

In response to a query regarding the increase in potholes recently, it was explained that there had been prolonged and heaving rainfall which had saturated the network which had been followed by 10 days of very cold temperatures which had resulted in a rapid deterioration. Work to repair these would be carried out as soon as possible and Members should report any defects.

N Snowdon would be asked to contact Councillor Bridgett regarding parking improvements in Rothbury. A suggestion was made that the old railway line which could connect Morpeth to the Coquet Valley would be a fantastic safe cycling route.

In response to questions from Councillor Hill, it was confirmed that the scheme for Main Street, Spittal could possibly be extended if it proved value for money to do so and would be looked at. The Highways Inspector had been asked to look at the road beside High Cliff shops and beside the garage as had been requested and would also look at Ladywell estate.

Councillor Renner-Thompson asked that North Bank in Belford be closed to traffic until it had set during the micro-surfacing work to be undertaken. Officers confirmed that there was one hot box which was shared between all areas in the North of the County, however it might be possible that this resource be increased as a temporary measure.

Councillor Roughead highlighted in respect of cycling routes that at the LTP workshop it had been talked about a Berwick wide scheme and questioned if this was still the case and would include Spital and Tweedmouth. It was clarified that it was for the main town centres as it was commuter travel this was focussed on. The work was being led by the strategic transport team in the Directorate of Regeneration, Commercial & Economy, but it would be expected that Spital and Tweedmouth would be included within Berwick, however at this stage the routes identified were within the towns, so for example would not stretch to outer areas such as Cornhill.

Councillor Castle requested that it be ensured that works on the road from Denwick to Alnwick Garden which Colas had said they would return to correct did not take place within the busy summer tourist months.

193 **DATE OF NEXT MEETING**

The next meeting was scheduled for 2.00 pm on Thursday 18 March 2021.

CHAIR .....

DATE .....

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## Northumberland County Council

### NORTH NORTHUMBERLAND LOCAL AREA COUNCIL

DATE: 22 APRIL 2021

### DETERMINATION OF PLANNING APPLICATIONS

#### **Report of the Executive Director of Place**

**Cabinet Member:** Councillor JR Riddle

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#### **Purpose of report**

To request the Local Area Council to decide the planning applications attached to this report using the powers delegated to it.

#### **Recommendations**

The Local Area Council is recommended to consider the attached planning applications and decide them in accordance with the individual recommendations, also taking into account the advice contained in the covering report.

#### **Key issues**

Each application has its own particular set of individual issues and considerations that must be taken into account when determining the application. These are set out in the individual reports contained in the next section of this agenda.

#### **Author and Contact Details**

Report author        Rob Murfin  
Director of Planning  
01670 622542  
Rob.Murfin@northumberland.gov.uk

## **DETERMINATION OF PLANNING APPLICATIONS**

### **Introduction**

1. The following section of the agenda consists of planning applications to be determined by the North Northumberland Local Area Council in accordance with the current delegation arrangements. Any further information, observations or letters relating to any of the applications contained in this agenda and received after the date of publication of this report will be reported at the meeting.

### **The Determination of Planning and Other Applications**

2. In considering the planning and other applications, members are advised to take into account the following general principles:
  - Decision makers are to have regard to the development plan, so far as it is material to the application
  - Applications are to be determined in accordance with the development plan unless material considerations indicate otherwise
  - Applications should always be determined on their planning merits in the light of all material considerations
  - Members are reminded that recommendations in favour of giving permission must be accompanied by suitable conditions and a justification for giving permission, and that refusals of permission must be supported by clear planning reasons both of which are defensible on appeal
  - Where the Local Area Council is minded to determine an application other than in accordance with the Officer's recommendation, clear reasons should be given that can be minuted, and appropriate conditions or refusal reasons put forward
3. Planning conditions must meet 6 tests that are set down in paragraph 56 of the NPPF and meet the tests set out in Community Infrastructure Levy Regulations 2010. They must be:
  - a. necessary to make the development acceptable in planning terms;
  - b. directly related to the development; and
  - c. fairly and reasonably related in scale and kind to the development.
4. Where councillors are contemplating moving a decision contrary to officer advice, they are recommended to consider seeking advice from senior officers as to what constitute material planning considerations, and as to what might be appropriate conditions or reasons for refusal.

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## BACKGROUND PAPERS

These are listed at the end of the individual application reports.

### Implications

<b>Policy</b>	Procedures and individual recommendations are in line with policy unless otherwise stated
<b>Finance and value for money</b>	None unless stated
<b>Legal</b>	None unless stated
<b>Procurement</b>	None
<b>Human Resources</b>	None
<b>Property</b>	None
<b>Equalities</b> (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Planning applications are considered having regard to the Equality Act 2010
<b>Risk Assessment</b>	None
<b>Crime &amp; Disorder</b>	As set out in the individual reports
<b>Customer Consideration</b>	None
<b>Carbon reduction</b>	Each application will have an impact on the local environment and it has been assessed accordingly
<b>Wards</b>	All

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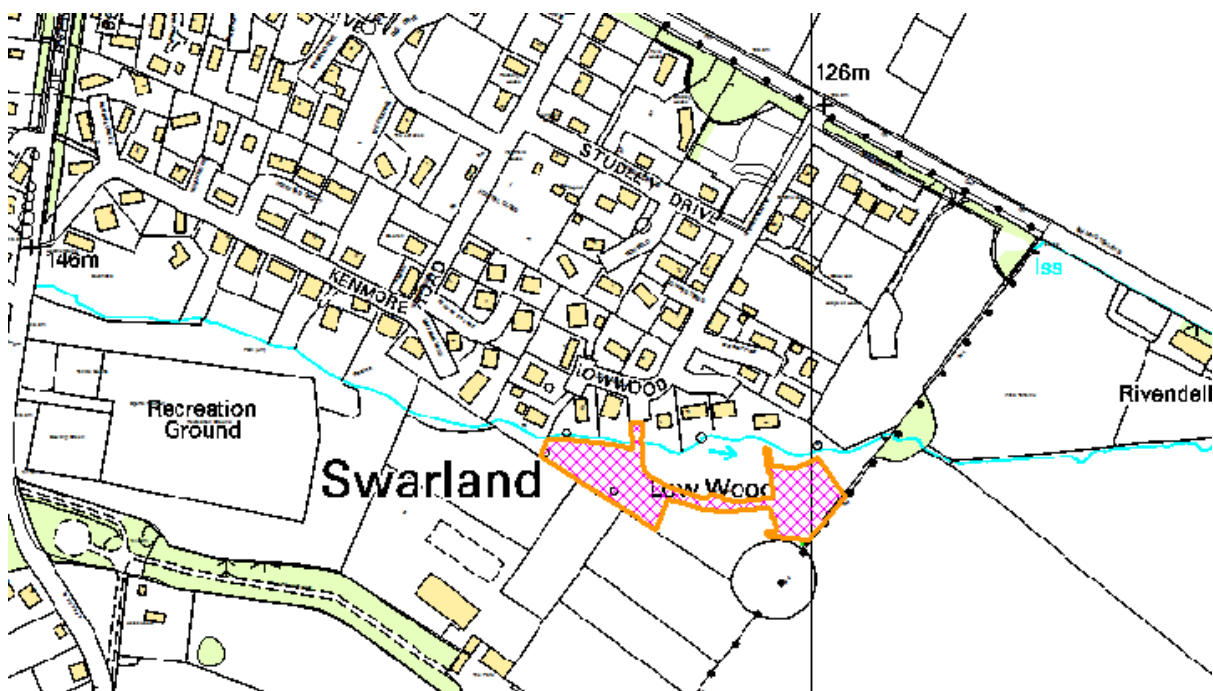
## Northumberland County Council

### NORTH NORTHUMBERLAND LOCAL AREA COUNCIL PLANNING COMMITTEE 22<sup>ND</sup> APRIL 2021

<b>Application No:</b>	20/03622/FUL		
<b>Proposal:</b>	Revisions to the layout to replace 2 approved dwellings with 3 dwellings and the creation of a new plot for one dwelling (amounting to two additional dwellings on the site). Revised description.		
<b>Site Address</b>	Land South Of Mereburn House, Low Wood, Swarland, Northumberland		
<b>Applicant/ Agent</b>	Mr David Brocklehurst C/O 12-14 , Bondgate Within, ALNWICK, NE66 1TD		
<b>Ward</b>	Shilbottle	<b>Parish</b>	Newton-on-the-Moor And Swarland
<b>Valid Date</b>	26.11.2020	<b>Expiry Date</b>	30.04.2021
<b>Case Officer Details</b>	Name: Mrs H Marron Job Title: Senior Planning Officer Tel No: 01670 625 547 Email: Haley.marron@northumberland.gov.uk		

**Recommendation:** That this application be GRANTED permission subject to a S106 Legal Agreement to secure the following obligation

- A financial contribution towards affordable housing provision off site to the sum of £40,800



## **1. Introduction**

1.1 Following an objection from the Parish Council the application was referred to the Director of Planning and the Chairs of Planning Committee where it was resolved that the application should be determined by the Planning Committee.

1.2 An outline application for 9 no. dwellings, with all matters reserved except access, was granted consent subject to conditions on 10<sup>th</sup> April 2017 - 16/04129/OUT

1.3 An application for reserved matters approval for 9n. dwellings was granted subject to conditions on 26<sup>th</sup> August 2020 - 20/01196/REM

## **2. Description of the site and the proposals**

2.1 Swarland is a small village approximately 3.9km north east of Longframlington and approximately 8.2km south of Alnwick. Swarland is identified in the Alnwick Core Strategy (ACS) as a Sustainable Village Centre and therefore suitable for appropriate new development.

2.2 The application site (site) is located on the southern boundary of Swarland and incorporates land to the south of Low Wood (Road). The site is accessed from the existing estate road of Low Wood. It is adjoined to the north by residential development with open, agricultural land to all other sides.

2.3 The site benefits from outline planning permission (16/04129/OUT) and reserved matters approval (20/01196/REM) for the construction of 9 dwellings and sustainable drainage system.

2.4 Development on the site has commenced. The access into the site including the culverting of the watercourse are under construction.

2.5 Full planning permission is now sought to specifically revise the layout of plots 8 and 9 and replace with three new dwellings creating a plot number 10. Furthermore, an additional new plot is proposed on plot 11 resulting in two additional dwellings across the site. The effect results in an increase in the number of dwellings from 9 to 11.

