

Public Document Pack



Northumberland County Council

Your ref:

Our ref:

Enquiries to: Lesley Little

Email: Lesley.Little@northumberland.gov.uk

Tel direct: 01670 622614

Date: Thursday 30 September 2021

Dear Sir or Madam,

Your attendance is requested at a meeting of the **CASTLE MORPETH LOCAL AREA COUNCIL** to be held in Meeting Space, Block 1, Floor 2, County Hall, Morpeth, Northumberland, NE61 2EF on **MONDAY, 11 OCTOBER 2021** at **4.00 PM**.

Yours faithfully

Daljit Lally
Chief Executive

To Castle Morpeth Local Area Council members as follows:-

D Towns (Vice-Chair), L Dunn, D Bawn, J Beynon (Chair), S Dickinson, R Dodd, J Foster (Vice-Chair (Planning)), P Jackson, V Jones, G Sanderson, R Wearmouth, L Darwin and M Murphy

Any member of the press or public may view the proceedings of this meeting live on our YouTube channel at <https://www.youtube.com/NorthumberlandTV>.

Members are referred to the risk assessment, previously circulated, for meetings held in County Hall. Masks should be worn when moving around but can be removed when seated, social distancing should be maintained, hand sanitiser regularly used and members requested to self-test twice a week at home, in line with government guidelines.



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 AT PLANNING MEETINGS** (Pages 1 - 2)
2. **APOLOGIES FOR ABSENCE**
3. **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. Please refer to the guidance on disclosures at the rear of this agenda letter.

4. **DETERMINATION OF PLANNING APPLICATIONS** (Pages 3 - 6)
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>

5. **19/03659/VARYCO** (Pages 7 - 42)
Variation of condition 2 of planning permission reference 18/01707/VARYCO to allow for continuation on a permanent basis of the hours of 8am to 8pm on any day when aircraft can take off, land or move around within the airfield (circuit training - which shall continue to operate between 9am and 7pm only - and emergencies excepted)
Bockenfield Aerodrome Ltd, Eshott Airfield, Felton, Morpeth, Northumberland NE65 9QJ
6. **20/03851/COU** (Pages 43 - 52)
Change of use from field to construct a riding arena 22 metres x 40 metres for private use
Land North West Of Hulwane, U6003 Ulgham To Ulgham Park Junction, Ulgham, Northumberland

7. APPEALS UPDATE

(Pages
53 - 62)

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.

8. DATE OF NEXT MEETING

The next meeting will be held on Monday, 8 November 2021

9. URGENT BUSINESS

To consider such other business as, in the opinion of the Chair, should, by reason of special circumstances, be considered as a matter of urgency.

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.

Name (please print):
Meeting:
Date:
Item to which your interest relates:
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):
Nature of Non-registerable Personal Interest (please give details):
Are you intending to withdraw from the meeting?

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 PLANNING COMMITTEE

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

Welcome to also include reference to

- (i) Fact that meeting is being held in a Covid safe environment and available to view on a live stream through You Tube Northumberland TV
- (ii) Members are asked to keep microphones on mute unless speaking

B Record attendance of members

- (i) 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 Speaking

Objector(s) (up to 5 mins)

Local member (up to 5 mins)/ parish councillor (up to 5 mins)

Applicant/Supporter (up to 5 mins)

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 record the 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

CASTLE MORPETH LOCAL AREA COUNCIL

11 OCTOBER 2021

DETERMINATION OF PLANNING APPLICATIONS

Report of the Interim Executive Director of Planning and Local Services

Cabinet Member: Councillor C Horncastle

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.

DETERMINATION OF PLANNING APPLICATIONS

Introduction

1. The following section of the agenda consists of planning applications to be determined by the Castle Morpeth 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 206 of the NPPF and reflected in National Planning Practice Guidance (NPPG, March 2014 as amended). They must be:
- Necessary
 - Relevant to planning
 - Relevant to the development permitted
 - Enforceable
 - Precise
 - Reasonable in all other respects
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 constitutes material planning considerations, and as to what might be appropriate conditions or reasons for refusal.
5. Attached as Appendix 1 is the procedure to be followed at all Local Area Councils.

Important Copyright Notice

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BACKGROUND PAPERS

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

IMPLICATIONS ARISING OUT OF THE REPORT

Policy: Procedures and individual recommendations are in line with policy unless otherwise stated

Finance and value for Money:	None unless stated
Human Resources:	None
Property:	None
Equalities:	None
Risk Assessment:	None
Sustainability:	Each application will have an impact on the local environment and it has been assessed accordingly
Crime and Disorder:	As set out in the individual reports
Customer Considerations:	None
Consultations:	As set out in the individual reports
Wards:	All

Report author : Rob Murfin
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APPENDIX 1: PROCEDURE AT PLANNING COMMITTEES

Chair

Introduce s application

Planning Officer

Updates – Changes to Recommendations – present report

Public Speaking

Objector(s) (5mins)

Local Councillor/Parish Councillor (5 mins)

Applicant / Supporter (5 mins)

NO QUESTIONS ALLOWED TO/ BY PUBLIC SPEAKERS

Member's Questions to Planning Officers

Rules of Debate

Proposal

Seconded

DEBATE

- No speeches until motion is seconded
- Speech may not exceed 10 minutes
- Amendments to Motions
- Approve/ refuse/ defer

Vote (by majority or Chair casting vote)

