

## NORTHUMBERLAND COUNTY COUNCIL

### CASTLE MORPETH LOCAL AREA COUNCIL

At the meeting of the **Castle Morpeth Local Area Council** held at Meeting Space - Block 1, Floor 2 - County Hall on Monday, 12 July 2021 at 4.00 pm.

#### PRESENT

J Beynon (Chair) (in the Chair)

#### MEMBERS

D Bawn	L Darwin
S Dickinson	R Dodd
L Dunn	J Foster
M Murphy	G Sanderson
D Towns	R Wearmouth

#### OTHER COUNCILLORS

#### OFFICERS

M Bulman	Solicitor
P Jones	Service Director - Local Services
L Little	Senior Democratic Services Officer
R Little	Assistant Democratic Services Officer
P Lowes	Neighbourhood Services Area Manager
R Murfin	Director of Planning
R Soulsby	Planning Officer

Around xxx members of the press and public were present.

#### 11 PROCEDURE FOR PLANNING COMMITTEES

J Foster, Vice-Chair (Planning) (in the Chair) outlined the procedure which would be followed at the virtual meeting and of the changes to the public speaking protocol.

#### 12 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Jackson and Jones.

#### 13 MINUTES

**RESOLVED** that the minutes of the meeting held of the Castle Morpeth Local Area Council held on Monday 14 June 2021, as circulated, be confirmed as a true

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record and signed by the Chair.

#### 14 **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.

**RESOLVED** that the information be noted.

#### 15 **20/01242/FUL**

**Conversion of existing shop (use class E(a)) to form residential dwelling including external alterations to existing attached dwelling (amended plans received 26/04/2021)  
Belmont, East Road, Longhorsley, NE65 8SY**

It was confirmed that Members had no questions on the site visit videos which had been circulated. R Soulsby, Planning officer introduced the application to the Committee with the aid of a power point presentation. Members were advised that one further objection had been received raising concerns regarding the loss of the retail unit and the use of UPVC fenestration within the building. It was set out in the report that the applicant intended to replace the UPVC fenestration with timber sliding sash windows in keeping with the aesthetic of the Conservation Area.

Mr A Etchells addressed the Committee speaking in objection to the application. His comments included the following:-

- Mr Etchells was a member of the working group which had developed the Longhorsley Neighbourhood Plan which had been through full scrutiny before being confirmed as valid by Northumberland County Council and adopted in October 2018 and the policies contained in this Plan should be followed.
- There had been a commercial use in the building since it was built in 1875 by the Bell family of Be-Ro fame and it had most recently been used as a successfully hairdressing business, had provided a useful community service and more importantly had provided employment for three people.
- As well as renting the commercial property, the hairdresser had rented the residential part of the building until being given notice to quit in September 2019. There was no financial hardship reason for her leaving in January 2020 and she did so only after being advised she had to be out of the building by September 2020.
- Following receipt of the notice two people working with the tenant found alternative employment and at that point the tenant had texted the owners to state that she would have difficulty in covering the rent with only the income generated by one person rather than by three. The text had been quoted out of context to give the inaccurate

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impression that the business was in financial hardship.

Unfortunately this misrepresentation had been accepted as fact and had resulted in a material inaccuracy in the Case Officer's report.

- It was accepted that the owner would need to upgrade the energy performance of the commercial property but it was not accepted that this would cost more than £67,000.
- Policy LNP8 of the Neighbourhood Plan stated that the applicant had to demonstrate that the exiting commercial use was no longer economically viable **and** it had been marketed for at least six months without an appropriate offer being received. Members must accept that it hadn't been marketed for at least six months as this was fact and the applicant had not offered any evidence that it had been.
- The application must comply with all elements of the Neighbourhood Plan and if this is ignored what message did send out about the importance and validity of Northumberland's Neighbourhood Plans.