## **3. Planning History**

**Reference Number:** 16/04129/OUT

**Description:** Outline planning permission with all matters reserved except for access for the construction of up to 9No residential units

**Status:** Permitted 10.04.2017

**Reference Number:** 20/00176/OUT

**Description:** Outline planning permission with all matters reserved, except for access, for the construction of up to 9No residential units

**Status:** Withdrawn

**Reference Number:** 20/01196/REM

**Description:** Reserved matters application for layout, scale, appearance and landscaping of approved planning application 16/04129/OUT.

**Status:** Permitted 26.08.2020

**Reference Number:** 20/02085/DISCON

**Description:** Discharge of Conditions 5 (Construction Method Statement), 8 (Proposed Street Maintenance), 10 (Surface Water), 11 (Flood Risk), 14 (Foul Water), 15 (Mitigation Enhancement), 17 (Pollution) and 18 (Tree Landscaping) relating to planning permission 16/04129/OUT

**Status:** Split decision 05.10.2020

**Reference Number:** 20/02525/DISCON

**Description:** Discharge of Condition 6 (Highways) relating to planning permission 16/04129/OUT.

**Status:** Permitted 02.10.2021

**Reference Number:** 20/04028/DISCON

**Description:** Discharge of conditions 7 (car parking), 9 (refuse storage) and 13 (landscape planting plan) of application 16/04129/OUT

**Status:** Permitted 26.02.2021

**Reference Number:** 21/00576/NONMAT

**Description:** Non-material amendment relating to planning permission 20/01196/REM for revision to the width of the access road crossing the watercourse.

**Status:** Pending consideration

## **4. Planning Policy**

### **4.1 Development Plan Policy**

#### *Alnwick Core Strategy*

S1 Location and scale of new development

S3 Sustainability criteria

S4 The phased release of housing land

S11 Locating development to maximise accessibility and minimise impact from travel

S12 Protecting and enhancing biodiversity and geodiversity

S13 Landscape character

S15 Protecting the built and historic environment

S16 General design principles

#### *Alnwick District Wide Local Plan*

### **APPENDIX A Design and layout of new dwellings**

BE8 Design in new residential developments and extensions (and Appendix A and B)

TT5 Controlling car parking provision (and Appendix E)

## APPENDIX E Car parking standards for development

### 4.2 National Planning Policy

National Planning Policy Framework (2019)  
National Planning Practice Guidance (2019, as updated)

### 4.3 Emerging Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19)

SPT 1 Spatial Strategy  
HOU 9 Residential Development Management  
QOP 1 Design Principles (Strategic Policy)  
QOP 2 Good Design and Amenity  
QOP 5 Sustainable design and Construction  
TRA 1 Promoting Sustainable Connections (Strategic Policy)  
TRA 2 Effects of Development on the Transport Network  
TRA 4 Parking Provision in New Development  
ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)  
ENV 2 Biodiversity and geodiversity  
ENV 3 Landscape  
WAT 2 Water supply and sewerage  
WAT 4 Sustainable Drainage Systems  
POL 2 Pollution and air, soil and water quality  
POL 3 Agricultural land quality

### 4.4 Other Documents

Northumberland Landscape Character Assessment 2011  
Alnwick District Landscape Character SPD 2011  
The National Design Guide

## 5. Consultee Responses

Newton on The Moor And Swarland PC	<p>The Parish Council objects to this application for additional dwellings:</p> <p>1)The application and site: although the applicant portrays this as a minor application for 3 dwellings on part of the site, we consider it to be a significant amendment to the existing consent, and that the impact of the amended proposals should be considered in the context of the site as a whole. The Low Wood development consists of well spaced large houses. The proposed additional dwellings will form a high density housing area in the corner of the development which will spoil the overall look of the development. Plot sizes will be significantly decreased. The Parish Council challenges the need for houses of this size when we need more affordable housing in the village, and also object to 3 large houses being shoe-horned into a site originally allocated for two. This destroys the original spacious design, and increases mass and density to an unacceptable degree.</p> <p>At 2.2 of the Design and Access Statement, it is stated that access is to be "from the adopted highway of Studley Drive". The Parish Council would point out that not all of Studley Drive is adopted.</p> <p>2) Drainage: The site is well-known locally to be subject to poor drainage, and flooding. We do not believe that adequate provision was made in the original permitted application to accommodate surface water run-off, and</p>
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	<p>recent flooding of the Mere Burn in this area has already demonstrated this inadequacy. We therefore request that the County Council, in its role as the LLFA, conducts its own independent assessment of the drainage problems in this area, to assess the impact of building 2 net additional houses on this site, and to determine what appropriate mitigation measures would be required.</p> <p>3) Ecology and trees: we question the validity of the proposal 'Proposed Mere Burn buffer zone to be left undisturbed and managed to conserve the scrub and grassland mosaic', in view of the works which have already been carried out to clear this area. A stretch of this area alongside the burn has already been stripped bare of vegetation as part of the ongoing culvert works. There has been scant regard so far for riparian habitat and wildlife, and we still have some concerns about the installation of a culvert which was not in the original application and does not seem to have been adequately assessed by the Planning Dept or the LLFA.</p> <p>The Parish Council suggests that NCC ecology and flooding staff should work to arrive at a solution for this buffer zone which achieves an appropriate drainage and ecological solution. We also ask that extra care is taken to protect the roots of established trees on the site during the construction work. If this application is permitted, the Parish Council would prefer a bridge instead of the current culvert access. Flow issues with the burn caused by the culvert must be agreed before further development is allowed.</p> <p>4) Affordable housing: if this application is permitted, this will be a 11-dwelling development. We therefore request and expect that the developer will make provision for affordable housing within our parish.</p> <p><u>Additional comments (summary)</u> Following a meeting with the applicant and after considering all factors the Parish council does not support the inclusion of two extra houses into the ongoing Low Wood development. We remain concerned about a degradation of the layout and density of this executive development, as well as drainage, the lack of certainty that the use of plastic erosion matting along the burn will be avoided, culvert design, and public opinion.</p>
Lead Local Flood Authority (LLFA)	No objection, subject to conditions
North Trees And Woodland Officer	No response received.
Highways	No objection, subject to conditions
County Ecologist	No objection subject to conditions
Education	No contribution sought
Housing Enabling Team	Financial contribution towards Affordable Housing is required
Northumbrian Water Ltd	NWL confirm they have no comments to make
Environment Agency	No objections
Fire and Rescue	No objections
Northumbria Police	No response received
Northumbria Ambulance	No response received

## 6. Public Responses

### Neighbour Notification

Number of Neighbours Notified	15
Number of Objections	8
Number of Support	0
Number of General Comments	0

### Notices

General site notice, 25th February 2021  
No Press Notice Required.

### Summary of Responses:

6.1 Eight letters of objection have been received from local residents objecting to the application on the following grounds:

- amenity impacts
- design and layout
- no need for more housing
- highway safety
- heavy goods vehicles are damaging roads and wildlife
- additional dwellings will prolong the build and nuisance
- the site is a muddy mess
- where is the affordable housing
- ecology and landscaping
- drainage

In addition to the above a petition objecting to the application has been received consisting of 69no. signatures. The petition objects to the application primarily on highway safety grounds.

The above is a summary of the comments. The full written text is available on our website at:

<https://publicaccess.northumberland.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

## 7. Appraisal

7.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) states that development proposals that accord with the development plan should be approved without delay, unless material considerations indicate otherwise. This forms the basis of the NPPF's presumption in favour of sustainable development. Applications for new development should be considered in the context of this presumption in favour of sustainable development unless policies indicate otherwise or, the adverse impacts significantly and demonstrably outweigh the benefits. However, identified in paragraph 177 where a

proposal requires an Appropriate Assessment to be undertaken this presumption does not apply.

7.2 The Adopted Development Plan where the site is located, comprises the saved policies of the Alnwick District Local Plan 1997 (ADLP) and The Alnwick District local Development Framework Core Strategy 2007 (ACS).

7.3 Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications, was submitted for examination on 29 May 2019 (NLP). In accordance with Paragraph 48 of the NPPF, the policies contained within the document at this stage will carry some weight, with strategic policies carrying a greater weight. The background studies/ documents, which form the evidence base for the NLP, constitute a material consideration.

7.4 The main issues for consideration include:

- Principle of development
- Impact on character of the area
- Impact on residential amenity
- Ecology and landscaping
- Flood risk and drainage
- Highways
- Obligations

### **Principle of development**

7.5 The NPPF seeks to promote sustainable development with paragraph 11 providing the starting point against which the sustainability of a development proposal should be assessed. NPPF paragraph 8 identifies three objectives to sustainable development - an economic element, a social element and an environmental element.

7.6 The NPPF Paragraph 78 of the NPPF states that housing should be located where it will enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

7.7 Policy S1 of the ACS sets out the hierarchy of settlements to inform the location and scale of development in the former Alnwick District, it identifies Swarland as a Sustainable Village Centre. The location and scale of new development should accord with the settlement hierarchy and reflect the services present, accessibility and character of each settlement.

7.6 Policy S2 of the ACS sets out a sequential approach for development where weight is given to previously developed land or buildings before other suitable sites within the built up area of settlements. However, limited weight can be attached to this policy as the NPPF, whilst encouraging the reuse of previously developed land, does not require a sequential test for this development type.

7.7 Policy S3 of the ACS sets out sustainability criteria stipulating that development must satisfy the criteria with exceptions to compensate for sustainability shortcomings through condition/ legal agreement but also states that it may be necessary to allow development which does not meet one or more of the criteria. These include that the development is accessible to homes, jobs, shops, services, the transport network and

modes of transport other than the private car, and there is adequate existing or planned capacity in the physical and community infrastructure, or that additional capacity can be provided, as well as matters of environmental impacts.

7.8 The principle for residential development of the site has been firmly established under planning approval reference 16/04129/OUT and subsequently 20/01196/REM. It has been established that the principle of residential development in this location is acceptable having regards to ACS Policies S1, S2, S3 and the provisions of the NPPF set out above.

In the emerging Local Plan, Policy STP 1 regards Swarland as a service village where a proportionate level of housing will be provided and be the focus for investment in rural areas to support the provision and retention of local retail, services and facilities. The Emerging Local Plan has a settlement boundary for Swarland and the application site is located inside the settlement boundary and is therefore in accordance with Policy STP1. Whilst the plan is at an advanced stage, there are a number of unresolved objections to Policy STP 1 that are currently being considered through the examination process and this reduces the weight that can be given to this policy at the present time.