Chair should read out resolution before voting

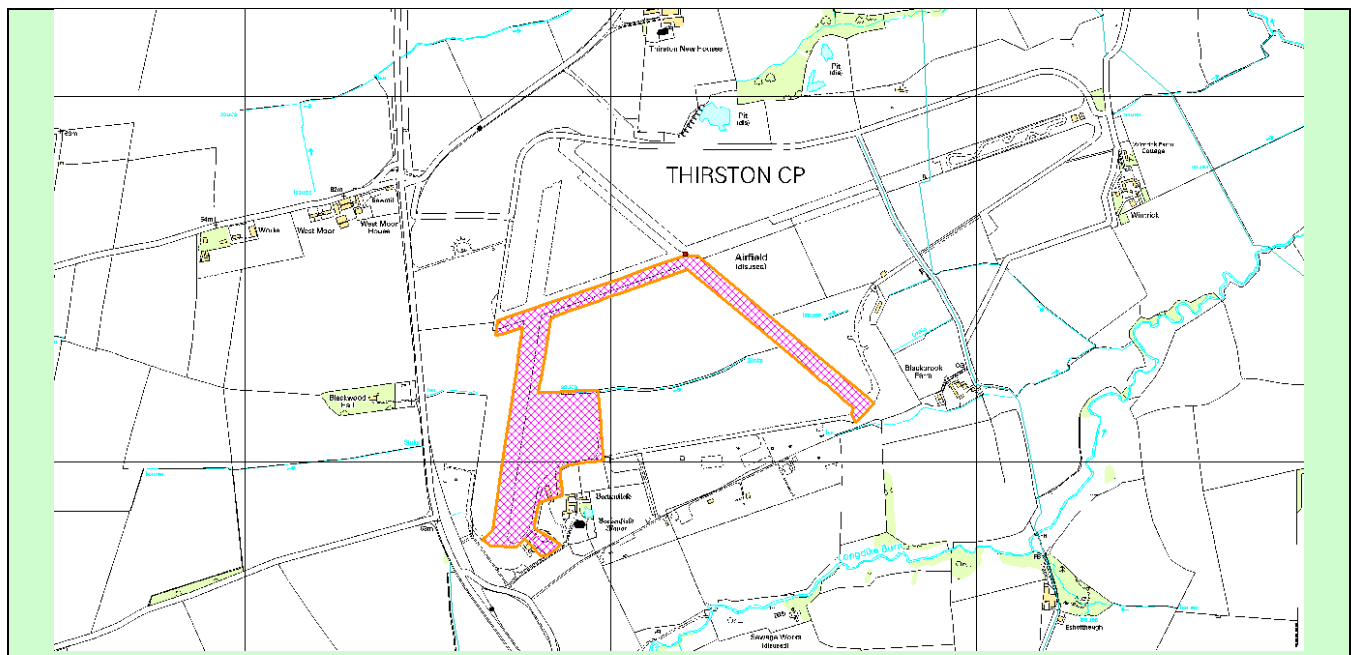
Voting should be a clear show of hands.



Northumberland County Council

CASTLE MORPETH LOCAL AREA COUNCIL 11 OCTOBER 2021

Application No:	19/03659/VARYCO		
Proposal:	Variation of condition 2 of planning permission reference 18/01707/VARYCO to allow for continuation on a permanent basis of the hours of 8am to 8pm on any day when aircraft can take off, land or move around within the airfield (circuit training - which shall continue to operate between 9am and 7pm only - and emergencies excepted)		
Site Address	Bockenfield Aerodrome Ltd, Eshott Airfield, Felton, Morpeth, Northumberland NE65 9QJ		
Applicant:	Mr Richard Pike Bockenfield Aerodrome Limited Eshott Airfield, Felton, Morpeth, Northumberland NE65 9QS	Agent:	None
Ward	Longhorsley	Parish	Thirston
Valid Date:	23 August 2019	Expiry Date:	12 October 2021
Case Officer Details:	Name: Mr Geoff Horsman Job Title: Principal Planning Officer Tel No: 01670 625553 Email: geoff.horsman@northumberland.gov.uk		



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RECOMMENDATION:

1. Introduction

- 1.1 Councillor Sanderson, County Councillor for Longhorsley Ward within which the application site lies has requested that this application be decided by the Local Area Council (LAC). His reason for making this request is due to public concerns around the previous application for the site. The application was been placed on the agenda for the LAC on the 9 March 2020. However, the applicant requested that the application be removed from that agenda to allow for further discussion regarding the matter of a site management plan. Since that time further discussions have taken place with the applicant, Thirston Parish Councillors and local residents. Following such discussions it was considered, due to the significant level of public interest in the application, that consideration of the application by the LAC should be delayed until physical meetings of the LAC had resumed. Now that such physical meetings are taking place again the application has been placed on this agenda for consideration.

2. Description of the Application Site & Proposal

- 2.1 The application site comprises the extensive Eshott Airfield site which lies to the immediate east of the A1 south of Felton and the River Coquet. The site covers an area of 15.24 hectares (37.66 acres). Given that this is an application to remove and vary conditions on an existing permission, the application site is the same as that in respect of that existing permission. In this regard the site encompasses 3 sections of runway laid out in an 'n' shape, together with associated grassed areas either side of the westernmost section of runway. There are hanger and clubhouse facilities in the south west area of the site and further smaller hangers adjacent to the easternmost section of runway.
- 2.2 The nearest dwellings to the application site are within the hamlet of Bockenfield to the immediate south and east of the site. The farmhouse of Blackbrook Farm lies close to the easternmost section of runway. To the immediate west of the site lies a privately owned woodland burial site and beyond this is the A1.
- 2.3 This application seeks approval under Section 73 of the Town & Country Planning Act for variation of condition 2 of planning permission reference 18/01707/VARYCO to allow for continuation on a permanent basis of the hours of 8am to 8pm on any day when aircraft can take off, land or move around within the airfield. Circuit training - which would continue to operate between 9am and 7pm only - and emergencies would be excepted from the 8am to 8pm hours of operation. The application as originally submitted proposed the removal of condition 2 and then sought approval for permanent hours of 7am to 11pm but has now been amended at the request of the applicant to an application for extended hours of 8am to 8pm.
- 2.4 Extended hours of 7am to 11pm were approved by Castle Morpeth Local Area Council in September 2018 under application 18/01707/VARYCO for a temporary 12 month period in order that the impact of such extended hours on

the amenity of the occupants of nearby residential properties could be satisfactorily assessed.

- 2.5 The application granted by permission 18/01707/VARYCO sought to vary and remove conditions attached to planning permission reference 84/D/608C granted on the 30 January 1995 by the former Castle Morpeth Borough Council. That 1995 approval granted planning permission for the use of the aerodrome for the use of the aerodrome for light aircraft including microlights. The conditions to the 1995 permission varied/removed by the new 18/01707/VARYCO permission related to operation of the airfield namely conditions 1 (approved plans), 2 (personal permission), 3 (aircraft type restriction), 4 (hours of operation), 5 (airfield membership numbers), 6 (maximum number of resident aircraft on site at any one time), 7 (outside storage) and 8 (recording of aircraft movements) and further conditions were added regarding hours restriction on the use of machinery and conditions monitoring.
- 2.6 The 18/01707/VARYCO application had arisen out of a number of enforcement complaints received by the Council regarding alleged breaches of conditions attached to the 1995 permission. These breaches had been investigated and discussion had taken place between the site's current operator and Council Planning and Public Protection Officers regarding an application to remove/amend conditions. Through submission of that application the current site operator sought to remove/amend the conditions on the 1995 permission to regularise any condition breaches, better reflect current operational requirements and remove ambiguity regarding airfield operating times.
- 2.7 The latest conditions attached to planning permission reference 18/01707/VARYCO governing activity at the airfield are as detailed below:
- 2.8 Condition 1 - With the exception of landings/take-offs only by military aircraft, emergency services aircraft and/or aircraft in emergency situations, the airfield shall not be used other than by gliders, microlights, helicopters and propeller driven aircraft. No such individual aircraft (landings/take-offs by military or emergency services/situations aircraft excepted) shall exceed 5700 kilograms in weight.

