

NORTHUMBERLAND COUNTY COUNCIL
TYNEDALE LOCAL AREA PLANNING COMMITTEE

At the meeting of the **Tynedale Local Area Planning Committee** held at Meeting Space - Block 1, Floor 2 - County Hall on Tuesday, 14 December 2021 at 4.00 pm.

PRESENT

T Cessford (Chair) (in the Chair)

MEMBERS

A Scott	C Horncastle
Jl Hutchinson	D Kennedy
N Morphet	N Oliver
J Riddle	A Sharp
G Stewart	H Waddell

OTHER COUNCILLORS

OFFICERS

K Blyth	Development Management Area Manager (West)
T Crowe	Solicitor
E Sinnamon	Head of Planning
N Turnbull	Democratic Services Officer

3 members of the public were present.

62 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Dale.

63 MINUTES

RESOLVED that the minutes of the meeting of Tynedale Local Area Council, held on 9 November 2021, as circulated, be confirmed as a true record and signed by the Chair.

64 DISCLOSURE OF MEMBERS' INTERESTS

Councillor Oliver declared a personal and non-prejudicial interest in planning application 21/03104/FUL as he knew the applicants.

DEVELOPMENT CONTROL

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Councillor Cessford then vacated the Chair, for Planning Vice-Chair Councillor Scott to chair the development control section of the agenda, as was the arrangement for all Local Area Councils.

65 PROCEDURE TO BE FOLLOWED AT PLANNING MEETINGS

The Chair advised members of the procedure which would be followed at the meeting.

66 DETERMINATION OF PLANNING APPLICATIONS

The committee was requested 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.

RESOLVED that the information be noted.

67 21/03104/FUL

The Development Management Area Manager (West) introduced the application with the aid of a powerpoint presentation and advised that there were no updates following publication of the report.

Mrs. M. Williams, the applicant, spoke in support of the application and made the following comments:-

- They wished to address 3 points:
 - The reason for their application.
 - Disproportionate development.
 - Unsympathetic design and scale.
- They had suffered from severe flooding twice in 10 years. In 2005, following which £1.2 million was spent on flood defences but they were flooded again following Storm Desmond in December 2015. It had been devastating with the contents of the ground floor being contaminated and thrown into skips. Mud was on every surface, doors couldn't be opened due to being warped and twisted flooring, soft furnishings soaked, and photographs, pictures and memorabilia were irreplaceable.
- The level of trauma was directly related to the level of the flood. In 2005 the water had been 1 metre high. In 2015 it had been 1.6 metres, higher than the applicant.
- The bad experience had been extended by the amount of restitution and restoration required.
- There had been endless meetings with contents and buildings insurers, assessors, surveyors, builders, auditors, project managers, window specialists whilst finding another home, look after the family, holding down a job and hold the community together.
- The demands of rebuilding would be easier if they could live upstairs as the first floor would be habitable.
- The application would give them first floor access and a room to live in during the day, which was not a bedroom.

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- It would future proof the house and enable them to return as soon as critical services were back, usually after 2 weeks.
- Disproportionate development and special circumstances had been established in 2016 when a nearby neighbour at Yoton had been permitted to extend by over 100% and lifting their house 2.6 metres to enable them to live above the flood line. Extracts from the Planning Officer's report for that application stated:

'If measures (like this) aren't taken to safeguard local properties the community remains disbanded and susceptible to future flooding impact.'

'...It is clear that in applying a flexible approach to dealing with applications of this nature in flood-hit communities, that the social, environmental and economic aspects of the NPPF can be achieved. The alternative, is to leave a local community vulnerable to the risks of flooding and impose financial and social burdens upon the society. On balance, very special circumstances are considered to exist which would outweigh the harm identified to the Green Belt by reason of inappropriateness and by its impact upon the openness of the Green Belt...'

- Whilst they lived in the same area with the same conditions, the planning officer's report '...hoped that following significant prevention works having been undertaken in the area, that the property would not be affected in the same way again.' The £1.2 million flood defences built after the floods in 2005 had not prevented a more devastating flooding less than 10 years later.
- Reference was made to the UK climate report of October 2021 which stated that 'despite progress of flood risk management, flooding from rivers remains a major risk especially on flood plains.'
- The difference in wording between the reports. Yoton was 'considered to be contained within a built environment and not in the open countryside'.