### **Impact on character of the area**

7.9 Paragraph 170 of the NPPF sets out that planning decisions should contribute to and enhance, the natural and local environment.

7.10 Policy S13 of the ACS seeks for all proposals for development and change to be considered against the need to protect and enhance the distinctive landscape character of the district. S16 of the ACS states that proposals should take full account of the need to protect and enhance the local environment.

7.11 The site benefits from outline planning permission (16/04129/OUT) and reserved matters approval (20/01196/REM) for the construction of 9 dwellings and sustainable drainage system.

7.12 Development on the site has commenced. The access into the site including the culverting of the watercourse are under construction. The character of the site is changing from open land to residential development.

7.14 Full planning permission is now sought to specifically revise the layout of plots 8 and 9 and replace with three new dwellings creating a new plot number 10. Furthermore, an additional new plot is proposed on plot 11 resulting in two additional dwellings across the site. The effect results in an increase in the number of dwellings from 9 to 11.

7.15 The applicant has submitted a Design and Access Statement to support the application. The house types proposed are traditional in appearance but would appear complementary to the development already approved and the existing properties on Low Wood. Existing housing to the north on Low Wood is characterised by modern large detached two storey properties on generous plots.

7.16 The new dwellings would be two storey, detached comprising stone, brick and traditional architectural detailing such as bay windows, chimneys, door surrounds and dormer windows. The concerns raised by the Parish Council and local residents



regarding the size of the plots are noted. However, all plots maintain an ample size boasting generous rear gardens. The new dwellings also maintain the broad layout of the development by fronting the main spine road. It is considered that the density of development remains appropriate to the character of the area.

7.17 In pure design terms having regards the design and layout and immediate surroundings it is considered the development respects the character of the immediate area.

7.18 Moving outwards and considering the wider character of the area, impacts will be limited as the proposals are contained within the existing development site. The additional two dwellings align with the approved development. The additional dwellings are set back from all boundaries and respect and maintain the landscape setting with the retention of trees to the boundaries and the 10m buffer to the Mere Burn. This point is discussed further in the report.

7.19 In the context above and the fact the site will be viewed in the immediate context of existing development, it is considered the proposal will not have a significant impact on the rural character and is considered to be in accord with policies S5, S13 and S16 of the ACS and the provisions of the NPPF.

### **Residential amenity**

7.20 Paragraph 127 of the NPPF states that planning decisions should f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7.21 The assessment of amenity seeks to appraise whether a development would have an adverse impact on properties nearby in terms of appearing overbearing, impacting privacy or issues arising from a proposed use.

7.21 Policy CD32 of the ALP states that permission will not be granted for development which would cause demonstrable harm to the amenity of residential areas or to the environment generally. This policy is consistent with the NPPF.

7.22 The nearest residents to be directly affected by this development are located to the north on Low Wood, on the other side of the Mere Burn. Objections from local residents are noted with many raising concerns regarding impact on their amenity.

7.33 The site benefits from planning permission for housing. It is accepted that the approved development would fundamentally impact on residents' general visual amenity because the site would change in character from a green field site to a housing development. However, it is important to consider the impact of the additional plots and revisions now proposed on the amenity of Low Wood.

7.34 Full planning permission is sought to specifically revise the layout of plots 8 and 9 and replace with three new dwellings creating a new plot number 10. Furthermore, an additional new plot is proposed on plot 11. New plot number 10 moves the development closer to residents on Low Wood. Plot 10 would sit gable on, with the rear elevations of properties on Low Wood. However, acceptable standards of separation are maintained. Usually, a separation distance of approximately 12 metres

is expected between gable and rear facing elevations. The development far exceeds this distance.

7.35 Furthermore, the development does not encroach into the approved landscaping buffer of the Burn. It is noted that landscaping in this location will assist in screening to the benefit of residents.

7.36 The additional plot on number 11 is located to the far north eastern corner of the site, where there will be limited impact on the residents of Low Wood in terms of loss of amenity.

7.37 Having regard to the above and while objections are noted, it is considered that the proposals would not have an adverse impact on the living conditions of existing residential neighbours.

7.38 In the context of the above, the proposals are in accordance with Policies CD32 of the Local Plan and the NPPF in relation to amenity.

### **Ecology and landscaping**

7.39 Paragraph 170 of the NPPF sets out that planning decisions should contribute to and enhance the local environment by d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

7.40 Policy S3 of the ACS sets out within its sustainability criteria that there should be no significant adverse effects on the environment, biodiversity and geodiversity. Policy S12 stipulates that all development proposals will be considered against the need to protect and enhance the biodiversity and geodiversity of the district.

7.41 NLP policy ENV2 and ENV3 seeks to ensure that proposals will not have an adverse impact on Biodiversity and Geodiversity and the character of the landscape. Policy QOP4(c) requires any hard and soft landscaping to be appropriate, functional and well integrated into the design of the development.

7.42 The application site carries no statutory or, non-statutory ecological designations however, it does abut the Mere Burn. An Ecological Assessment and Protected Species Survey has been submitted with this application. This reiterates that the key ecological issue relates to the Mere Burn and concludes the need for the following avoidance, mitigation and enhancement measures:-

- the retention of a 10m wide buffer to the south side of the watercourse
- the management of the retained tree groups in the north east and south east corners of the site
- the provision of bat and bird boxes
- ecological checking before development commences

7.43 The County Ecologist has no objection to the proposal because the proposals do not undermine the key measures identified above. He recommends conditions relating to the submission of a detailed landscaping proposals and compliance with the avoidance, mitigation and enhancement measures set out in the Ecological report.

7.44 Significant objection has been raised by residents and the Parish Council expressing concerns regarding the ecological impact of working practices currently on site associated with the approved development under construction – planning references 16/04129/OUT and reserved matters approval 20/01196/REM.

7.45 A number of concerns have been raised. Concerns have been raised regarding the compliance with the approved plans, adequacy of tree protection measures, silt trapping, proposed landscaping and erosion to the Mere Burn. All of these matters are subject to a separate investigation by the Planning Enforcement Team and the Council as Lead Local Flood Authority. These issues do not carry weight in the determination of the current application.

7.46 Therefore, in the context of the above, subject to conditions, the proposal will accord with policies S3 and S12 of the ACS and the provisions and intentions of the NPPF

### **Flood Risk and drainage**

7.47 Paragraph 163 of the NPPF states that when determining planning applications, LPA's should ensure that flood risk is not increased elsewhere and paragraph 165 requires that Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

7.48 NLP policies WAT 2, WAT 3 and WAT 4 seek to ensure proposals provide appropriate water supply and sewerage; demonstrate how they will minimise flood risk; and provide water sensitive design including SuDs, respectively.

7.49 Flood risk and drainage principles were considered through the outline planning application and reserved matters approval. A Drainage Statement has been submitted with this current application which concludes there is no need to make any alterations to the main drainage network or SUDS Basin based on micro drainage calculations to include the additional plots.

7.50 Consultation has taken place with the Council as Lead Local Flood Authority (LLFA), Northumbrian Water (NWL) and the Environment Agency (The EA).

7.51 In respect of surface water drainage issues, the Council as Lead Local Flood Authority have withdrawn their objection to the proposals. Following the submission of a raft of technical details to demonstrate the acceptability of the proposals the LLFA offer no objections to the application subject to conditions relating to verification of SUDS; installation of erosion protection measures and maintenance scheme for the watercourse.

7.52 Northumbrian Water have been consulted in respect of foul water drainage. They have confirmed they have no comments to make.

7.53 The Environment Agency have also raised no formal objection to this current application.

7.54 Significant objection has been raised by residents and the Parish Council expressing concerns regarding the flood risk and drainage and the impact of the proposals. Furthermore, concerns have also been raised regarding the impact on

development currently under construction on the site. Specific issues regarding the physical construction of the culvert and impact on the Mere Burn have been raised. Also, the impact of silt deposition; landscaping and erosion concerns have been raised.

7.55 The current application does not propose any alterations to the proposed culvert construction or SUDS basin. These are subject to the original approvals. The objections are noted and are subject to a separate investigation by the Planning Enforcement Team; the Council as Lead Local Flood Authority and The Environment Agency at this time.

7.56 Having regard for the above and the evidence submitted as part of the current application it is considered that the proposals are acceptable in planning terms and would accord with the NPPF Part 10.

## **Highways**

7.57 Paragraph 109 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe. ACS policy TT5 sets out the minimum parking standards required in developments.

7.58 NLP policy TRA1(a) requires all developments to have a safe and effective access and egress, with policy TRA4 requiring an appropriate level of off street parking to be provided.

7.59 Fundamental objections have been raised regarding access to the site, highways safety and traffic congestion. This application does not propose to alter the access arrangements to the site. The access remains as approved.

7.60 Full planning permission is sought to specifically revise the layout of plots 8 and 9 and replace with three new dwellings creating a new plot number 10. Furthermore, an additional new plot is proposed on plot 11. The proposal has been examined by Highways Development Management Team (HDM) which, following the submission of revised details has no objection, subject to the conditions set out in the report.

7.61 Subject to conditions the proposal is considered acceptable in highway terms and will accord with ACS policy S16, ADLP policy TT5 and the provisions of the NPPF.

## **Obligations**

7.62 The NPPF sets out that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Obligations should be kept to a minimum and must meet all of the following tests:-

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

7.63 Where a planning obligation is necessary an application acceptable in planning terms, policy S23 of the ACS seeks to ensure developers are requested to sign a legal

agreement to provide in kind/ or make contribution towards the provision or improvement of physical or social infrastructure.

### *Affordable Housing*

7.64 The site area of 0.67 hectares and is therefore major development as defined by the NPPF (2019). Having regards to the NPPF paragraph 63 the proposal triggers affordable housing provision. Notably the original approval pre-dated the current NPPF and did not require the provision of affordable housing. The comments from the Parish Council in respect of affordable housing are noted.

7.65 Policy S6 of the ACS seeks to ensure that an appropriate level of Affordable Housing (AH) is provided, to meet identified community needs.

7.66 To meet this identified need, Policy HOU6 of the NLP sets out the emerging policy position, with different affordable housing requirements based on housing viability value areas.