REASON: To limit the use of the site and thereby ensure that the amenity of the occupants of nearby residential properties is not adversely affected by the development in accordance with the National Planning Policy Framework (NPPF)

- 2.9 Condition 2 - For a temporary period of 12 months from the date of this permission, aircraft using the airfield may take off, land and/or move around within the airfield between the hours of 7am and 11pm only on any day (except in an emergency). Circuit training shall only take place between the hours of 9am and 7pm and is not permitted outside of these hours on any day. Following the expiry of the above-mentioned 12 month temporary period the hours when aircraft using the airfield may take off, land and/or move around the airfield shall revert to 9am to 7pm only on any day (except in an emergency) unless a further planning permission has been granted by the Local Planning Authority for alternative hours of operation.

REASON: To allow for the trialling of extended hours of operation on a temporary basis in order that the impact of such extended hours on the amenity of the occupants of nearby residential properties may be satisfactorily assessed in accordance with the National Planning Policy Framework (NPPF).

- 2.10 Condition 3 - The maximum number of microlights, helicopters and aircraft to be stationed on the application site at any one time shall not exceed 100.

REASON: To limit the use of the site and thereby ensure that the amenity of the occupants of nearby residential properties is not adversely affected by the development in accordance with the National Planning Policy Framework (NPPF)

- 2.11 Condition 4 - There shall be no outside storage within the application site without the prior written approval of the Local Planning Authority except for the outside storage of plant/equipment associated with airfield operations and the development approved on the 21 March 2018 under planning permission reference 17/04453/FUL.

REASON: To limit the use of the site and thereby ensure that the amenity of the occupants of nearby residential properties is not adversely affected by the development in accordance with the National Planning Policy Framework (NPPF)

- 2.12 Condition 5 - No machinery or other airfield activities (excluding aircraft movements) which generate a noise level in excess of 44dBA at the boundary between the application site and the nearest residential receptor to that machinery or airfield activity shall be operated or take place on site outside of the hours of 9am to 7pm on any day.

REASON: To limit the use of the site and thereby ensure that the amenity of the occupants of nearby residential properties is not adversely affected by the development in accordance with the National Planning Policy Framework (NPPF)

- 2.13 Condition 6 - No external lighting additional to that already provided on site shall be installed unless and until:

- a) Details regarding the location of bat sensitive lighting zones on the application site have been submitted to and approved in writing by the local planning authority; and
- b) Where such external lighting would be sited within those approved zones, details of that lighting have been submitted to and approved in writing by the Local Planning Authority. Any such lighting details should be designed so that lighting levels are minimised in accordance with the document, 'Bats and Lighting in the UK', Institute of Lighting Engineers and BCT, 2009. Following approval, any such external lighting shall be installed and operated in strict accordance with the approved details.

REASON: To prevent the risk of harm to protected species in accordance with Policy C11 of the Castle Morpeth District Local Plan and the National Planning Policy Framework (NPPF).

2.14 Condition 7 - Within 1 month of the date of this permission the applicant shall submit to the Local Planning Authority a monitoring scheme to ensure compliance with the conditions attached to this permission for a period of 12 months from the date of this permission including details on arrangements for verification by the Local Planning Authority of monitoring activities to be undertaken by the applicant as part of that scheme.. Thereafter the monitoring scheme as approved by the Local Planning Authority shall be implemented in full.

REASON: To safeguard the amenities of nearby residential occupiers in accordance with Policy R6 of the Castle Morpeth District Local Plan and the NPPF.

2.15 Under this current application the applicant proposes to vary condition 2 only and no changes are sought to any of the other conditions.

3. Planning History

Reference Number: CM/84/D/608C

Description: Use of aerodrome for light aircraft including microlights

Status: PERMITTED

Reference Number: CM/04/D/011

Description: Erection of 20 individual re-locatable hangers

Status: PERMITTED

Reference Number: CM/06/D/195

Description: Erection of new hanger

Status: PERMITTED

Reference Number: CM/20060712

Description: Variation of condition 4 of permission 84/D/608C to permit up to four aircraft to land after 7pm

Status: REFUSED & subsequently dismissed at appeal (Ref: APP/T2920/A/07/2034168/NWF)

Reference Number: CM/20071039

Description: Proposed side extension to clubhouse and demolition and rebuild of toilet block as supplemented by letter and drawings received 03/12/07

Status: PERMITTED

Reference Number: 13/03182/RENE

Description: Installation of 200 solar photovoltaic panels to generate electricity

Status: PERMITTED

Reference Number: 14/03314/DISCON

Description: Discharge of condition 3 of application CM/84/D/608C

Status: WITHDRAWN

Reference Number: 17/00433/FUL

Description: Erection of a light aircraft hanger

Status: PERMITTED

Reference Number: 17/04453/FUL

Description: Change of use of land within part of airfield for outdoor recreational activities including corporate team building and experience days (Use Class D2) and off-road motor vehicle driving experiences together with construction of associated activity centre, off-road motor vehicle course, screen mounding, car parking area, internal site access track and landscaping.

Status: PERMITTED

Reference Number: 18/01707/VARYCO

Description: Variation and removal of conditions attached to planning permission CM/84/D/608C relating to operation of airfield namely conditions 1 (approved plans), 2 (personal permission), 3 (aircraft type restriction), 4 (hours of operation), 5 (airfield membership numbers), 6 (maximum number of resident aircraft on site at any one time), 7 (outside storage) and 8 (recording of aircraft movements) and further condition regarding hours restriction on use of machinery, all changes to better reflect current operational requirements and to remove any ambiguity regarding airfield operating times

Status: PERMITTED

4. Consultee Responses

Thirston Parish Council	<p>They object to the application.</p> <p>The Councillors of Thirston Parish Council adopt and reiterate the previous Chair John Secker's comments, made on their behalf, to the initial application to amend conditions of which flying hours was one (18/01707/VARYCO, and in particular the sections marked Background, Policy, Condition 4 (which covered the proposed trial for extended flying hours) and Condition 8.</p> <p>The concerns expressed by the Parish Council have proved to be justified. Contrary to Mr Pike's assertions they are repeatedly receiving complaints from local residents regarding the operation of Eshott Airfield. They submit with their objection a full complaints log. The Applicant knows of this as we were asked to provide a copy through a Freedom of Information request. They also understand that it is untrue that Northumberland County Council have received no complaints but no doubt the County Council will be able to confirm the accurate position here.</p> <p>When the application for the trial period of these extended hours was heard, Councillors noted that as there was no runway</p>
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lighting these hours would only apply in the summer months. After the trial period was granted, lights then appeared on the runway (since removed and apparently described as “runway markers”). Residents fear they will be reinstated if this application is granted and therefore the usage until close will be facilitated all year.