Councillor P Ford, addressed the Committee speaking as the Vice Chair of Longhorsley Parish Council. Her comments included the following:-

- The Parish Council continued to have a problem regarding the access for 3 cars to the property. They were disappointed that NCC planning were recommending the application for approval when access for the 3 cars was across a public footpath and village green. Neither NCC planning or the applicants had engaged in any dialogue with the Parish Council concerning this aspect of the application. The footpath was a Public Right of Way (PROW) numbered 411/25 and the village green VG18.
- The footpath connected the East Road with the A697 at the location of the pedestrian crossing. The A697 was an extremely busy road with HGVs and was also greatly increased by holiday traffic which would get worse when work on the A1 commenced.
- The A697 dissected the village with 3 estates on the east side of the road with many village amenities on the west side including the access from the footpath to the community wood.
- The Council had decided that the only safe place for a pedestrian crossing over the A697 was at the southern end of this footpath and this was therefore the recommended and safest route for the residents of the estates to access the village amenities. Construction of the pedestrian crossing had been part funded and championed by the Local County Councillor.
- Car access via the footpath across the Village Green was certainly not an appropriate use and a car and pedestrian could not pass together. The footpath was only a soil surface and was not intended for regular traffic use as had been demonstrated when much damage was caused when the area at the north end of the application site was cleared at the early stage of the building works and the surface destroyed and not repaired.
- The Parish Council was disappointed that the perfectly viable option to provide an access at the north side of the site directly on the East Road had not been explored. This would provide excellent visibility splays but would involve the applicant purchasing a few square

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metres of land.

- The Parish Council continued to strongly object to the change of use as this went against the sustainability of rural village communities and was in contravention of Policy 8 of the Longhorsley Neighbourhood Plan. It was felt that the Officer report ignored part of the Policy and would set a precedent and therefore undermined the Neighbourhood Plan. The report was based on inaccurate information and therefore was invalid and could not be approved.

Mr L Singleton addressed the Committee speaking in support of the application. His comments included the following:-

- He was not aware of anything which had happened before January 2020 as he had not been involved.
- The shop was not viable for use as a commercial property as the energy efficiency certificate was below E and therefore it had not been able to be put out for rent or tender, which they would have done. It had been more than 6 months and they still believed it was not viable.
- This was the only access able to be used for parking in the area. It was near to a busy road, close to a pub car park and two public rights of way to the front and side of the building. The only reasonable access was to the rear as it was on a raised hill and this was the only flat access available.
- The shop front and access would remain and could be turned back into a shop in the future if needed, but he did not believe that would be the case.
- He did not know anything about a north entrance as there was no access to the properties from that way.
- He did contact the Parish Council when there had been complaints about the damage to the village green, however the damage had occurred prior to his involvement. He had requested a meeting with the Parish Council to discuss the Public Rights of Way but did not receive a response.
- He would be happy to accept conditions attached to the permission as he had over 40 years in the construction industry and knew what was required and wished to get on the job.

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

- The retail unit had been vacant since January 2020. A statement had been provided by the former owner advising that the previous use as retail premises prior to its use as a hairdressers had not been viable within Longhorsley Village. There was a policy within the Longhorsley Neighbourhood Plan which required the property to be marketed at a reasonable commercial rate for 6 months however the property was not at a lettable standard at the current time and the costs involved in bringing it up to a standard in terms of energy efficiency for commercial use was not viable. In weighing up the Local Planning Authority (LPA) was of the opinion in this instance that the information provided by the applicant into the viability of the

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commercial premises outweighed the need to advertise the property for commercial use.