7.67 Evidence prepared to inform the emerging Northumberland Local Plan is a material consideration in the determination of planning applications. The Northumberland Strategic Housing Market Assessment Update (June 2018) (SHMA) provides detailed market analysis of housing needs at the County level, and across local Housing market sub-areas. It also provides up-to-date evidence of affordable housing need in Northumberland. The SHMA identifies an annual net shortfall in affordable housing across Northumberland of 151 dwellings per annum over the period 2017 to 2022, and recommends that, overall, 50% of affordable homes are provided for rent, and 50% provided as affordable home ownership products. In particular, the SHMA indicates a residual countywide affordable housing need for the period 2017-22. In the context of the evidence-based housing requirement in the emerging Northumberland Local Plan for the plan period 2016-2036, this equates to a residual need for 17% of homes on new permissions to be affordable.

7.68 The Affordable Housing Officer has advised that a financial contribution towards affordable housing provision would be appropriate in this case. Having regard to the Council's Affordable Housing Protocol and based on the valuation of the proposed four properties subject to the current application, a financial contribution to the sum of £40,800 is required. This has been agreed with the applicant. The contribution will be secured by way of S106 Legal Agreement.

### *Education*

7.69 In respect of major housing applications, issues of school capacity and the impacts of new development are considered through consultation with Education. Contributions where necessary, are sought for physical infrastructure improvements based on capacity. Issues raised during consultation are addressed in this section. Paragraph 94 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities going on to;

a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.

7.70 Education Services have been consulted and advise that a financial contribution is not required in this case.

## Equality Duty

7.71 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

## Crime and Disorder Act Implications

7.72 These proposals have no implications in relation to crime and disorder.

## Human Rights Act Implications

7.73 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.74 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.75 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

## **8. Conclusion**

8.1 The main planning considerations in determining this application have been set out and considered above stating accordance with relevant Development Plan and Emerging Plan policy.

8.2 The proposals are considered to be acceptable in principle and acceptable in planning terms having regards to all technical matters including impact on residential

amenity, character, ecology and landscaping, highway safety and flood risk management.

8.3 The representations received in response to the publicity of the application are noted and have been taken into account.

## **9. Recommendation**

Recommendation: That this application be GRANTED permission subject to a S106 Legal Agreement to secure the following obligation

- A financial contribution towards affordable housing provision off site to the sum of £40,800

### Conditions

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and documents. The approved plans and documents for this development are:-

1. SITE LOCATION PLAN
2. HOUSE TYPE - LAVENDER FLOOR PLANS AND ELEVATIONS - PROPOSED
3. HOUSE TYPE - ROSE ELEVATIONS - PROPOSED
4. HOUSE TYPE - ROSE FLOOR PLANS - PROPOSED
5. HOUSE TYPE - ROSE (V 1) FLOOR PLANS AND ELEVATIONS - PROPOSED
6. DETAILS (EXTERNAL FINISHES) - PROPOSED
7. FLOOR PLANS AND ELEVATIONS (GARAGE) - PROPOSED
8. PLANTING AND ECOLOGY MITIGATION PLAN
9. SITE (UNIT OVERLAY)
10. SITE LAYOUT - PROPOSED
11. TREE IMPACT ASSESSMENT AND PROTECTION PLAN
12. ECOLOGICAL ASSESSMENT LOW WOOD SWARLAND
13. Drainage Arrangement LW\_CK\_XX\_XX\_DR\_52\_01 C2 Produced by CK21 dated 06/08/2020
14. Microdrainage calculations dated 21/01/2021 produced by CK21
15. Technical Report Ref: 2020s0832 date July 2020 Low Wood Swarland - Hydraulic Model Produced by JBA consulting (on application 20/01196/REM)
16. External Culvert Plan And Sections Sheet 1 LW-XX-XX-DR-S-65\_52-001 Rev C4 Produced by CK021 dated 04/08/2020 (on application 20/01196/REM)
17. External Culvert Plan And Sections Sheet 2 LW-XX-XX-DR-S-65\_52-002 Rev C4 Produced by CK021 dated 04/08/2020 (on application 20/01196/REM)

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans.

03. The facing materials and finishes to be used in the construction of the development shall be in accordance with details contained in the application. The development shall not be constructed other than with these approved materials.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of Alnwick Core Strategy Policy S16.

04. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

- \* As built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc);
- \* Construction details (component drawings, materials, vegetation);
- \* Health and Safety file;
- \* Details of ownership organisation/adoption details.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non technical standards.

05. Prior to completion of the watercourse culvert, erosion prevention measures to the upstream banks of the watercourse shall be installed. Details of the installed works shall be submitted to and signed off by the local planning authority.

Reason: To provide adequate protection for riverbank erosion.

06. Prior to first occupation, maintenance regimes and adoption details of the watercourse shall be submitted to and signed off by the local planning authority.

Reason: To ensure that the watercourse will be maintained.

07. No dwellings shall be occupied until the applicant has submitted a detailed landscape planting plan including the planting of locally native trees, shrubs, grasses and wildflowers of local provenance to be agreed in writing with the Local Planning Authority and to be fully implemented during the first full planting season (November - March inclusive) following the commencement of development.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site in accordance with S12 of the Alnwick Core Strategy and Policy 29 of the Northumberland Local Plan Core Strategy.

08. No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report ('Ecological Assessment & Protected Species Survey - Land to the South of Low Wood, Swarland', Budhaig Environmental, Final 01/03/20) including, but not restricted to:-

- o Establishment of a buffer zone at least 10m wide to the south of the watercourse along the northern site boundary to be protected from damage or disturbance during development and excluded from the curtilage of the new houses and gardens in perpetuity, with the precise extent of the buffer zone and means of protection (i.e. location and type of fencing) to be agreed in writing with the Local Planning Authority before development begins. The buffer zone will be managed in accordance with a management plan approved by the LPA thereafter.
- o retention of wooded areas in the north east and south east corners of the site with long term management plans for these areas to be submitted to and agreed in writing with the Local Planning Authority before development commences.



o provision of 'built in' features for bats and swifts (i.e. bat and swift boxes/bricks/tiles) in the new buildings with types, numbers and locations to be agreed in writing with the Local Planning Authority before development begins.

o adherence to timing restrictions; adherence to precautionary working methods and Method Statement with a copy of the ecological method statement to be given to the contractors, along with an ecological induction talk by the project ecologist, before works begin.

o any trees requiring arboricultural works (e.g. pruning) to be inspected to assess any potential bat and nesting bird risk by a suitably qualified ecologist with the results of any such assessments together with any avoidance, mitigation or enhancement measures as may be required to be submitted to and agreed in writing with the Local Planning Authority before any arboricultural works begin.

o adherence to external lighting recommendations in accordance with 'Bats & Lighting in the UK' Bat Conservation Trust/Institution of Lighting Engineers, 2008.

o any deep (in excess of 300mm) excavations left open overnight to be either securely covered or provided with an earth or timber ramp not less than 300mm wide and no steeper than 45 degrees to provide an escape route for ground animals that might otherwise become entrapped.

o an updating ecological survey to be carried out in the event that development works do not commence before the end of February 2022 with the results of that survey together with any necessary modifications to avoidance, mitigation or enhancement measures to be forwarded to and agreed in writing with the Local Planning Authority before development works commence.

Reason: To maintain the favourable conservation status of protected species in accordance with S12 of the Alnwick Core Strategy and Policy 29 of the Northumberland Local Plan Core Strategy.

09. All garden boundary fences or walls will include at least one gap at the base measuring a minimum 13cm x 13cm to allow continued access through the site for hedgehog.

Reason: To maintain the population of a priority species in accordance with S12 of the Alnwick Core Strategy and Policy 29 of the Northumberland Local Plan Core Strategy.

10. Notwithstanding the details submitted, the development shall not be brought into use until the means of vehicular access secured by planning permission reference 20/02085/DISCON has been constructed in accordance with the approved details alongside the internal estate road. The dwellings shall not be occupied until the highway works have been constructed in accordance with the approved plans.

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

11. The development shall not be occupied until the car parking area indicated on the approved plans, has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

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

12. The development shall not be occupied until details of refuse management (collection) strategy for the development has been submitted to and approved in writing by the Local Planning Authority. The details shall include the arrangements for

the provision of the bins and collection of waste. The approved refuse storage facilities shall be implemented before the development is brought into use. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.

Reason: To ensure sufficient and suitable facilities are provided for the storage and collection of household waste in accordance with the National Planning Policy Framework.

### **Informatives**

INFO33 - Reminder to not store building materials or equipment on the highway  
Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.

INFO40 - Reminder to not deposit mud/ debris/rubbish on the highway  
In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway

**Background Papers:** Planning application file(s) 20/03622/FUL



## Northumberland County Council

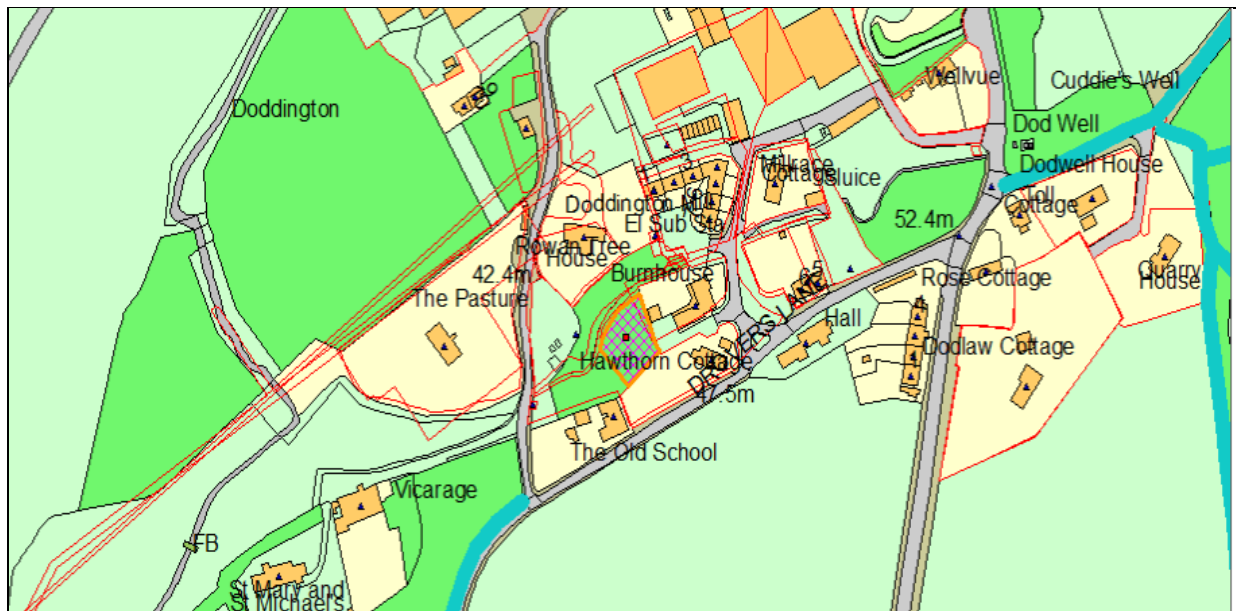
### NORTHUMBERLAND COUNTY COUNCIL

### NORTH LOCAL AREA PLANNING COMMITTEE

**22<sup>nd</sup> April 2021**

<b>Application No:</b>	19/04941/FUL		
<b>Proposal:</b>	Proposal for a single bungalow dwelling. (Amended plans rec'd 27.01.2020)		
<b>Site Address</b>	Land West Of Burn House, Doddington, Northumberland,		
<b>Applicant/ Agent</b>	Mr Kristian Forster Mallan House, Hexham, NE46 4DQ,		
<b>Ward</b>	Wooler	<b>Parish</b>	Doddington
<b>Valid Date</b>	27 January 2020	<b>Expiry Date</b>	26 February 2021
<b>Case Officer Details</b>	Name: Mr James Hudson Job Title: Planning Officer Tel No: 01670 622646 Email: James.Hudson@northumberland.gov.uk		

**Recommendation:** That this application be GRANTED permission



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## **1. Introduction**

1.1 Following an objection from the Parish Council the application was referred to the Director of Planning and the Chairs of Planning Committee where it was resolved that the application should be determined by the Planning Committee.

## **2. Description of the Proposals**

2.1 The application seeks planning permission for the construction of a single bungalow (amended plans rec'd 27.01.2020) at Land West Of Burn House, Doddington, Northumberland

2.2 The site is a small infill housing site adjacent to School House and is bounded by adjacent housing, a watercourse, School House and its gardens. The site is situated off School House, Drovers Lane Doddington with access achieved from Doddington Mill via an existing access which was originally provided for the existing plot for the application. The application is for a single bungalow oriented with views into the site and with materials to match the surrounding vernacular. Existing hedges and tree lines will be retained on site.

## **3. Planning History**

Number: N/91/B/0391/A

Description: Outline - 3 housing plots and change of use of farm buildings to 7 residential units. road detail and landscaping works - plan received 15.09.94.

Status: PER

Reference Number: N/91/B/0391/C

Description: Outline - 3 housing plots and change of use of farm buildings to 7 residential units. revision h2/09b received 07.06.95.

Status: PER

## **4. Planning Policy**

### 4.1 Development Plan Policy

Berwick-upon-Tweed Local Plan (1999):

F1 Environmental Wealth

F3 Tweed Valley, Kylee Hills, Glendale Areas of High Landscape Value

F9 Wildlife

F10 Protected Species

M14 Car Parking Standards

### 4.2 National Planning Policy

National Planning Policy Framework (2019)

National Planning Practice Guidance (2019, as updated)

### 4.3 Other Documents/Strategies

STP 1 Spatial strategy (Strategic Policy)

STP 2 Presumption in favour of sustainable development (Strategic Policy)

STP 3 Principles of sustainable development (Strategic Policy)

QOP 1 Design principles (Strategic Policy)

QOP 2 Good design and amenity

TRA 2 The effects of development on the transport network

## 5. Consultee Responses

Highways	No objections subject to condition
Northumbrian Water Ltd	No comment
Doddington Parish Council	Object and wish to see the application go before committee.
Forestry Commission	No response received.
Public Protection	Initially objected to the development on lack of information regarding water supply and foul drainage. After receiving further information PP have removed their objection subject to condition.
County Ecologist	Initially objected to the development on lack of information. After receiving further information in relation to the disposal of foul sewage NCC Ecology have removed their objection subject to condition
Natural England	Initially objected to the development on lack of information. After receiving further information in relation to the disposal of foul sewage Natural England have removed their objection.

## 6. Public Responses

### Neighbour Notification

Number of Neighbours Notified	11
Number of Objections	7
Number of Support	1
Number of General Comments	0

### Notices

General site notice, 19 February 2020

No Press Notice Required.

### Summary of Responses:

7 neighbour objection letters and 1 letter of support have been received in relation to the development. The main points raised are in relation to water supply, foul drainage, right of access, residential amenity, privacy, impact on parking and highways safety.

## 7. Appraisal

7.1 The National Planning Policy Framework (NPPF) is a material consideration and states that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the relevant development plan for this application is the Berwick-upon-Tweed Local plan (1999) (BLP) the proposed works shall be considered in the light of the saved policies of this document.

7.2 The application has been assessed against national planning policy and guidance, development plan policies, other material planning considerations and the advice of statutory consultees. The main considerations in assessing this proposal are;

- Principle of the Development
- Emerging Policy
- Scale, Design and Visual Impact
- Amenity Impact
- Ecology
- Highway Safety
- Water Supply
- Other Matters

### Principle of the Development

7.3 Policy F1 of the BLP seeks to ensure that "primary importance will be given to sustaining and enhancing the Borough's environmental wealth". Policy F3 of the same document seeks to ensure that any development, within the areas of high landscape value, accords with its surroundings, in terms of scale, mass, materials etc. and sets out locational requirements for development. Meanwhile Policy F31 seeks to ensure that, in applying Framework policies, appropriate 'weight' is given to the degree to which proposals enhance the quality of life of communities or complement the range of their social and economic functions.

7.4 The proposed bungalow represents an infill development located within the settlement of Doddington. The dwelling will be located and viewed within the context of the surrounding residential dwellings. The proposal would have access to a range of services and to public transport links and can be considered a sustainable location for small scale development. In this context it is therefore considered that the principle of the proposal is acceptable and in accordance with policy F1, F3 and F31 of the BLP and NPPF.

### Emerging Policy

7.5 The emerging Northumberland Local Plan - Publication Draft Plan (Reg 19) and proposed minor modifications (NLP) was submitted for examination on 29th May 2019. The policies contained within this document carry some weight in the determination of planning applications at this stage. Policy STP 1 of the emerging

NLP seeks to ensure that development sensitive to its surroundings, does not have an unacceptable impact upon the local road network and uses previously developed land where opportunities exist. It is considered that the proposal is broadly in accordance with this, however little weight can currently be applied to this policy.

### Scale, Design and Visual Impact

7.6 Policy F3 of the BLP sets out the criteria against which new development shall be assessed. This includes the impact on adjacent land uses in terms of scale, massing, materials, etc and sets out locational requirements for development.

7.7 Paragraph 124 of the NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.8 The site is currently a vacant undeveloped plot of land with existing trees and hedges on the boundary. The proposed dwelling would be in keeping with the surrounding vernacular both in terms of scale and design. The visual impact of the dwelling would be mitigated by its form and setting and viewed in the context of the surrounding vernacular. It is therefore in accordance with Policy F3 of the BLP and the NPPF in this respect.

7.9 Policy ENV1 of the emerging NLP states that the character and significance of Northumberland's distinctive and valued natural, historic and built environments, will be conserved, protected and enhanced by taking an ecosystem approach to understanding the significance and sensitivity of the natural resource. Meanwhile Policy ENV3 states that proposals affecting the character of the landscape will be expected to conserve and enhance important elements of that character. Policy ENV4 seeks to limit the urbanising effects on open countryside landscapes. It is considered that the proposal is broadly in accordance with this, however little weight can currently be applied to these policies.

7.10 On the basis of the above it is considered that the proposals will reflect local character and distinctiveness and would therefore be in accordance with policies F1, F3 and F31 of the BLP and the NPPF in this respect.

### Amenity

7.11 Paragraph 127 of the NPPF seeks to ensure that developments will create places with a high standard of amenity for existing and future users.

7.12 The residential properties of Burn House and Hawthorne Cottage are located approximately 20m and 30m to the east of the proposed bungalow, with The Old School property located approximately 30m to the south. Given the orientation, scale and degree of separation to nearby residential properties it is considered that there would not be any substantive impacts on amenity resulting from the proposal in terms of loss of light, outlook or privacy. As such the proposal is considered to be in accordance with the NPPF in this respect.

7.13 Policy QOP2 of the emerging NLP seeks to ensure that development would not result in unacceptable adverse impacts on the amenity of neighbouring land uses. It

is considered that the proposal is in general accordance with this, however little weight can currently be given to this policy.

### Highways

7.14 Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.15 Policy M14 of the BLP sets out parking standards for new development within the former borough.

7.16 Policy TRA2 of the emerging NLP seeks to ensure that all development will minimise any adverse impacts upon the highways network. The proposal is considered to be in accordance with this, however little weight can currently be given to this policy.

7.17 Access to the application site would be taken from an existing access at Doddington Mill. Further information was submitted at the request of the Highways Development Management Team (HDM) in regard to the site location plan including the means of site access. An updated site plan and block has been provided showing further access arrangements.

7.18 The HDM team has assessed the proposal based on the information submitted and has raised no objections, subject to the imposition of conditions requiring details of surface water disposal, refuse storage and a construction method statement. Subject to the imposition of these conditions it is considered the proposal would be acceptable and in accordance with local planning policy and the NPPF.

### Ecology

7.19 Policy F10 of the BLP permits development with conditions or binding agreements to secure the protection of species and compliance with any statutory species protection provisions which apply.

7.20 Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural environment based on detailed principles.

7.21 The County Ecologist responded to the consultation and have raised no objections subject to conditions securing biodiversity enhancement. On this basis the proposals are acceptable and in accordance with Policy F10 of the BLP and the NPPF in this respect.

7.22 Natural England had initially objected to the proposal on lack of information in regard to the disposal of foul sewage and potential impact on the nearby designated River Till SAC. Subsequently the applicant has provided further information in relation to the capacity and agreement to connect to an existing foul drainage treatment plan. Natural England have now removed their objection to the proposal.