It is disappointing that Mr Pike, on behalf of the applicant, seeks to spend as much time making derogatory comments about the Parish Council as he does to explain the application. The comment that “many of the complainants have links with Thirston Parish Council” is untrue. Their Clerk and one other Councillor live in proximity to the airfield but five other Councillors reside across the Parish. There is no “vendetta” about the airfield but simply a deep sense of frustration that the current operators have no desire (despite previous attempts being made by Mr Secker and others) to engage constructively with the Parish Council.

The Parish Council wishes to oppose the request for the extended hours to be made permanent. They recognise there will always be a balance between a local business creating opportunities and also those residents who live in close proximity. There has already been, as Mr Pike acknowledges, a significant intensification of use. The Parish Council would say that limiting hours at least offers local residents some respite from what amounts to significantly increased amounts of noise and disturbance. There is no evidence offered that operating within the former hours would actually impact the number of people employed but it would clearly have a positive impact on local residents.

They are also not aware of other unlicensed airfields which have the same extent of hours as is being sought. They have attached with their objection the opening hours of other unlicensed airfields they have found for reference. Mr Pike’s final comment, at 6.4 of his statement, which appears to say do what you like but you cannot enforce your condition, is both disrespectful to the County Council and illuminative of the attitude which they and residents have faced in their dealings with the airfield operator.

The Parish Council would also note that the airfield’s operation routinely disregards previously adhered to routings (shown on an aviation map) to avoid overflying the village of West Thirston. Whilst this has been raised and met with the answer that the airfield has no control over this, (a) as Mr Secker pointed out, the previous operator managed to and (b) one of the main culprits is an aircraft actually registered to the airfield which they use for flying lessons. This exacerbates the impact of their operations as well as leading to low overflying over a residential area which is totally unnecessary if the previously-utilised routes

were adhered to. It also highlights the environmental impact of their operations.

In response to the recent revision of the proposed extended hours to 8am-8pm and the submission of a draft management plan document by the airfield the Parish Council have submitted the following additional comments:

Whilst the new proposed hours of 8am to 8pm are a significant improvement on the original proposed 7am till 11pm the Parish Council has still seen no justification for the increase in these hours. Even the applicant has stated on social media that he has been forced by NCC to change the hours and this is not something he wishes to happen, if this is the case then why apply for any changes. These revised hours have been proposed as NCC has informed the applicant that the original proposed 7am until 11pm would be unacceptable so why should 8am until 8pm?

Should the Committee see fit to approve the 8 - 8 flying this must be subject to a meaningful trial of 12 months with robust monitoring in place as was a condition of the trial period from 7-11, this monitoring did not take place during the initial trial period so a new trial period must be undertaken.

The Draft Management Plan is a long awaited welcome addition to this application however as the Management Plan stands it is unenforceable and lacks clarity and is very much airfield led with too many "flexible" alternatives which do not lend themselves to enforcement action.

What will the mechanisms be for enforcing the Management Plan, this is not made clear by either the operators or NCC.

The Parish Council has reviewed the Management Plan and whilst there are some areas that are most welcome there are a number of areas that need to be addressed further (see attached). Specifically flight routes/circuits need to be addressed. If the routes and no-fly zones were being adhered to as per the previous operators rules then the majority of complaints against the airfield would not have occurred. Low overflying of properties is a huge issue with residents and if the applicant had consideration for those settlements around the airfield then the airfield activity would not be such a contentious issue within the parish.

There must be a condition imposed to halt all helicopter training as the airfield does not have planning permission for this activity and this is most intrusive to residents.

Military Aircraft use the airfield for refuelling - whilst the Parish Council has no objection to military and emergency aircraft using the event of an emergency the continued use of the airfield

	<p>to refuel during training does not constitute an emergency. For example the three day training earlier this year and the MOD training on the night of 23 September (outside operating hours) are perfect examples of major disturbance to residents where there was no emergency taking place. There was also refuelling whilst not an emergency situation during operating hours on 2, 10 and 18 September.</p> <p>Condition 1 of the applicants planning approval states "With the exception of landings/take-offs only by military aircraft and/or aircraft in emergency situations, the airfield shall not be used other than by gliders, microlights, helicopters and propeller driven aircraft. No such individual aircraft (landings/take-offs by military or emergency situations aircraft excepted) shall exceed 5700 kilograms in weight." We refer you to the emails received of 18 and 19 June from the Case Officer stating "we would be recommending that as part of that approval that the wording of condition 1 is varied so that the current weight limit exemption for military aircraft, emergency services aircraft and aircraft in emergency situations is removed (i.e. all aircraft using the airfield will need to be 5700kg or less in weight)" and anticipate that this recommendation still applies.</p> <p>Suggested tracked changes have been supplied by the Parish Council regarding the detailed wording of the management plan as submitted by the applicant.</p>
Felton Parish Council	<p>They object to the application.</p> <p>The restriction should remain in place to minimise noise disturbance and nuisance to residents in the villages of Felton, Eshott and West Thirston.</p>
Highways	No objections.
County Ecologist	No objection subject to a condition in respect of external lighting details having to be agreed by ourselves should external lighting be proposed.
Public Protection	<p>Public Health Protection does not object to the proposal providing that the measures detailed in the application documents are implemented as stated.</p> <p>The applicant is seeking to vary the wording of condition 2 to allow the permanent change to the operating hours for the airfield. Public Health and Protection previously recommended a temporary permission to allow the Council to consider the impact of the amended hours.</p> <p>Public Health Protection are aware that complaints have been received by the Local Authority regarding aircraft noise,</p>

however, aircraft noise is exempt from action under the provisions of statutory nuisance, as such it falls to the planning permission to control noise.

It is noted that there are a considerable number of representations with regard to this application, both for and against the application. Officers have had due consideration of these representations.

It is important to note that the number of complaints received about an activity cannot always be used as a measure of its impact. Consideration of an application must be based on the individual circumstances surrounding the activity as well as the locality where the development is to take place. Sometimes the impact can be assessed by measurement, but at other times the impact must be determined using other parameters.