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

- Planning officers were not flood experts and could not predict whether there would be another flooding event. They had to assess whether the harm to the Green Belt and the existing property would be outweighed by the very special circumstances put forward by the applicant. Whilst they were sympathetic, officers were of the view that it was not sufficient as the property had previously been significantly extended. Members would need to be satisfied that the requirement for a first floor conservatory was sufficient to outweigh the harm identified and that the applicants could not live on the first floor of the property without this extension, as it would absolutely essential.
- There were 2 reasons for refusal: whether there were very special circumstances which outweighed the harm to the Green Belt and also the design and impact on character grounds.
- This application had received a recommendation for refusal unlike the recommendation for approval at Yoton. The differences were explained as the planning application for Yoton had been received in 2016 not long after the last flood and before implementation of the most recent flood alleviation work in the village. There were also differences between the applications. Yoton had been raised so that all of the key living accommodation, including the kitchen and living rooms, were on the first floor whilst rooms on the

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ground floor allowed flooding to happen but the family could continue to be resident upstairs. The application under consideration proposed a sunroom at first floor but did not move any other principal accommodation to the same level which would mean they would be without a kitchen. It was necessary to consider whether granting the application for Saxby House the ability to live at the property following another flooding event. It was acknowledged that temporary facilities could be implemented, however the application differed to Yoton where all of the principal accommodation was relocated to the first floor as part of that application.

- The second reason for refusal was the design, scale and massing. If the applicant's arguments for very special circumstances were accepted; the scale, massing of the proposals also had to be considered. Officers did not consider them to be acceptable. However, there was a great deal of sympathy for the applicants concerns regarding the possibility of another flooding event. There was potential for consideration of very special circumstances for the right scheme, but this was not the right design.
- Discussions had been held with the agent to explain officers' concerns regarding another large extension to the property was not acceptable. It was appreciated that it would be advantageous for the applicant to access the first floor of the property externally and therefore discussions regarding external access at first floor could be held.
- No guarantees could be given regarding the effectiveness of the flood defence measures. Consideration had to be given, if there was an extreme flooding event, whether the scheme proposed was absolutely necessary for the applicants to continue to live in the property. The property was large with significant previous extensions and it was not thought that the addition of the sunroom would be essential to allow the residents to continue to live in the property and whether it could be viewed as very special circumstances. Reference were made to the floor plans for the first floor which showed two large rooms in addition to bedrooms and bathrooms which could be utilised as habitable space should it be required.
- The risk of flooding could be considered as a very special circumstance. However, the proposals needed to allow an individual to live in the property if key principle rooms on the ground floor were flooded. The concern with this application was that the proposal did not future proof the property. Reference also needed to be made to the scale, massing and design and the proposals under consideration did not merit approval.
- The property was not located in a Conservation Area.
- The application had been included on the agenda under the current scheme of delegation which required a decision by the Director of Planning and Chair and Vice Chair of Planning as the Parish Council supported the application.
- Building work after July 1948 was included in the calculation of what was deemed an extension to an existing dwelling when calculating the size of a property. In the case of Saxby House, there was a 2-storey extension to the left of the building, a 2-storey extension with a pitched roof to the rear, a 2-storey extension on the corner of the property where a pitched roof had replaced an original flat roof and a conservatory. Reference to a figure of 44% was believed to be the impact of one of the extensions. There was a disagreement between the agent who thought that the volume of the extensions amounted to 80% whereas officers had calculated this as 125%. Notwithstanding this discrepancy, reference was made to the former guidance used by Tynedale District Council which allowed 33%, although this was not

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rigidly applied it could be used as a guide to extensions allowed on the size of an original dwelling.

- The application for the 2-storey side extension had been granted in 1996, the 2-storey rear extension with pitched roof and conservatory had been made in 2001, there were no records regarding the 2-storey flat roof extension. The relevant date was 1948.

Councillor Hutchinson proposed acceptance of the recommendation to refuse the application for the reasons in the officer's report, to stimulate debate. This was seconded by Councillor Stewart.

The majority of members were in agreement that the risk of flooding could be viewed as very special circumstances and that it would be beneficial for residents to continue to live in the property whilst repairs were carried out given the time that this could take. They also noted the difficulties of locating alternative properties to rent nearby and were skeptical regarding the nearby flood defence measures. A key feature of the application was the external staircase.

A member enquired if delegated authority could be granted to the Director of Planning regarding changes to the design.

The Development Service Manager reminded members of the concerns regarding the scale, mass and design of the current proposal which meant that the application could not be delegated to the Director of Planning as members would need to assess the harm of a revised scheme on the Green Belt.

In view of the questions and debate, she suggested that the application be deferred to enable the applicant to revisit the design and for the application to be reconsidered by the committee so the impact of the design on the Green Belt could be assessed and whether very special circumstances existed which outweighed the harm. Alternatively, the application could be refused to enable the applicant to resubmit an amended scheme or appeal to the Planning Inspectorate. It was noted that a Planning Inspector could take a different view regarding very special circumstances.