### Public Protection

7.23 Paragraph 178 of the NPPF advises 'Planning policies and decisions should ensure that: a) a site is suitable for its proposed use taking account of ground



conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation).

7.24 NCC public protection were consulted on the application and objected to the development due to the lack of information in relation to contaminated land and private water supply. Additional information was submitted by the applicant and reviewed by the public protection team who made the following comments:

‘The applicant has indicated that the property will be supplied with water for domestic purposes from the existing Doddington Church private water supply and has provided confirmation that they have legal permission to connect to the existing supply. The Applicant has submitted a Contaminated Land Screening assessment form indicating that there is no evidence of existing or historic contamination of the site. The council is not aware of any former contaminative land uses. A ‘watching brief’ contaminated land condition is recommended.

7.25 Having assessed the proposal and comments from the NCC public protection team it is considered that the development is acceptable and in accordance with the NPPF.

#### Other Matters

7.26 The parish council objected to the application citing the development is superfluous to the housing needs of Doddington Village and matters relating to parking. Comments in relation to right of access, water supply and parking were also raised by public objectors.

7.27 Having assessed these comments it is considered that matters relating to parking and highways safety have been addressed as part of this application and NCC Highways team find the development to be acceptable subject to conditions. In regard to water supply, NCC public protection has assessed the development and have found the proposal to be acceptable – the proposal has access to an existing private foul and potable water supply. Given the nature and scale of the development it is considered to be an acceptable location in principle and in accordance with the BLP and NPPF. Comments raised with respect to the proposal being superfluous to the housing needs within Doddington are not relevant in the determination of this application and cannot be taken into consideration in the determination of the application.

#### Equality Duty

7.28 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

#### Crime and Disorder Act Implications

7.29 These proposals have no implications in relation to crime and disorder.

### Human Rights Act Implications

7.30 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.31 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.32 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

## **8. Conclusion**

8.1 The main planning considerations in determining this application have been set out and considered above stating accordance with relevant Development Plan and Emerging Policy. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

8.2 The application has addressed the main considerations and would accord with relevant policy. The proposal is therefore recommended for approval.

## **9. Recommendation**

That this application be GRANTED permission subject to the following:

### Conditions/Reason

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:-

1. Location Plan uploaded 03/02/20
2. Proposed Site Plan uploaded 03/02/20
3. Proposed floor plans and elevations drawing: AL (0)101 Rev A dated October 2019
4. Planning Statement dated 03/12/2019

Reason: To ensure the development is carried out in accordance with the approved plans.

03. If during redevelopment contamination not previously considered is identified, then an additional written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out. Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants in accordance with the NPPF

04. The development shall not be occupied until the car parking area indicated on the approved plan has been provided. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

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

05. Development shall not commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement shall, where applicable, provide for:

- i. vehicle cleaning facilities;
- ii. the parking of vehicles of site operatives and visitors;
- iii. the loading and unloading of plant and materials;
- iv. storage of plant and materials used in constructing the development

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework .

06. Prior to occupation, details of surface water drainage to manage runoff from private land have been submitted to and approved by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is occupied and thereafter maintained in accordance with the approved details.

Reason: In order to prevent surface water run off in the interests of the amenity of the area and to ensure suitable drainage has been investigated for the development and implemented, in accordance with the National Planning Policy Framework

07. The development shall not be occupied until details of refuse storage facilities and a refuse storage strategy have been submitted to and approved in writing by the Local Planning Authority. The approved refuse storage facilities shall be implemented before the development is occupied. Thereafter, the refuse storage facilities and refuse storage strategy shall operate in accordance with the approved details.

Reason: In the interests of the amenity of the surrounding area and highway safety, in accordance with the National Planning Policy Framework

08. Prior to first occupation or use of the development hereby approved a minimum of one integrated bird box and/or bat box constructed within the fabric of the new building following best practice guidance, must have been fully implemented.'

Reason: To conserve and enhance local biodiversity in line with the NPPF.

09. Notwithstanding the approved plans, no development shall take place until full details of existing and proposed ground and finished floor levels have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved details.

Reason: To ensure a satisfactory form of development in accordance with the NPPF and Policy F3 of the BLP.

**Background Papers:** Planning application file(s) 19/04941/FUL



# Northumberland County Council

## Appeal Update Report

Date: April 2021

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### Planning Appeals

**Report of the Executive Director of Regeneration, Commercial and Economy**

**Cabinet Member:** Councillor JR Riddle

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#### Purpose of report

For Members' information to report the progress of planning appeals. This is a monthly report and relates to appeals throughout all 5 Local Area Council Planning Committee areas and covers appeals of Strategic Planning Committee.

#### Recommendations

To note the contents of the report in respect of the progress of planning appeals that have been submitted to and determined by the Planning Inspectorate.

#### Link to Corporate Plan

This report is relevant to all of the priorities included in the NCC Corporate Plan 2018-2021 where identified within individual planning applications and appeals.

#### Key issues

Each planning application and associated appeal has its own particular set of individual issues and considerations that have been taken into account in their determination, which are set out within the individual application reports and appeal decisions.



# Recent Planning Appeal Decisions

## Planning Appeals Allowed (permission granted)

Reference No	Proposal and main planning considerations	Award of costs?
19/05017/OUT	<p>Outline permission for change of use of agricultural land and construction of 9 no. residential dwellings (including 22% affordable housing) - land east of Greycroft, West Thirston</p> <p>Main issues: development in the open countryside; adverse impact upon the historic character of the village; and would fail to preserve the West Thirston Conservation Area.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No

## Planning Appeals Split Decision

Reference No	Proposal and main planning considerations	Award of costs?
20/00581/VARYCO	<p>Variation of conditions 2 (approved plans) and 4 (materials) pursuant to planning permission 17/03658/FUL in order to amend the flue position (to the front) and window materials (to be UPVC) and to remove the shutters. Removal of conditions 5 (landscape planting), 8 (boundary treatments) and 9 (refuse strategy) - land south east of Lifeboat House, Haven Hill, Craster</p> <p>Main issues: design and materials are out of character with the street scene; and harm to the character and appearance of historic buildings and the Northumberland Coast AONB.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p> <p><i>N.B. The appeal is allowed in part and the planning permission Ref 17/03658/FUL is varied by deleting and substituting conditions 2 and 5, and deleting Condition 4.</i></p>	No

## Planning Appeals Dismissed (permission refused)

Reference No	Proposal and main planning considerations	Award of costs?
20/01233/VARYCO	<p>Removal of Condition 3 (holiday use) pursuant to planning permission 16/03879/COU in order to allow use as principal dwellinghouse – The Coach House, Fenwicks Close Farm, Earsdon</p> <p>Main issues: would result in an isolated home in the countryside and would not be sustainable development.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
20/01940/FUL	<p>Construction of single-storey dining room within courtyard – The Hemmel, Beal Bank, Warkworth</p> <p>Main issues: harm to the character and appearance of the existing building.</p>	No

	Delegated Decision - Officer Recommendation: Refuse	
20/01814/FUL	<p>Proposed alterations to site layout with parking changes, secure tool (and nursery materials) store position, hardstanding and size amended, new security gates and polytunnel amended – The Coop, Eachwick</p> <p>Main issues: inappropriate development in the Green Belt; store building is harmful to the rural character of the area; and fails to address concerns raised in respect of land contamination.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No

## Planning Casework Unit Referrals

Reference No	Proposal and main planning considerations	Award of costs?
None		

## Planning Appeals Received

### Appeals Received

Reference No	Description and address	Appeal start date and decision level
19/04938/FUL	<p>Resubmission of approved planning application 17/02932/FUL Erection of new building comprising of 12 self-contained 1 bedroom apartments (use class C3) for specialised independent supported living with associated external works and car parking – land between 86-90, Front Street East, Bedlington</p> <p>Main issues: appeal against non-determination due to invalid application (no fee paid).</p>	<p>29 September 2020</p> <p>Appeal against non-determination</p>
20/00395/FUL	Change of use from former garden nursery to	23 December



	<p>2 detached residential houses and associated access road – Fir Trees Nursery, Widdrington Station</p> <p>Main issues: harmful encroachment into the open countryside and rural character of the woodland plantation; lack of completed planning obligation to secure financial contribution to the Council's Coastal Mitigation Service or other alternative mitigation; and insufficient information to assess risk from ground contamination and ground gas.</p>	<p>2020</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/00716/FUL	<p>Change of use of application site to equestrian use with erection of 10no stables, paddock area and gates/fencing to site frontage – land to south of Hartford Drive, Hartford Bridge</p> <p>Main issues: harm to heritage assets that is not outweighed by public benefits; drainage; and highway safety.</p>	<p>18 January 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
18/02239/FUL	<p>Redevelopment of the former Marley Tiles Factory to provide a residential development of 105 houses (Use Class C3) with associated access, parking, landscaping and infrastructure (AMENDED description and site layout) - Marley Tile Factory, Lead Lane, Newlands</p> <p>Main issues: isolated development in the open countryside; inappropriate development in the Green Belt by virtue of causing substantial harm to the openness of the Green Belt and very special circumstances have not been demonstrated to outweigh harm; and the design of the development would be out of keeping with the character and appearance of the locality and does not deliver an appropriate form of sustainable design or development for the site.</p>	<p>27 January 2021</p> <p>Committee Decision - Officer Recommendation: Approve</p>
20/02355/LBC	<p>Listed Building Consent for replacement of ground floor window with timber glazed 6 over 6 door in west elevation – 1 Prudhoe Street, Alnwick</p> <p>Main issues: proposal would cause harm to the significance of the listed building that is</p>	<p>9 February 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

	not outweighed by public benefits.	
19/04023/FUL	<p>Listed Building Consent for proposed demolition of flat roofed single storey extension and various internal alterations, formation of new external fire escape stair and doorways, extractor chimney to kitchen and flue pipe to roof, change of use of part of building to Cafe A3 (remainder to remain office accommodation). Replacement windows and new rooflights – 1-5 Bridge Street, Berwick-upon-Tweed</p> <p>Main issues: harm to listed building that has not been demonstrated as necessary or justified. Delegated Decision - Officer Recommendation: Refuse</p>	<p>9 February 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/04024/LBC	<p>Listed Building Consent for proposed demolition of flat roofed single storey extension and various internal alterations, formation of new external fire escape stair and doorways, extractor chimney to kitchen and flue pipe to roof, change of use of part of building to Cafe A3 (remainder to remain office accommodation). Replacement windows and new rooflights – 1-5 Bridge Street, Berwick-upon-Tweed</p> <p>Main issues: harm to listed building that has not been demonstrated as necessary or justified. Delegated Decision - Officer Recommendation: Refuse</p>	<p>9 February 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/02291/FUL	<p>Retention of 4no open gazebos (retrospective) - 1 Thornbrae, Alnmouth Road, Alnwick</p> <p>Main issues: the proposal would have a significant adverse impact on residential amenity as a result of antisocial behaviour and the impacts of noise arising from the use of the proposed gazebos.</p>	<p>9 February 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/03421/CLEXIS	<p>Certificate of Lawful Development of an Existing Use for vehicular access to Pine Lodge off B6345 (resubmission of 20/00570/CLEXIS) - Pine Lodge, Old Swarland, Swarland</p> <p>Main issues: supporting information is inadequate and ambiguous to conclude that</p>	<p>2 March 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

	the development is lawful.	
20/01790/COU	<p>Change of use of land from open space to residential curtilage with the installation of a 1.8m high fence &amp; a 1.1m high Fence – land south of 32 Cuthbert Way, Collingwood Manor, Morpeth</p> <p>Main issues: adverse impact on the visual and functional amenity of the estate and surrounding area; and loss of open space/woodland that is a functional ecological habitat.</p>	<p>4 March 2021</p> <p>Committee Decision - Officer Recommendation: Refuse</p>