There is currently not an established methodology for assessing the noise from an airfield of this size. Monitoring methodology exists for larger airports with an assessment based upon the ANCON2 model. This process is overseen by the Civil Aviation Authority and designed for large commercial aircraft. This makes the ANCON 2 model unsuitable for assessing the acoustic impacts of airfield this size.

The fallback position must therefore be to assess the potential change to see what the change in noise level will be from the increase in flight activities.

Noise is assessed against the daytime and night time impacts. Day time is between 07:00 and 23:00 and Night time between 23:00 and 07:00. The proposal only concerns day time aircraft movements and also specifically excludes the operation of circuit training, the permitted times of which will remain the same as in the existing permission.

Over the period of the temporary permission the applicant has recorded the number of aircraft movements, including those that have taken place between the proposed extended hours. Because noise is based on a logarithmic scale everytime you double the number of events you increase the noise level by 3 dB. This is an empirical calculation but demonstrable of the effect of the increase movements detailed in the table above. It is also important to note that the human ear can only typically perceive changes in noise levels once the level has increased by more than 3dB.

When we consider noise we consider the equivalent continuous sound pressure level over the relevant reference time. For day time noise, this reference time is 16 hours and covers the hours 07:00 to 23:00 hours which corresponds with the applicant's proposal.

	<p>Considering the worst case, the busiest month in terms of out of hours / movements is May. The quietest month in terms of flying is September with 153 total flights, of which 1 was out of hours. If we subtract the 1 out of hour flight, this gives us a total of 152 normal movements. In order to increase the noise level by 3dB the number of out of hours movements would need to be 152. The worst case check of 9 out of hours movements represents 6% of the total required to increase the noise levels by 3dB. Therefore, acoustically this is an insignificant number and would not result in a significant change in the 16 hour level which is used to assess daytime noise.</p> <p>When we consider the impact on the busiest month for flying, which is July, this represents a required increase of 315 flights. 9 movements represent 3%, again acoustically insignificant and would not result in a significant change in the 16 hour level which is used to assess daytime noise.</p> <p>Public Protection officers have therefore concluded there would be no acoustic reasons why this application should be refused.</p>
Natural England	No comment.
Highways England	No objection.
Civil Aviation Authority	No formal comments received. However, the CAA have investigated complaints submitted to them by local residents and to date have not determined to progress any enforcement action.
National Air Traffic Services (NATS)	No safeguarding objections.
Fire & Rescue Service	No formal comments received but they have previously investigated re-fuelling activities on site and raise no objections to these.
Newcastle Airport	No objections.
Northumbria Police	No objections from a crime prevention perspective.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	478
Number of Objections	109
Number of Support	167
Number of General Comments	1

Notices

General site notice, 12th September 2019, 3rd December 2019 and 10 September 2021

Morpeth Herald 12th September 2019, 17th October 2019 and 16 September 2021

Summary of Responses:

Those objecting to the application who live/work primarily within the immediate locality of the airfield raise the following concerns:

- Recommended circuits not followed resulting in overflying of dwellings.
- No reporting mechanism in place regarding breaches.
- Low flying over dwellings.
- Greater intensity of use.
- Increased noise including early in morning and late at night.
- Noise from military aircraft using site.
- Airfield should revert to previous hours of 9am to 7pm.
- Airfield hours should be reduced to 9.30am to 6pm Monday to Saturday and 10am to 5pm on Sundays
- Safety concerns related to re-fuelling, low flying and short runways.
- Air pollution.
- Adverse effect on tranquility including the Northumberland Coast AONB.
- Light pollution from use of temporary runway lighting.
- Operation contrary to terms of lease.
- No evidence of significant economic benefits.
- Logged flights do not include military aircraft and helicopters.
- Current planning conditions breached including monitoring condition.
- Adverse effects on neighbouring businesses.
- Wildlife impacts.
- Climate change impacts.
- Distress to livestock.
- Poor security.
- Potential for conflict between civilian and military aircraft.
- Loss of privacy.
- Vibration impact on dwellings.
- Disruption to persons visiting neighbouring burial site from aircraft noise.
- Noise disturbance during extended hours.
- Lack of consultation with residents.
- Contrary to emerging Thirston Neighbourhood Plan due to amenity impacts and lack of community benefit.
- Previous appeal for extended hours dismissed.
- 4 crashes since September 2018.
- Damage to crops and fences from aircraft
- County Council have failed to impose appropriate conditions to secure compliance with CAA guidelines. In this regard the runway width is substandard and the proximity of the runway thresholds to land owned by adjacent third party landowners prevents aircraft from achieving the recommended height above such land on landings/take offs.
- Draft management plan produced by airfield is incomplete and fails to address all relevant matters.
- Use of airfield by helicopters including helicopter training

- Noise from non aircraft sources (e.g. fuel trucks) excessive and exceeds 44dBA limit set by condition on previous permission
- Clarification sought re status of safeguarding charts
- Site size queried
- Refuelling taking place close to neighbouring dwellings
- Assessment of this application less stringent than that for nearby Athey's Moor airfield application (e.g. noise assessment required re the latter but not for this application)
- Need for compliance with CAP 793 – Safe Operating Practices at Unlicensed Aerodromes re such matters as circuit routes.
- Noise Survey required re noise from aircraft overflying nearby Burgham Park with subsequent monitoring of compliance.
- Independent advice should be sought by NCC re safety matters.
- Maximum sound limit should be placed on aircraft using airfield.
- Military aircraft use of airfield should be prohibited.
- A minimum flight height should be imposed.
- Flights should be limited after 5pm with none allowed after 5pm on Sundays.
- Aircraft should not be permitted to overfly Burgham Park.
- Inadequate monitoring of airfield activity since previous grant of permission relating to hours of operation.
- If extended hours are permitted for a further period of time this should be time limited to allow for further monitoring.
- Decision on application should be deferred due to incomplete management plan.
- Noise Assessment required.
- Aviation safety report required.
- Helicopter landing points too close to neighbouring property.
- County Council should prepare management plan not airfield.
- Applicant has been nominated as a Town Councillor in Morpeth for Conservative Party. Any committee members involved in that nomination should not take part in decision making on this application.
- Proposals contrary to Parish Plan.
- Climate change concerns in encouraging more flying.
- Health concerns related to aviation fuel emissions
- If details of management plan are conditioned, discharge of that condition should not be a delegated decision.
- External complaints procedure required.
- Proposals are contrary to Thirston Neighbourhood Plan Policy 6 given the impact of noise and extended hours on neighbouring businesses and residents.
- Robust monitoring required if permission is granted.
- Monitoring by the County Council of site activities to date has been poor.
- Non-compliance with condition 1 of previous permission as coastguard helicopter has been using airfield in non-emergency situations.
- Condition 5 of previous permission is regularly breached as noise from fuel truck exceeds 44dBA.
- Helicopter training not permitted by previous permissions.
- Environmental Impact Assessment required.