- If Members were minded to refuse this application, it could be that a decision be deferred in order for a third party to triangulate the viability given the property's local importance to the Village.
- The PROW was an unrestricted bridleway which allowed vehicular access and therefore as this was the only access to the property then its use was acceptable in both Planning and legislative terms. The previous damage to the PROW was not part of this application. The PROW team had requested a condition to be attached to any permission given regarding any further damage to the PROW.
- In respect of costs incurred in triangulating the viability, advice would first be sought from both Building Control and Housing to ascertain if the works proposed were reasonable and then to find the costings of those. Three quotations would be sought for the external validation of costs. It was not expected that many other applications of this size would require this to be undertaken and evidence would be gained during this exercise for use in any other similar situation.
- Access was technically achievable and planning permissions were regularly granted but land disputes prevented them from being delivered. Access via the Village Green was not a planning matter and Members were reminded not to place any material weight on this.
- No evidence had been provided in relation to the previous tenant being given notice to quit only that the previous tenant had left due to financial difficulties.
- In some circumstances the County Council would look at a clear business case justification for the use of funds to help an existing business to continue trading. In this instance there was no tenant of the property and the applicant had advised that the works had been designed which would not prevent the property to return to retail premises if there was a strong demand for this. Prior to the Covid pandemic there had been a forecast that between 30% to 70% of commercial floorspace would be lost and any request for assistance would need compelling and focussed case for support.
- In relation the validation of the costs for bring the property up to standard for a commercial use, it was commented that the historical nature of the building might also require structural improvements and not just energy efficiency measures to be made. The Committee's view on requesting independent assessment of the viability would be welcomed as a guide and in future if this was something that would be required to be provided as part of a planning application this type of validation could be sought at the submission stage and at the cost of the applicant.

Councillor Sanderson proposed that as the application went against Policy LNP8 of the Longhorsley Neighbourhood Plan and Paragraph 83 of the NPPF it should be refused. Following a short discussion on the merits of the suggestion to assess the viability and costings he then rescinded this proposal.

Following further discussion on the merits of also seeking further information on

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the advertising of the commercial premises, Councillor Sanderson then proposed to defer the application for an independent viability assessment to be carried out and for further information as to whether advertising for a period of 6 months was required under LNP8 which was seconded by Councillor Beynon.

A vote was taken as follows: FOR 8; AGAINST 1; ABSTENTIONS 1.

The application was **DEFERRED** for an independent viability assessment to be carried out and for further information as to whether advertising for a period of 6 months was required under LNP8.

Councillor Wearmouth joined the meeting at 4.51 pm

16 **20/03423/REM**

**Reserved Matters application for appearance, scale, layout and landscaping for 2no. dwellings on approved planning application 20/00385/OUT Greenfield House, Hepscott, Morpeth, Northumberland, NE61 6LH**

There were no questions in relation to the site visit videos which had been circulated in advance of the meeting.

R Soulsby, Planning Officer introduced the application to the Committee with the aid of a power point presentation. He advised that one further objection had been received from a neighbour concerning the loss of privacy, removal of trees, flooding, ecological impacts and illegal works being undertaken on site without planning permission. Members were reminded that the application was for reserved matters only in relation to appearance, landscaping, layout and scale of the development.

S Ashmore addressed the Committee speaking in objection to the application. Her comments included the following:-

- Her concern related to bats. She had contacted her local Councillor regarding a court case where Bellway had been fined over £600,000 for destroying a breeding site or resting place of a European protected species. All bats were a protected species in the UK and there was a parallel with Greenfield House where a roof had been removed destroying a maternal bat roost, 25 plus mature trees demolished thus destroying habitat. This was on the 13 December 2020. The Director of Planning had stated he was aware of the Greenwich Court case and was looking into it.
- The Planner said that enforcement action was currently underway and on the 17 May 2021 the Director of Planning said he would get an update for her.
- On 8 June 2021 she asked if a Natural England European Protected Species Development Licence been applied for and was advised to contact Natural England for confirmation.
- She had also asked if 5 bat boxes had been erected, to which the response had been, not that I am aware of, and advised that the applicant had not submitted this condition for discharge and the enforcement team were monitoring the site.

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- Along with 3 bat boxes to be provided, these were all pre-commencement conditions as outlined in Condition 9.
- In answer to her question if bat friendly treatment had been used on the new wooden fence and was a permit from the Environment Agency sought for work close to the river, she had been advised that they were unsure if bat friendly treatment had been used on the boundary fence, however the fence had not formed part of the planning approval and would likely have been undertaken under permitted development rights afforded to the property.
- She had questioned if lighting adhered to external lighting recommended in accordance with Bats and Lighting in the UK 2018. The response had been that all the works had been undertaken on an existing dwelling and did not form part of the outline permission.