## Recent Enforcement Appeal Decisions

### Enforcement Appeals Allowed

Reference No	Description and address	Award of costs?
18/01344/ENDEVT	<p>Bridgend Caravan Park, Wooler</p> <p>Main issues: one Enforcement Notice appealed by three parties in respect of operational development to provide extra bases for residential static caravans with associated services</p>	No
18/00489/ENDEVT	<p>Land at Moor Farm Estate, Station Road, Stanington</p> <p>Main issues: unauthorised waste reclamation yard and siting of multiple shipping containers</p>	Yes

### Enforcement Appeals Dismissed

Reference No	Description and address	Award of costs?
18/01524/LISTED	<p>Church View, Slaley</p> <p>Main issues: solar panels installed in 2006 without planning permission - requests for removal have been unsuccessful.</p>	No
18/00033/NOAPL	<p>98 Millerfield, Acomb</p> <p>Main issues: development has been undertaken</p>	No

	based on plans refused under planning application 17/00072/FUL	
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## Enforcement Appeals Received

### Appeals Received

Reference No	Description and address	Appeal start date
18/00223/ENDEVT	Land to the West of Buildings Farm, Whittonstall, Consett, DH8 9SB  Main issues: material change of use of the land from agricultural for the siting of 4 caravans	1 February 2021
18/00223/ENDEVT	Land to the West of Buildings Farm, Whittonstall, Consett, DH8 9SB  Main issues: material change of use of the land for the siting of one caravan and the erection of fencing in excess of 2 metres in height	1 February 2021

## Inquiry and Hearing Dates

Reference No	Description and address	Inquiry/hearing date and decision level
19/00247/FUL	Construction of a publicly accessible landmark, commissioned to commemorate Queen Elizabeth II and the Commonwealth - land at Cold Law, Kirkwhelpington  Main issues: development in the open countryside which fails to recognise the intrinsic character and nature of the countryside.	Inquiry date: 9 March 2021  Committee Decision - Officer Recommendation: Approve
20/02247/FUL	Erection of a rural worker's dwelling – land south of Middle Coldcoats Equestrian Centre, Milbourne	Hearing date: 3 August 2021  Delegated

	<p>Main issues: fails to demonstrate the need for a rural worker's dwelling in the open countryside; inappropriate development in the Green Belt and there are no very special circumstances to outweigh harm; and fails to address pollution concerns with potential to affect protected species and failure to demonstrate ecological enhancement.</p>	<p>Decision - Officer Recommendation: Refuse</p>
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# Implications

<b>Policy</b>	Decisions on appeals may affect future interpretation of policy and influence policy reviews
<b>Finance and value for money</b>	There may be financial implications where costs are awarded by an Inspector or where Public Inquiries are arranged to determine appeals
<b>Legal</b>	It is expected that Legal Services will be instructed where Public Inquiries are arranged to determine appeals
<b>Procurement</b>	None
<b>Human resources</b>	None
<b>Property</b>	None
<b>Equalities</b> (Impact Assessment attached?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/a	Planning applications and appeals are considered having regard to the Equality Act 2010
<b>Risk assessment</b>	None
<b>Crime and disorder</b>	As set out in individual reports and decisions
<b>Customer consideration</b>	None
<b>Carbon reduction</b>	Each application/appeal may have an impact on the local environment and have been assessed accordingly
<b>Wards</b>	All where relevant to application site relating to the appeal

## Background papers

Planning applications and appeal decisions as identified within the report.

## Report author and contact details

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 01670 625542  
[Elizabeth.Sinnamon@northumberland.gov.uk](mailto:Elizabeth.Sinnamon@northumberland.gov.uk)



# Northumberland

## County Council

# S106 Agreements Update Report

## February 2021

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**Report of the Executive Director of Regeneration, Commercial and Economy**

**Cabinet Member:** Councillor JR Riddle

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### Purpose of report

For Members' information to report the agreement monitoring and collection of s106 contributions in the planning process. This is a monthly report and relates to agreements throughout Northumberland during the previous monthly period.

### Recommendations

To note the contents of the report in respect of agreement monitoring and collection of s106 contributions.

### Link to Corporate Plan

This report is relevant to all of the priorities included in the NCC Corporate Plan 2018-2021.

### Key issues

New email address for the S106 team

New Agreements



February	New Agreements completed
20/01764/FUL	Land East of Glen Cottage, Shilburn Road, Allendale
20/02208/FUL	South East of the Quarry, Batt House Road, Stockfield, Northumberland, NE43 7RA (January completion)
20/02717/FUL	Lane End Farm, Ashington, Northumberland, NE63 0SE
20/03111/FUL	Land East of Riversdale Surgery, 51 Woodcroft Road, Wylam,
19/04800/Ful	Ravensmount Residential Home Alnmouth Lane
20/02069/REM	Netherton Park
20/01328/varyco	Jools Laundry 1-3 Station Road Corbridge
2002311/ful	Ridge Terrace Bedlington
19/00500/ful	Dukes School Alnwick
19/05017/OUT	Land E of Greycroft West Thirston (Appeal)
2002482/ful	Fairfields Longframlington
20/00303/FUL	Land at the Drift, Cresswell, Northumberland
19/04303/FUL	Land at the White Swan, Warenford, Belford,



## Contributions Received February

Development	Type of Contribution	Amounts Received
18/04099/ful	Education	£17,400
20/02408	Coastal Mitigation	£1230
20/00303	Coastal Mitigation	£1377
19/01847	Coastal Mitigation	£600

Awards Paid Out February 2021	Project	Amount Paid
Wylam Tennis Club	New Lights	£3000

## New Email address

Any queries on anything S106 related please contact the Council's S106 team on:

[S106@northumberland.gov.uk](mailto:S106@northumberland.gov.uk)



# Implications

<b>Policy</b>	Section 106 obligations are in line with policy unless other stated in individual applications.
<b>Finance and value for money</b>	As stated on individual applications
<b>Legal</b>	Legal Services will be instructed to assist with the preparation and monitoring of the obligations
<b>Procurement</b>	None
<b>Human resources</b>	None
<b>Property</b>	None
<b>Equalities</b> (Impact Assessment attached?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/a	Each application will have regard to the Equality Act 2010
<b>Risk assessment</b>	None
<b>Crime and disorder</b>	As set out in individual reports and decisions
<b>Customer consideration</b>	None
<b>Carbon reduction</b>	As set out in individual reports and decisions
<b>Wards</b>	All

## Background papers

Planning applications and 106 Agreements

## Report author and contact details

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 Elizabeth.Sinnamon@northumberland.gov.uk

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## Northumberland County Council

### NORTH NORTHUMBERLAND LOCAL AREA COUNCIL 22nd April 2021

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#### Newton Common – Proposed Scheme of Management

#### Report of the Deputy Chief Executive

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##### **Purpose of Report:**

The purpose of this report is to provide some background with regard to a request received from Newton-by-the-Sea Parish Council for the County Council to consult upon a scheme of management under the Commons Act 1899.

##### **Recommendations:**

**It is recommended that authority be given to commence the statutory consultation process with regard to the County Council making a Scheme of Management with regard to Newton Common under the Commons Act 1899.**

##### **Key Issues:**

1. Newton-by-the-Sea Parish Council has requested that the County Council commences the statutory process to make a Commons Scheme under the Commons Act 1899. The Parish Council has indicated that it would enter into an agency agreement under s101 Local Government Act 1972 to then effectively take on any powers and duties of the County Council under the Scheme. Copies of a Scheme and Management Agreement are attached as Appendices A and B.

##### **Background:**

###### History

2. Newton Common was registered as common land under registration number CL26 on 1<sup>st</sup> October 1970 pursuant to an application dated 25<sup>th</sup> April 1968 by the then Clerk of Newton by the Sea Parish Council.
3. The common is not noted on the register of common land as having an owner, the register noting that the land is subject to protection under section 9 of the Commons Registration Act 1965. Section 9 of the Commons Registration Act 1965 was a provision in respect of 'ownerless' commons that provided that in relation to any common land registered under that section any local authority could take such steps for the protection of the land against unlawful interference as could be taken by an owner in possession of the land. This has now been repealed and replaced by s45 of the Commons Act 2006; the provisions of s45 are however similar.

4. The Parish Council have outlined that there are ongoing issues with management and use of the Common and have proposed that a Scheme of Management under the Commons Act 1899 be agreed by the County Council in its capacity as a District Council. They believe that a Scheme would provide clearer powers for management of the common. Should a Commons Scheme be made by the County Council the Parish Council would then enter into an agreement under s101 of the Local Government Act 1972 to manage the scheme on the Council's behalf. While this has not happened with any other registered commons within Northumberland this has happened with regard to other village greens within the County.

#### Statutory process

5. Should authority be given by the committee then the statutory process can commence which will involve publishing, placing on site and deposit and forwarding to any relevant parties a statutory notice of the intention to make a Commons Act Scheme. A report would then be presented to the committee setting out any representations received and next steps in the process.