Those supporting the application who comprise primarily those who use the airfield but do not live within its immediate locality refer to the following matters:

- Benefits to local economy from increased use of the airfield leading to greater use of local services and as a result of the extended hours making business trips for business owners having aircraft based on site more achievable.
- Greater flexibility re hours benefits safety by allowing pilots to take off and land at times which avoid inclement weather and is a key stopping off point on the east coast route from England to Scotland.
- Recreational benefits.
- Noise levels already high from traffic noise on nearby A1 which creates more noise than the airfield.
- Flying after dark not likely to be commonplace due to the aircraft being based at the airfield not being equipped for night flying.
- Proposals accord with the Government's All Party Parliamentary Group on General Aviation objective of protecting and enhancing the network of general aviation airfields.
- Military aircraft primarily using airfield during the day not early morning or evenings.
- Accident numbers very small and during the day not early morning or evenings and these not relevant in deciding this planning application.
- Some complaints likely to relate to aircraft not associated with airfield which land at nearby sites.
- Flight numbers outside of 9am to 7pm are small in number and therefore not significantly harmful in amenity terms.
- Airfield has been in existence for longer than those objecting to it.
- Educational benefits provided by flight school.
- The majority of pilots are respectful of local residents when flying.
- Airfield of significant benefit to military.

1 general comment received advising that regard be had to the refuelling needs of emergency services aircraft.

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/applicationDetails.do?activeTab=documents&keyVal=PWWAYUQS0IG00>

The Council has also received a copy of a letter sent from Mark Lancaster, Minister of State for the Armed Forces at the Ministry of Defence to Paul Maynard, Parliamentary Under Secretary of State at the Department for Transport in respect of Eshott Airfield. Although this letter does not specifically refer to the planning application the subject of this committee report it advises that Eshott Airfield fulfills a vital role in the training of UK armed forces. In this regard it states that since the closure of RAF Boulmer, Eshott is of significance as a staging post and refuelling point for military helicopters engaged in a particular aspect of military training associated with an MoD site elsewhere in Northumberland which is the only site in the UK where such military training can take place. Eshott Airfield is the only airfield within a reasonable range of the said MoD site that offers military grade fuel, an operating window of 0700-2300 hours and allows for helicopters to be refuelled with rotors still turning which increases the efficiency of training.

Furthermore, the Council have also been provided with a Resident Counsel Opinion which considers both the previously approved planning application reference 18/01707/VARYCO and this current application.

In summary the Resident Counsel Opinion considers both the 2018 application and this current application to be contrary to Castle Morpeth District Local Plan Policy R6 and in particular criterion 3 of that Policy which refers to villages in the vicinity of proposals being safeguarded from any increase in levels of activity which may have a detrimental effect on their character and amenity.

Reference is also made in the opinion to the Noise Policy Statement England (NPSE) and the NPPG in respect of noise impacts.

The Resident Counsel Opinion then considers the conditions attached to the 2018 permission. In this regard reference is made to the case of *Finney v Welsh Ministers* [2019] EWCA Civ 1868 which states that an application under Section 73 of the Town & Country Planning Act cannot consider or change the description of development to which conditions are attached. The original 84/D/608C approval which the 2018 permission varied refers to use of the application site only by light aircraft including microlights. As such it is alleged that the 2018 permission cannot permit use of the airfield by helicopters or aircraft other than light aircraft.

In terms of the condition governing the maximum weight of aircraft using the site, justification is sought for the 5700kg weight limit referred to in condition 1 of the 2018 permission with reference being made to other definitions in EU Regulations.

It is further noted that condition 7 of the 2018 permission concerning monitoring has not been complied with and that the reasons for conditions 2 and 7 have been disregarded in that there has been no monitoring on an agreed basis over 12 months, the trial has not taken place, the trial was regarded as necessary in order that the impact of residential hours on the amenity of nearby residential properties may be satisfactorily assessed and therefore accordingly the impact has not been satisfactorily assessed.

Finally, in light of the above, the Resident Counsel Opinion suggests in respect of the current application that:

- a) Condition 1 should be varied to delete 'helicopters and propeller driven aircraft' and insert 'light aircraft' or 'propeller driven light aircraft';
- b) Condition 1 should also be varied so as to delete 'shall exceed 5700 kilograms in weight' and insert the weight limit for light aircraft, which is 2000 kilograms based on the EU 965/2012 as amended by EU 800/2013;
- c) The application to allow on a permanent basis the extended hours detailed in condition 2 should be refused to allow the originally approved hours of 0900-1900 to continue; and
- d) Condition 3 should be varied to delete 'helicopters' and insert 'light' before aircraft.

6. Planning Policy

6.1 Development Plan Policy

Thirston Neighbourhood Development Plan (TNDP)

Policy 1 – Design and development principles
Policy 6 – Businesses and community facilities

Castle Morpeth District Local Plan (CMDLP)

C1 – Settlement boundaries
C9 – Sites of nature conservation importance
C11 – Protected species
R6 – Countryside activities high impact
WTC1 – West Thirston settlement boundary
WTC 3 – West Thirston SSSI & wildlife corridors

6.2 National Planning Policy

NPPF (2021)
NPPG

6.3 Other Planning Policy Documents

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021)

STP 1 – Spatial strategy (Strategic Policy)
STP 2 – Presumption in favour of sustainable development (Strategic Policy)
STP 3 – Principles of sustainable development (Strategic Policy)
STP 4 – Climate change mitigation and adaptation (Strategic Policy)
STP 5 - Health and wellbeing (Strategic Policy)
ECN12 - A strategy for rural economic growth (Strategic Policy)
ECN13 - Meeting rural employment needs (Strategic Policy)
ECN17 - Military establishments
TRA 1 – Promoting sustainable connections (Strategic Policy)
TRA 2 – The 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
WAT 3 – Flooding
WAT 4 – Sustainable Drainage Systems
POL 1 – Unstable and contaminated land
POL 2 – Pollution and air, soil and water quality