PA Colver also addressed the Committee speaking in objection to the application. Her comments included the following:-

- She was objecting as the immediate neighbour as the proposed properties were enormous and would dwarf the existing neighbouring properties.
- The properties would overlook her house and gardens and whilst there would be some leaf cover in the summer to screen her property, in the winter and spring they would be completely exposed.
- She requested that the overall bulk of the properties be reduced to the original height of Greenfields prior to the roof being raised which also matched her property.
- She requested that obscure glazing be provided in the south facing windows of plot 3 as recommended in Condition 3 of the planning report for the balcony on plot 1 and east and west facing elevations. Or that the building on plot 3 be rotated so that the windows faced east/west not north/south. If the south facing windows on plot 3 were not changed then they would lose their privacy and amenity as neighbours.

Councillor P Ashmore addressed the Committee speaking on behalf of Hepscott Parish Council. His comments included the following:-

- He questioned if the application was legally valid and if the associated outline planning application was valid. The LPA had an overriding legal duty to protect bats and he quoted the case Regina V Cheshire East Borough Council. It was a criminal act to destroy a maternal bat roost and it was the LPA duty to protect such roosts. The LPA was aware of the maternal bat roost in Greenfield House in October 2019, nearly two years ago. It formed part of the outline planning application. The bat roost was knowingly destroyed, a criminal act, therefore the LPA failed in its duty and the application was therefore invalid.
- He asked for the legality of both the reserved matters and outline applications.
- In July 2020 outline permission was granted for the demolition of Greenfield House and for the erection of 3 large houses. The

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reserved matters application sought permission for the building of 2 new houses and the original Greenfields House to be retained and renovated. This made a difference to the whole development, its mass, scale, flood risk etc.

- The reserved matters application flowed directly from the outline application and references it. But it was not legally the same outline application that was granted.
- The Parish Council objected very strongly to the scale of the 2 proposed houses, they exceeded 10m in height and were 3 times the footprint of the existing Greenfield House.
- Plot 3 was only 8m away from Burnbrae, the neighbouring property giving serious overlooking, privacy and amenity issues. Plot 1 overlooked the back garden of Burnbrae only 13m away. The appearance of the houses as they had windows everywhere. The south facing aspect of plot 3 faced Burnbrae only 8m away who would face a line of windows 25m across.
- The layout was squashed in because of the size of the houses with plot 3 coming within 2m of the main road and the new houses were positioned at the highest part of the site and would dominate the houses to the north.
- The Parish Council opposed the application for the reasons outlined and if the application was to be approved it must have the privacy aspects properly addressed and the scale and massing reduced to the equivalent of the existing Greenfield House to be acceptable to the neighbourhood.

H Wafer addressed the Committee speaking in support of the application. Her comments included the following information:-

- The proposed development sought to provide 2 additional dwellings on the site. The LPA had granted outline permission for the scheme in 2020 and therefore the principle of residential development on the site was acceptable and in accordance with relevant planning policies.
- The reserved matters application before the Committee provided details of design, scale and layout, and had been amended in line with recommendations made by the Planning Officer and was now recommended for approval.
- Technical matters had all been addressed and subject to conditions there were no objections from statutory consultees other than from Hepscott Parish Council.
- Hepscott was characterised by large, detached houses and garden spaces and the application reflected the general character of the area and the 2 storey buildings would not be out of keeping with their surroundings.
- The materials proposed reflect the surrounding area and once constructed would be in keeping with the appearance of the village.
- The site would provide high quality new housing in a sustainable location.
- It was understood that the Parish Council and residents had concerns regarding the scale and design of the proposed dwellings, however following consultation with the case officer the scale of the

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2 new properties had been reduced. Whilst the application would see an increase in development with the 2 new dwellings the site had been designed to provide sufficient separation distances between the existing and new properties.