#### The Legislation

6. The governing legislation, the Commons Act 1899 provides that a Scheme may be made for the regulation and management of any common with a view to the expenditure of money on the draining, levelling and improvement of the common, and to the making of byelaws and regulations for the prevention of nuisances and the preservation of order on the common. If 'notice of dissent' is received from persons representing at least one third in value of such interests in the common as are affected by the scheme the Council cannot proceed further.
7. In that regard a Scheme, once made, enables more to be done with regard to management of a common than would otherwise be the case had there not a Scheme in place.
8. Members are therefore requested to consider and resolve upon the recommendations above.

#### **Background Papers:**

Appendix A – Example Commons Act Scheme

Appendix B – Example Management Agreement

#### **Author and Contact Details:**

Report Author	Helen Lancaster – Senior Manager (01670) 623323 Helen.lancaster@northumberland.gov.uk
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**The Northumberland County Council  
Commons Scheme  
.....Order 2019**

**Commons Act 1899  
The Commons (Scheme) Regulations 1982**

**Northumberland County Council**, in exercise of the powers conferred on them by the Commons Act 1899 and the Commons (Scheme) Regulations 1992 hereby make the following Order—

1. This Order may be cited as the Northumberland County Council Commons Scheme .....Order 20.... and shall come into operation on  
\*\*\*\*\*
2. The Scheme specified in Schedule 1 shall apply to the  
.....Northumberland as more particularly delineated on  
the plan attached at Schedule 2 and registered on the Northumberland  
County Council Register of Common Land as unit number CL.....

Dated this \*\*\* day of \*\*\*\*\* 20...

The Common Seal of the Northumberland  
County Council  
was hereunto affixed in the presence of -

.....  
Duly Authorised Officer

Seal no.

## Schedule 1

### Commons Scheme

.....Northumberland

1. The piece of land together with ponds, streams, paths and roads thereon (if any), commonly known as ..... situate in the parish of ..... in the county of Northumberland and hereinafter referred to as “the Common” (registration number CL.....) as shown on a plan sealed by and attached hereto and deposited at the offices of the Northumberland County Council of County Hall, Morpeth, Northumberland NE61 2EF, hereinafter called “the Council” and thereon coloured green, being a common within the meaning of the Commons Act 1899, shall henceforth be regulated by this Scheme, and the management thereof shall be vested in the Council.
2. The Council may execute any necessary works of drainage, raising, levelling or other works for the protection and improvement of the Common, and may, for the prevention of accidents, fence any quarry, pit, pond stream or other like place on the Common, and shall preserve the turf, shrubs, trees, plants and grass thereon, and for this purpose may, for short periods, enclose by fences such portions as may require rest to revive the same, and may plant trees and shrubs for shelter or ornament and may place seats upon and light the Common, and otherwise improve the Common as a place for exercise and recreation. Save as hereinafter provided, the Council shall do nothing that may otherwise vary or alter the natural features or aspects of the Common or interfere with free access to any part thereof, and shall not erect upon the Common any shelter, pavilion, drinking fountain or other building without the consent of the person or persons entitled to use the soil of the Common and of the Secretary of State for the Environment. The Secretary of State, in giving or withholding his consent, shall have regard to the same considerations and shall, if necessary, hold the same enquiries as are directed by the Commons Act 1876 to be taken into consideration and held by the Secretary of State before forming an opinion whether an application under the Inclosure Acts 1845 to 1882 shall be acceded to or not.
3. The Council shall maintain the Common free from all encroachments and shall not permit any trespass on or partial enclosure thereof or of any part thereof.
4. The inhabitants of the neighbourhood shall have a right of free access to every part of the Common, and a privilege of playing games and of enjoying other kinds of recreation thereon, subject to any byelaws made by the Council under this Scheme.
5. *[Not Applicable]*
6. The Council may set apart for games any portion or portions of the Common as it may consider expedient and may form grounds thereon for cricket, football, tennis, bowls and other similar games, and may allow such grounds to be temporarily enclosed with any open fence, so as to prevent cattle and horses from straying thereon; but such grounds shall not be so numerous or extensive as to affect prejudicially the enjoyment of the Common as an open space or the



lawful exercise of any right of common, and shall not be so near to any dwelling-house or road as to create a nuisance or be an annoyance to the inhabitants of the house or to persons using the road.

7. The Council, may, with the consent of the person or persons entitled to the soil of the Common, and of the Secretary of State, temporarily set apart and fence such portion or portions of the Commons as it may consider expedient for the parking of motor and other vehicles, and may make charges for the use of such part as it may deem necessary and reasonable: provided that any area so set apart shall not be so near to any dwelling-house as to create a nuisance or be an annoyance to the inhabitants of the house. The Secretary of State, in giving or withholding his consent, shall have regard to the same considerations and shall, if necessary, hold the same enquiries as are directed by the Commons Act 1876 to be taken into consideration and held by the Secretary of State before forming an opinion whether an application under the Inclosure Acts 1845 to 1882 shall be acceded to or not.
8. The Council may, for the prevention of nuisances and the preservation of order on the Common, and subject to the provisions of section 10 of the Commons Act 1899, make, revoke or alter byelaws for any of the following purposes, namely –
  - (a) prohibiting any person without lawful authority from digging or taking turf, sods, gravel, sand, clay or other substance on or from the Common, and from cutting, felling or injuring any gorse, heather, timber, or other tree, shrub, brushwood or other plant growing on the Common;
  - (b) regulating the place and mode of digging and taking turf, sods, gravel, sand, clay, or other substance, and cutting, felling and taking trees or underwood on or from the Common in exercise of any right of common or other right over the Common;
  - (c) prohibiting the removal or displacement of seats, shelters, pavilions, drinking fountains, fences, notice-boards, or any works erected or maintained by the Council on the Common;
  - (d) prohibiting any person without lawful authority from killing, molesting or intentionally disturbing any animal, bird or fish or engaging in hunting, shooting or fishing or the setting of traps or nets or the laying of snares;
  - (e) prohibiting the driving, drawing or placing upon the Common or any part thereof without lawful authority of any motor vehicle, motor cycle, carriage, cart, caravan, truck or other vehicle (including any aircraft), except in the case of accident or other sufficient cause;
  - (f) prohibiting –
    - [i] the flying of any model aircraft driven by the combustion of petrol vapour or other combustible substances;
    - [ii] the taking off or (except in the case of accident or other sufficient cause) landing of any glider or any other aircraft;

- [iii] the flying of any glider or aircraft in such a manner as to be likely to cause undue interference with the enjoyment of the Common by persons lawfully on it;
  - (g) prohibiting or, in the case of a fair lawfully held, regulating the placing on the Common of any show, exhibition, swing, roundabout or other like thing;
  - (h) regulating games to be played and other means of recreation to be exercised on the Common;
  - (i) regulating assemblies of persons on the Common;
  - (j) regulating the use of any portion of the Common temporarily enclosed or set apart under this Scheme for any purpose;
  - (k) prohibiting or regulating the riding, driving, exercising or breaking in of horses without lawful authority on any part of the Common;
  - (l) prohibiting any person without lawful authority from turning out or permitting to remain on the Common any cattle, sheep or other animals;
  - (m) prohibiting any person from bathing in any pond or stream on the Common, save in accordance with the byelaws;
  - (n) prohibiting camping or the lighting of any fire;
  - (o) prohibiting or regulating any act or thing which may injure or disfigure the Common, or interfere with the use thereof by the public for the purposes of exercise and recreation;
  - (p) authorising any officer of the Council, after due warning, to remove from the Common any vehicle or animal drawn, driven or placed, or any structure erected or placed thereon in contravention of this Scheme or of any byelaw made under this Scheme;
  - (q) prohibiting any person on the Common from selling or offering or exposing for sale or letting for hire or offering or exposing for letting for hire, any commodity or article, unless in pursuance of an agreement with the Council or otherwise in the exercise of any lawful right or privilege;
  - (r) prohibiting the fixing of bills, placards or notices on trees, fences, erections or notice boards on the common;
  - (s) prohibiting the hindrance or obstruction of an officer of the Council in the exercise of his powers or duties under this Scheme or under any byelaw made thereunder.
9. Copies of all byelaws made under this Scheme shall be displayed on notice boards placed on such parts of the Common as the Council think fit.

10. Nothing in this Scheme or any byelaw made under it shall prejudice or affect any right of the person entitled as Lord of the Manor or otherwise to the soil of the Common, or of any person claiming under him, which is lawfully exercisable, in, over, under or on the soil or surface of the Common in connection with game, or with mines, minerals, or other substrata or otherwise, or prejudice or affect any right of the commoners in or over the Common, or the lawful use of any highway or thoroughfare on the Common, or affect any power or obligation to repair any such highway or thoroughfare.
11. Printed copies of this Scheme shall be available for sale at the offices of the Council for such reasonable price as the Council may from time to time determine.

DATED \_\_\_\_\_ 20...

**AGREEMENT**

To manage  
.....Northumberland

2020

1. **NORTHUMBERLAND COUNTY COUNCIL** of County Hall, Morpeth, Northumberland NE61 2EF (“the County Council”) and
2. ....**PARISH COUNCIL** of ..... (“the Parish Council”)

1. The Common Land known as....., Northumberland is registered under reference number .....by the County Council as a Common Land in accordance with the provisions of the Commons Registration Act 1965 and the Commons Act 2006 as the case may be
2. The County Council has made a Scheme under the Commons (Schemes) Regulations 1982 (SI 1982 Number 209) for this Village Green ("the Scheme").
3. A copy of the Scheme is attached to this Agreement.
4. The two Councils enter into this Agreement under the provisions of Section 101 of the Local Government Act 1972 as amended or replaced from time to time

- (1) That the Parish Council shall exercise the powers of the County Council under the Scheme
- (2) The Parish Council may exercise those powers without further reference to the County Council
- (3) The Parish Council shall take reasonable steps to ensure that its general liability cover includes the exercise of functions under this Agreement and the Parish Council shall indemnify the County Council against any loss arising from the exercise of these functions by the Parish Council.

(4) This Agreement may be terminated by twelve months written notice from either Council to the other

**SIGNED on behalf of  
NORTHUMBERLAND COUNTY COUNCIL  
by**

**SIGNED on behalf of  
.....PARISH COUNCIL  
by**