7. Appraisal

7.1 As this application is for variation of a condition attached to a previous planning permission the provisions of Section 73 of the Town & Country Planning Act 1990 as amended apply. In this regard the Act states that on such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and if they decide that planning permission should be granted subject to conditions differing from

those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

- 7.2 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.3 The development plan in respect of the application site comprises the Thirston Neighbourhood Development Plan (TNDP) (which has recently passed referendum stage and can now be afforded full weight) and saved Policies of the Castle Morpeth District Local Plan.
- 7.4 The NPPF and National Planning Practice Guidance (NPPG) are material considerations in determining this application. Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon three criteria: the stage of preparation of the plan; the extent to which there are unresolved objections to policies within the plan; and the degree of consistency with the NPPF. The Northumberland Local Plan - Publication Draft Plan (Regulation 19) (NLP) was submitted to the Secretary of State for Ministry of Housing, Communities and Local Government on 29 May 2019, and is currently going through the examination process. On 9 June 2021, the Council published for consultation, a Schedule of proposed Main Modifications to the draft Local Plan which the independent Inspectors examining the plan consider are necessary to make the plan 'sound'. As such the plan is at an advanced stage of preparation, and the policies in the NLP - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021), are considered to be consistent with the NPPF. The NLP is a material consideration in determining this application, with the amount of weight that can be given to specific policies (and parts thereof) is dependent upon whether Main Modifications are proposed, and the extent and significance of unresolved objections.
- 7.5 Whilst the NPPF advises LPAs how to weight extant policy, and emerging policy, weight remains a matter for the planning decision-maker.
- 7.6 Paragraph 11 of the NPPF provides definitive guidance on how applications should be determined by stating:

Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.7 NPPF Paragraph 8 provides the key starting point against which the sustainability of a development proposal should be assessed. This identifies three dimensions to sustainable development, an economic objective, a social objective and an environmental objective. Paragraph 8 goes on to advise how the three elements of sustainable development are mutually dependant and should not be considered in isolation. It makes clear that to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

7.8 The main issues for consideration in respect of this application comprise:

- Principle of development
- Residential amenity considerations including noise pollution and disturbance
- Ecology
- Transportation matters
- Landscape and Visual Impact

Principle of Development

7.9 In considering the principle of the proposed development on this site the starting point in terms of planning policy are relevant policies within the Thirston Neighbourhood Development Plan (TNDP) and the Castle Morpeth District Local Plan (CMDLP).

7.10 In this regard TNDP Policy 1 states that proposals for new development must where relevant demonstrate how, inter alia, in terms of proximity that they would not result in significant adverse noise impacts on existing or future residents and businesses.

7.11 TNDP Policy 6 continues by stating that any planning applications for expansions to existing businesses will be assessed in accordance with policies elsewhere in the Neighbourhood Plan and Development Plan in relation to the following:

- a) impacts on the amenity of residents, holiday makers and other businesses and tourist attractions in the Neighbourhood Area;
- b) impacts of noise generating businesses and in particular, their impact on residents and other businesses in the Neighbourhood Area;
- c) hours of operation and impacts on neighbouring businesses and residents;
- d) whether access to the new or extended business can be accommodated without significant impacts on the highway network; and
- e) the extent to which new or extended business development can be made accessible by cycle, walking and/or other sustainable modes of transport.

Proposals that have a significant adverse effect on the peaceful nature of the Woodland Burial Site and Crematorium will not be supported.

- 7.12 The CMDLP and in particular Policies C1 and WTC1 are of relevance. Policy WTC1 identifies a settlement boundary for West Thirston. The application site lies outside of this. Policy C1 states that development in the open countryside beyond settlement boundaries will not be permitted unless the proposals can be justified as essential to the needs of agriculture or forestry or are permitted under certain specified Policies. None of the specified Policies that have been saved are of relevance to the application proposal. However, Policy C1 further states that certain other Policies 'need to be considered' in assessing application proposals and these include Policy R6 relating to high impact countryside activities.
- 7.13 CMDLP Policy R6 states that the Council will not permit high impact countryside sports unless it can be shown that the uses will not be detrimental to the character and nature conservation value of the area and to other rural land uses and the amenity of residents. In this regard such proposals will be assessed against a number of criteria. Each of these criteria are considered below in respect of the application proposal. The applicant has advised that they do not consider Policy R6 to be applicable to airfield operations at Eshott which handles some flights of a commercial rather than leisure nature. However, it is considered that a significant number of aircraft using the airfield are doing so for leisure purposes and therefore it is considered that this application should be assessed against Policy R6.
- 7.14 Returning to the Policy R6 criteria, firstly, proposals affecting a significant area of best and most versatile agricultural land will not be permitted. The application site is an existing airfield and as such the proposals are not considered harmful in respect of this criterion.
- 7.15 Secondly, proposals are to be located so as to minimise the visual impact on the countryside. The scale, design and materials used for buildings and other structures should reflect local vernacular architecture with special attention given to the screening of buildings and car parks. Overall the proposals are considered acceptable in terms of this criterion for the reasons detailed later in this report.
- 7.16 Thirdly, there is a requirement that villages in the vicinity are safeguarded from any increase in levels of activity which may have a detrimental effect on their character and amenity. It is accepted that the proposals would be contrary to this criterion as a continuation of the previously approved extended hours would result in increased activity during those extended hours that would have some detrimental effect on the amenity of nearby residents. However, such increased detrimental effect needs to be considered alongside other material considerations in the planning balance and within the context of the changes being sought under this application in relation to what is already permitted and the matter of potential mitigation measures.
- 7.17 Criterion 4 of Policy R6 requires that adequate road access, including access for construction traffic is provided so as to safeguard against any undesirable increase in traffic on minor roads to the detriment of local amenity or highway safety. The Council as Local Highway Authority and Highways England advise that they have no objections to the proposals on highways grounds and therefore the proposals are considered acceptable in this regard.

- 7.18 Criterion 5 encourages the re-use of derelict land and buildings. This is not of relevance to the application proposals as no changes to any buildings on site are proposed as part of this application.
- 7.19 Criterion 6 states that proposals should not have a material adverse impact on designated nature conservation sites, existing wildlife habitats, areas of nature conservation or archaeological importance, areas of high landscape value and the heritage coast. The Council's ecologist and Natural England have confirmed that there would be no material adverse impacts from the proposal on the River Coquet SSSI to the north of the site or on other designated nature conservation sites, whilst impact on wildlife habitat/nature conservation is considered acceptable subject to a condition regarding external lighting. The proposals have no implications regarding archaeology as no building works are proposed. The landscape within and immediately adjacent to the application site is not considered to be of high value and there is no impact on the heritage coast from the proposals. Overall, the proposals are considered acceptable in terms of criterion 6 subject to the above-mentioned condition.
- 7.20 Criteria 7 and 10 of Policy R6 refer to development in the Green Belt. The application site does not lie within the Green Belt and therefore these criteria are not of relevance.
- 7.21 Criterion 8 concerns floodlighting. However, no floodlighting is proposed under this application and as stated above a condition is proposed to address the matter of potential ecological impacts from external lighting.
- 7.22 The final criterion of Policy R6 concerns the safeguarding of existing rights of way. There are no rights of way within the application site and therefore this criterion is not of relevance.
- 7.23 NPPF Paragraph 185 is less prescriptive as it acknowledges that some harm to amenity may arise from proposals. However, this should be mitigated, reduced to a minimum, limited and significant adverse effects should be avoided.
- 7.24 NPPF paragraph 81 states that significant weight should be placed on the need to support economic growth and productivity taking into account both local business needs and wider opportunities for development.
- 7.25 Paragraph 84 further states that planning policies and decisions should enable the development and diversification of land based rural enterprises and sustainable rural tourism and leisure developments which respect the character of the countryside. NLP Policies ECN12 and ECN13 reflect national guidance in this regard.
- 7.26 Also of relevance is paragraph 106(f) of the NPPF which states that planning policies should recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time - taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government's General Aviation Strategy.

