

**NORTHUMBERLAND COUNTY COUNCIL**

**NORTH NORTHUMBERLAND LOCAL AREA COUNCIL**

At the meeting of the **North Northumberland Local Area Council** held at Committee Room 1 - County Hall on Thursday, 19 August 2021 at Time Not Specified.

**PRESENT**

G Castle (Chair) (in the Chair)

**MEMBERS**

S Bridgett  
G Hill  
G Renner-Thompson  
J Watson  
I Hunter

T Thorne  
W Pattison  
C Seymour  
C Hardy  
M Swinbank

**OFFICERS**

R Little  
J Bellis  
V Cartmell  
  
D Hadden

Assistant Democratic Services Officer  
Senior Planning Officer  
Planning Area Manager - Development  
Management  
Solicitor

**32 PROCEDURE TO BE FOLLOWED AT A VIRTUAL PLANNING COMMITTEE**

**RESOLVED** that this report was noted.

**33 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Clark and Councillor Mather.

**34 MINUTES**

**RESOLVED** that the minutes of the meeting held of the North Northumberland Local Area Council held on Thursday 24<sup>th</sup> June 2021 and Thursday 22<sup>nd</sup> July 2021, as circulated, be confirmed as a true record and signed by the Chair

**35 DETERMINATION OF PLANNING APPLICATIONS**

The report requested the Committee to decide the planning applications attached

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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.

**RESOLVED** that the information be noted.

36 **20/03697/FUL**

J. Bellis – Senior Planning Officer introduced the application with advising that a late representation and statement had been received from A.R. Ritchie, stating his disappointment that the planning team missed 17 objections and parking was a problem within the village with the local car parks and inadequate public transport.

J. Bellis explained that there had been a calculative error with addresses logged on the website which produced the incorrect figure on the report, the letters had been received and had been taken into consideration in the decision-making process.

Councillor Jill Hall – North Sunderland Parish Council spoke in objection to the application. Comments included:

- There had been no allowance for additional parking spaces, or any land to use for additional parking spaces.
- The main car park was usually full.
- The village would not cope without additional parking spaces.

In response from questions from members, the following information was provided:

- The application was a town centre development and although it had on-site parking, it would not be required to have further on-site parking. Highways had stated in the report that there was sufficient parking spaces available within the town centre.
- There were no plans to remove any spaces for the on-site parking for this application.
- There were restrictions in place for on-street parking with parking enforcement.

Councillor Pattison proposed to accept the officer recommendation, which was seconded by Councillor Hill.

Councillor Thorne expressed that he felt that the economic benefits outweighed the parking issues that may occur and that he would vote for the application. This was supported by Councillor Hill and Councillor Watson, who sympathised with the local residents and the Parish Council but advised they would be supporting the application.

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Councillor Renner-Thompson stated that the development was a good thing however he would have liked the applicant to add additional spaces, as there was space in the courtyard and would not be supporting the application. Councillor Renner-Thompson explained further about the objections from the residents of the estate opposite the application site and the issues the residents have had with off-street car parking. Councillor Renner-Thompson finished by stating his disappointment in the Neighbourhood plan conflicting with the report and Highways.

A vote was taken on the proposal to approve the application with the conditions as outlined in the report as follows: - FOR 6; AGAINST 5; ABSTENTIONS 0.

It was **RESOLVED** that this application be GRANTED subject to a legal agreement to secure a coastal mitigation service contribution of £5,166 and the conditions as outlined in the report.

37 **21/00904/FUL**

J. Bellis – Senior Planning Officer introduced the application with the aid of a PowerPoint presentation with an update that the recommendation had been altered slightly to read “ This application should be granted subject to conditions and a section 106 legal agreement for 3 shared ownership dwellings, affordable housing onsite within the scheme, with these dwellings to be delivered in line with an appropriate trigger agreed during the section 106 negotiation process, with an appropriate clause for an offsite contribution to be included, should these shared ownership units not be sold within a prescribed time.”

The clause stating that all dwellings should no longer have use of a motor vehicle with an internal combustion engine by 2050 had been dropped following a recommendation from the legal team and discussions within the planning team, legal and highways team as it was not considered that the planning obligation would have met the regulation 122 tests.