The Development Management Area Manager (West) explained that if the application was deferred, officers would not normally accept minor amendments to this scheme to make the design acceptable in their view and whether the location of the extension should be moved to a less prominent position. She also stated that, depending on the timing of discussions with the agent / applicant and submission of amended plans, the application could be reconsidered by the Local Area Council in February 2022. A period of time would be agreed with the applicants for discussions, amendments to plans and reconsultation.

Councillor Hutchinson withdrew the motion that the application be refused and moved that the application be deferred to invite the applicants to submit revised plans to deal with concerns regarding the design. Councillor Stewart confirmed that he was in agreement to withdraw the motion that the application be refused. He agreed to second the motion for deferral.

The Development Service Manager confirmed that the whole scheme and issue of very special circumstances would need to be debated in full at a future

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meeting, as the risk of flooding and whether there were very special circumstances would need to be assessed against the design and appraisal against the Green Belt policies. There could also be a change in members present at that meeting as not everyone was present at this meeting.

Councillor Sharp confirmed that he would not take part in the vote as he had joined the meeting after the officer's presentation had commenced.

Upon being put to the vote the results were as follows: -

FOR: 8; AGAINST: 1; ABSTENTION: 1.

RESOLVED that the application be **DEFERRED** to invite the applicants to submit revised plans to deal with concerns regarding the design.

A single presentation was given for agenda items 21/02499/ADE, 21/02500/ADE and 21/02501/ADE, however individual decisions were taken on each item at the conclusion of the debate.

68 **21/02499/ADE**

The Development Management Area Manager (West) introduced the report with the aid of a powerpoint presentation and advised that there were no updates following publication of the report for agenda items 6 (21/02499/ADE) and 8 (21/02501/ADE). The following revised condition 2 was recommended for agenda item 7 (21/02500/ADE) as the totem sign had been reduced by a further 0.5 metre:

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

6636_AEW_8455_0401 Rev B (07/12/2021) - Block Plan (Signage Application 2)

Drive Totem 1 : 4.5 meter - Sign Type 1A (Issue / Rev 4 - 19/02/2019)

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

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

- The booth signs adjacent to windows were positioned at different heights depending on their purpose. The measurements in paragraph 2.30 on page 20 of the agenda indicated the height of the sign and not the size of the lettering.
- Whilst it was noted that Hexham Town Council had objected on the grounds that the applications were not in line with principles outlined in the Neighbourhood Plan (policies HNP2, 3, 4 and 5), only amenity and public safety could be assessed as part of an advertisement application. The amenity of the immediate areas and looking towards the Conservation Area had been assessed and advice sought from the Council's Design & Built Heritage Officers who were satisfied with the revised applications.

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- Officers had discussed the proposals with the applicant in order to reduce the proliferation of signs and also their size and remove any felt to be unnecessary, those proposed on elevation A. The remaining signs were considered to be acceptable on the application site, the wider bunker site and on the townscape itself.
- It was confirmed that it did not matter what a sign said or who it was for, the relevant issue was its appearance.
- The advertising signs within these applications were for locations within the site and not on the main road. The totem sign, in the corner of the car park, would be the tallest sign, and would not be higher than the building. It was expected that a separate application would be made for a sign on the main road.

Councillor Horncastle proposed acceptance of the officer's recommendation that permission be granted. This was seconded by Councillor Sharp and unanimously agreed.

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

69 **21/02500/ADE**

Councillor Oliver proposed acceptance of the officer's recommendation that permission be granted, subject to the revisions to condition 2. This was seconded by Councillor Riddle and unanimously agreed.

RESOLVED that the application be **GRANTED** permission for the reasons and with the conditions as outlined in the report and the following revised condition 2:

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

6636_AEW_8455_0401 Rev B (07/12/2021) - Block Plan (Signage Application 2)

Drive Totem 1: 4.5 meter - Sign Type 1A (Issue / Rev 4 - 19/02/2019)

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

70 **21/02501/ADE**

Councillor Hutchinson proposed acceptance of the officer's recommendation that permission be granted. This was seconded by Councillor Stewart and unanimously agreed.

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

71 **PLANNING APPEALS UPDATE**

The report provided information on the progress of planning appeals.

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RESOLVED that the information be noted.

On the conclusion of the above items, Councillor Scott vacated the Chair. Councillor Cessford returned to the Chair and continued the meeting.

72 DATE OF NEXT MEETING

The next meeting would be held on Tuesday 11 January 2022 at 4.00 p.m.

The Chair Informed members that North East Ambulance Service would be in attendance at the meeting of the Health and Well-Being OSC on 5 April 2022.

CHAIR.....

DATE.....

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