- In respect of concerns regarding works carried out at the existing Greenfield House without permission, the applicant was seeking to rectify this and wished the Committee to note that the works to the roof had been undertaken on advice that the roof was rotten and dangerous. The works at Greenfield house were the subject of a different application and were not part of the application before the Committee today.
- In respect of the Bats on the site, it should be noted that the applicant had reported themselves to the relevant authorities.
- The proposal had been assessed against local and national policies and subject to conditions had been recommended for approval by the case officer.
- There was no sound reason to refuse the application and she asked that the Committee granted the application.

Councillor Dickinson left the meeting at 5.06pm

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

- The main impacts of the proposed development looked at were on Burnbrae, Maple Lodge and the impacts to the properties to the north, although the separation distances to those properties were considerable in terms of privacy impact. A condition was recommended to be attached in respect of obscure glazing to be provided on the east and west facing windows of plot 3 to protect the amenity of Greenfield House and Burnbrae. A further condition was recommended to be attached in respect of obscure glazing to be provided on the balcony of the rear elevation of plot 1 and subject to these conditions there were no overlooking concerns.
- The initial outline application in 2020 was for up to 3 dwellings and included the demolition of the existing property. The applicant had decided to retain the existing dwelling and provide 2 new dwellings as part of the reserved matters. The outline permission had been granted for 3 properties however if the applicant had wished to increase the numbers then a new application would have been required. Attempts had been made to address the scale and massing of the proposed dwellings to make them acceptable and they were in line with other large properties in the area. The 3 properties were accepted as a reasonable interpretation of style of development in Hepscoth.
- Bat legislation in this Country was in force and was relevant. A bat survey had been attached to the application and the County Ecologist had not objected to the application.
- In relation to the existing breach of condition in relation to bats, the LPA was satisfied that the applicant had followed up and been involved with the regulator outside of the Council. There was no question of the validity of the condition and the issue had been

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resolved subject to conditions.

Councillor Wearmouth proposed acceptance of the recommendation to approve the application as outlined in the report which was seconded by Councillor Dunn.

Members in debating the application considered that whilst there may not be the distance between the dwellings as would be usual in the area and as there would be conditions attached to any permission granted in relation to obscure glazing there was nothing policy wise which would give reason to reject the application.

A vote was taken as follows: FOR 6; AGAINST 0; ABSTENSION 4.

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

17 **APPEALS UPDATE**

**RESOLVED** that the information be noted.

A short break was held at this point and the meeting reconvened at 5.23 pm with Councillor J Beynon, in the Chair.

18 **PUBLIC QUESTION TIME**

No public questions had been submitted.

19 **PETITIONS**

No new petitions had been received and there were no updates on previous petitions.

20 **LOCAL SERVICES ISSUES**

Highways

P Jones, Service Director, Local Services advised that Highways continued to operate in a covid safe way and it was expected that controls would continue when the Country came out of restrictions to safeguard members of staff as transmission in the County was high.

Reactive maintenance was still catching up on the backlog after the winter period with extra resources put in and it was expected to be back on top of this by September. Additional resources had also been put into gulley work as there was some backlog.

There was a large capital programme in the Castle Morpeth area and the team had been increased to deal with this. He advised that the former supervisor and manager Ali Johnstone had retired and he wished to thank him for the work and assistance he had provided during his long service with the Council and wished him well for the future.

The Service Director provided information on the progress of schemes within the

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Castle Morpeth area. In response to a question from Councillor Dodd in relation to the progress of the 20mph scheme in Belsay he advised that an email response would be provided. Councillor Dodd also highlighted that he had received reports of an issue on Thornhill Road in Ponteland with elderly residents walking on the road and falling over speed humps which had not been marked with paint.

Councillor Foster advised that a traffic safety scheme on the A1147 had received some mixed reviews with the residents who had been plagued by speeding traffic welcoming the restrictions as it had definitely slowed the speed of traffic on that stretch of the road and had broken a speeding circuit and she thanked the officers for this work.