Following questions from Members to the Planning Officers, the following information was provided:

- There had been a housing needs assessment completed, over the next 5 years there would be a need for four rented units and twelve shared ownership units across the area.
- Rented housing was deemed as unsuitable for the location however shared ownership properties was seemed suitable for the site.
- The development would not seek to encourage trips outwards, and the travel plan would support development that supports inbound trips for deliveries.
- The site had been vacant for eight years and was classed as a brownfield site.
- The site was compliant with the drainage strategy.

Councillor Bridgett proposed to accept the officer’s recommendation with an amendment to accept the off-site affordable housing commuted sum straight away which would be delegated to the affordable housing enabler and the director

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of planning to determine the amount, and those funds be used for the development of the emerging affordable housing that would occur within the Rothbury division, to make them more affordable, energy efficient and better specification, this was seconded by Councillor Thorne.

Councillor Thorne explained that he supported this application and Councillor Bridgett's proposal, because the site was a brown field site, an eye sore and needed tidying up. Councillor Thorne queried whether there would be a demand for shared ownership properties, but stated he liked the mix of properties being residential and holiday lets. Councillor Renner-Thompson agreed and stated that the site was an excellent development and would be the next stage of the future of the site.

Councillor Watson suggested that if the current proposal failed then he would propose acceptance of the officer's recommendation without Councillor Bridgett's amendment.

Councillor Swinbank expressed concern around affordable housing, and that one development should be used as a neighbouring development for affordable housing miles away from amenities. Half the site was brownfield with the other half being greenfield, with 17 new units being too many and effectively a small housing estate. The site was in an unsustainable location, with only one way in and out of the site, which would be in a motor vehicle, there would be no walking or cycling.

Councillor Hunter asked if there could be an informative condition attached to the proposal that the decorative chimney would be maintained by the housing managers and would not be responsibility of the Council, this was agreed by Councillor Bridgett and Councillor Thorne

A vote was taken on the proposal to approve the application with the conditions as outlined in the report and the s106 Agreement to secure an affordable housing commuted sum, as follows: - FOR 8; AGAINST 3; ABSTENTIONS 0.

It was **RESOLVED** that this application be GRANTED subject to the conditions as outlined in the report and subject to a s106 Agreement to secure an off-site affordable housing commuted sum, with delegated authority to the Director of Planning in consultation with the Affordable Housing Enabling Officer to calculate and agree the commuted sum and for those funds be used for the development of the emerging affordable housing that would occur within the Rothbury division and with an informative, asking the owners to ensure that the decorative chimney will be maintained by the housing managers and would not be responsibility of the Council

## 38 **20/02132/FUL**

J. Bellis – Senior Planning Officer introduced the application with the aid of a PowerPoint presentation. There were had been no formal updates however there had been correspondence with the agent where they had queried condition 10, it had been challenged on the basis that it was on a route that was not on the route from the 697 but via a different route, the agent had since accepted the condition.

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Following questions to the planning officer from the members, the following information was provided:

- Conditions had been strengthened from Highways and were enforceable.
- Architectural Liaison Offers from Northumbria police were not statutory consultees.
- The application was considered under tourism policy.

Councillor Thorne proposed to accept the officer's recommendation, which was seconded by Councillor Hill.

A vote was taken on the proposal to approve the application with the conditions as outlined in the report and was unanimously

**RESOLVED** that this application be GRANTED subject to the conditions as outlined in the report.

### 39 **20/0155/S106**

V. Cartmell – Planning Area Manager, introduced the application with a PowerPoint presentation and supplied an update advising that the application had been presented to the North Northumberland Local Area Council on the 24<sup>th</sup> June 2021, where it had been resolved that the provisions and requirements of the Section 106 planning obligation relating to application N/99/B/0848 be varied, however during the meeting the ward member raised a concern regarding notification letters to members of the public, on investigation following the meeting it was discovered that notification letters had not been posted to objectors; to address this error the application was again presented to members for consideration.

M. Creswell addressed the committee in objection to the application. Comments included:

- Mr Creswell had written to V. Robinson in 2013 and copied in L. Henry, requesting that the 106 agreement be adopted.
- The sum had been commuted from the developer and had been discussed with Planning, Legal and the States department, the landowner and developer had signed the original agreement.
- The area of land should be no less than 400sqm, which had been measured by Mr. Creswell at 334sqm. 64sqm less than what was originally agreed.
- The access would be supplied with a hard pathway to the grassed area.
- The ambiguity over land ownership had not been justified in the application.
- The area of land that had been offered was less than what had been in the original agreement.
- The revised offer was for 2041sqm with the original agreement being 2441sqm.
- The original agreement was perfect for residents as it did not affect

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- any housing.
- A complaint was delivered to Northumberland County Council which was moved from stage one to stage two with assurance that the Ombudsman would not be needed as the complaint would be sorted.
- The application was incorrect as the area was less than scheduled.

Councillor J. Hall – North Sunderland Parish Council addressed the committee in relation to the application. Comments included:

- North Sunderland Parish Council objected to the application.
- The Parish Council could not understand the statement of the ambiguity of the area, the section 106 agreement was that the money was to be paid to the County Council, who had continued to maintain the play park.
- The play park along with the grassed area was still suitable for purpose.
- If the application was approved, it would make a mockery of the Section 106 agreement.

C. Ross addressed the committee in support of the application. Comments included:

- The application represented an acceptable and negotiated solution that had been worked on by Planning Officers and the Legal team at Northumberland County Council.
- The issue had been picked up in 2015 by Grainger Homes who was the developer of the site and the Council when it came to the adoption of the open space and the equipped play area.
- The solution agreed by Officers would see no alteration to the play area and no loss of open space.
- The open space would be the same size, and the maintenance monies had already been agreed.

Following questions from Members to the Planning Officers, the following information was provided:

- There would be a right of appeal, given that the open space was the same size as that offered originally, it served the same purpose in the re-orientated position and an additional sum of money had been secured. It was felt that an inspector would likely approve an appeal as it met the test of a Section 106A.
- A developer could come back at any point for modifications to a Section 106, the planning officers felt that the obligation continues to serve a useful purpose and would serve the purpose equally well with the proposed modifications.
- The ambiguity related to who owned the land.

Councillor Hill stated that it was a legal issue, not referring to confidential information but to a simple legal principle and stated that the Committee may need to go into private session to discuss confidential legal advice.

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Councillor Bridget proposed moving Section 100A of the Local Government Act 1972:

That under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of confidential papers as it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the 1972 Act and that the public interest in maintaining the exemption outweighs the public interest in disclosure for the following reasons:-

1. That the item relates to schedule 12A (5), information in respect of which claim to legal professional privilege could be maintained in legal proceedings.

AND

2. The public interest in maintaining this exception outweighs the public interest in disclosure because of the need of confidentiality when discussing legal advice

This was seconded by Councillor Hill.

A vote was taken on the proposal to move into private session, as follows: - FOR 4; AGAINST 7; ABSENTIONS 0.

The proposal failed and the meeting continued.

Councillor Hill stated that the Council had made an error, the principal limitation act 1980 stated that for any proceeding in a Court of Law, the maximum was 12 years. Therefore, in her opinion the Council were unable to enforce the Section 106 agreement.

Councillor Watson proposed to accept the recommendation of the officer, which was seconded by Councillor Thorne.

Councillor Renner-Thompson stated that he could not support this application, due to the disruption it would cause to the residents.

A vote was taken on the proposal to approve the application with the conditions as outlined in the report and the additional amendment, as follows: - FOR 8; AGAINST 3; ABSTENTIONS 0.

It was **RESOLVED** that this application be GRANTED that the provisions and requirements of the Section 106 Planning Obligation relating to application N/99/B/0848 (as varied by N/02/B/0356) in respect of re-siting of open space be varied in the matter set out in the officer report.

#### 40 **APPEALS UPDATE**

**RESOLVED** that the information be noted.

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41 **SECTION 106**

**RESOLVED** that the information be noted.

42 **DATE OF NEXT MEETING**

It was noted that the next meeting was scheduled for Thursday 23<sup>rd</sup> September 2021.

**CHAIR**.....

**DATE**.....

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