Councillor Dunn reminded the Service Director that a petition had been put in for a 20 mph speed restriction in Ellington which had been refused two years ago. Designs were still awaited for a 30 mph scheme through the LTP following this petition and another accident had occurred recently. The Service Director advised that there was a programme for 20 mph schemes outside schools which was ongoing and as part of the consultations there were additional demands coming in for larger areas, however this could dilute the benefits and key outcomes were needed in the relevant area. Information would be provided on the progress of the 30 mph scheme.

In response to a concern raised in respect of the slip road off the A1 towards Stannington Village and members of the public trying to exit Stannington the same way and having to turn when traffic came off the A1 towards them, the Service Director advised that signage was in line with that required by Highways England. Some CCTV had been undertaken but had not identified an issue. Incidents were sporadic but the Council was aware of some and had raised the issue with Highways England as it was a slip road off a trunk road and therefore their responsibility. In response to a question in relation to the resurfacing and speed reduction on the road through Stannington Station the Service Director advised that if they were able to do this the works would be coordinated but it would depend on the timing of the work. He would also investigate an issue which had arisen when traffic had been diverted for a night time closure of the A1 and the diversion route had also had road works.

### Neighbourhood Services

P Lowes, Neighbourhood Services Area Manager advised that the house waste service was performing well, however some issues had been experienced with garden waste due to new house building in the area with good growing conditions which had resulted in increased weight for collection and increased the length of time it took to complete the rounds. The glass collection trial was going well with just less than 200 tonnes of glass being collected and a six month questionnaire to residents had received 639 responses with the majority of responses being positive.

Grass cutting had been a significant challenge at the beginning of the season with rain then warmer weather causing rapid growth, this had also impacted on the weed control programme. Alternative trials were being undertaken to the use of glyphosate in some locations across the County, with the results to be reported at

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a future meeting.

In response to a question regarding the glass collection trial period, Members were advised that it was a year's trial and it was due to finish soon. The Service Director advised that this was a Countywide trial and a report would be produced for Scrutiny and Cabinet which would look at the funding impact with a hope that it could continue in pilot areas with a view to expanding the service linked to Government changes in waste policy and funding.

In response to a question regarding plans for wildflower planting in the County, Members were advised that there were no large scale plans for this, however the Area Manager had been contacted by Climate Action Northumberland regarding nature meadow trials in certain areas and he was to meet them to discuss this.

In response to a question related to blocked drains and the regular unblocking of some gullies which did not solve the problem, Members were advised that several new gulley tankers were on order which had greater capacity. There were some parts of the County where the drainage was old and outdated and to replace these would be a significant undertaking.

The Chair asked that thanks be passed on to staff for their continued hard work and extended his wishes to Ali Johnstone for a happy retirement.

## 21 **APPOINTMENTS TO OUTSIDE BODIES**

Appointments to outside bodies were confirmed as follows:-

Choppington Education Foundation – M Murphy  
Druridge Bay Regeneration Partnership – S Dickinson  
Friends of Morpeth Museum – D Bawn  
Greater Morpeth Development Trust – R Wearmouth  
Linton Village Hall Management Committee – L Dunn  
Lynemouth Welfare Management Committee – L Dunn  
Stakeford/Bomarsund Social Welfare Centre – J Foster and M Murphy

The Chair would contact Choppington Welfare to ascertain if it was appropriate for a Councillor to be appointed as this had been removed from the list previously as Ex-Councillor Ledger had been involved.

## 22 **MEMBERS LOCAL IMPROVEMENT SCHEMES 2021 - 2022**

Details of the Castle Morpeth Members Local Improvement schemes had been provided for information.

**RESOLVED** that the information be noted.

## 23 **LOCAL AREA COUNCIL WORK PROGRAMME**

The work programme was attached and the Chair asked that should anyone have any items they would like to raise they should contact him.

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**RESOLVED** that the information be noted.

24 **DATE AND TIME OF NEXT MEETING**

The next meeting which was a Planning only meeting would be held on Monday 9 August 2021 at 4.00 pm.

**CHAIR**.....

**DATE**.....

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