- 7.27 It is considered that the proposals would benefit the rural economy in this part of Northumberland by generating income for the existing airfield business and income for other local businesses through use of local facilities by those visiting the site. Jobs already provided by the airfield would be further safeguarded.
- 7.28 Furthermore, NPPF paragraph 97 states that planning decisions should take into account wider security and defence requirements by recognising and supporting development required for operational defence and security purposes. NLP Policy ECN17 reflects such guidance.
- 7.29 As referenced earlier in this report, the MoD have confirmed that the airfield is of significance in terms of military training and an aspect of that significance derives from the airfield being operational outside of the currently permitted hours of 9am to 7pm.
- 7.30 Notwithstanding all of the above, the principle of an airfield use on the site is already established through the planning permission granted in 1995 and the subsequent Section 73 approval in 2018 which granted a new planning permission for the airfield albeit subject to conditions different to those attached to the 1995 permission. This current application is a further Section 73 submission which, as stated above, seeks to vary condition 2 attached to the 2018 permission to allow for continuation on a permanent basis of extended hours of operation regarding aircraft movements, with the applicant now seeking approval for hours of 8am to 8pm on any day when aircraft can take off, land or move around within the airfield. Circuit training - which would continue to operate between 9am and 7pm only - and emergencies would be excepted from the 8am to 8pm hours of operation. Were this current application to be approved this would result in a further planning permission being granted for an airfield use on the site, albeit subject to different conditions.
- 7.31 In terms of condition 2 of permission reference 18/01707/VARYCO, which the applicant seeks to vary, what needs to be considered therefore is the matter of additional impacts arising from the variation of that condition.
- 7.32 The matter of amenity impacts is considered in further detail later in this report where it is concluded that the proposals would be acceptable in terms of such impacts subject to the proposed extended hours of operation being trialled further over another temporary 12 month period and implementation of an airfield management plan concerning aircraft activity during those extended hours.
- 7.33 Certain objectors have made reference to the need for Environmental Impact Assessment (EIA) in respect of the proposals. Having examined the currently extant Town & Country Planning (Environmental Impact Assessment) Regulations it is the view of officers that the EIA Regulations do not apply in respect of the proposals as they do not comprise a project that would fall within Schedules 1 or 2 of the Regulations. In this regard the description of development granted approval in respect of the original 1995 permission refers only to 'use of aerodrome for light aircraft including microlights'. [Officer emphasis added]. Schedules 1 and 2 of the Regulations when referring to airports/airfields reference only the construction of airports/airfields with no reference being made to the use of existing aerodromes for specified aircraft

activities. Furthermore the 3 runways at the airfield, measuring 1770m in length do not exceed cumulatively in length the 2100m threshold referenced in Schedule 1 of the Regulations and in respect of the Schedule 2 Applicable Thresholds no extension of the runways are proposed nor is any operational development proposed the area of which exceeds 1 hectare. As such the changes and extensions part of Schedule 2 would likewise not apply as a change is not proposed to development of a description listed in Schedule 1 or elsewhere in Schedule 2. For the above reasons it is not considered that the proposal for which planning permission is sought needs to be screened under the EIA Regulations and notwithstanding all of the above, officers are of the opinion for the reasons outlined in this report that the proposal would not give rise, for the purposes of the EIA Regulations, to significant environmental effects.

- 7.34 Given all of the above material planning considerations and the further explanation provided below, it is considered in terms of the planning balance that the principle of the proposed development on the application site is acceptable subject to conditions. It is however important to differentiate the different issues and benefits accruing from the range of aviation uses taking place at the site. These take place over different times of the day and have the potential to be addressed to different degrees by planning controls addressed by the current application, and (also to different degrees) other legislative controls imposed on the airfield operator and/or users of the airfield.

Residential amenity considerations including noise pollution

- 7.35 Turning now in detail to the matter of residential amenity considerations, as outlined earlier TNDP Policy 1 states that proposals for new development must where relevant demonstrate how, inter alia, in terms of proximity that they would not result in significant adverse noise impacts on existing or future residents and businesses.

- 7.36 TNDP Policy 6 continues by stating that any planning applications for expansions to existing businesses will be assessed in accordance with policies elsewhere in the Neighbourhood Plan and Development Plan in relation to the following:

- a) impacts on the amenity of residents, holiday makers and other businesses and tourist attractions in the Neighbourhood Area;
- b) impacts of noise generating businesses and in particular, their impact on residents and other businesses in the Neighbourhood Area;
- c) hours of operation and impacts on neighbouring businesses and residents;

Proposals that have a significant adverse effect on the peaceful nature of the Woodland Burial Site and Crematorium will not be supported.

- 7.37 CMDLP Policy R6 states that the Council will not permit high impact countryside sports unless it can be shown that the uses will not be detrimental to the amenity of residents. Criterion 3 of the Policy further states that there is a requirement that villages in the vicinity are safeguarded from any increase in levels of activity which may have a detrimental effect on their character and amenity.

- 7.38 NPPF paragraph 185 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
 - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
 - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 7.39 NLP Policy STP3 concerning the principles of sustainable development states that development proposals will be expected to deliver across the range of economic, social and environmental factors and adhere to certain principles where appropriate. Principle e) in the Policy refers to the need for proposals to minimise their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.
- 7.40 NLP Policy STP5 which relates to health and wellbeing states that development proposals will be required to demonstrate that they, inter alia, prevent negative impacts on amenity and protect and alleviate risk to people and the environment, support wider public safety and do not have a negative impact upon ground instability, ground and water contamination, vibration, air and noise pollution. The Policy further advises that a Health Impact Assessment Screening will be required to be submitted for all major development proposals to determine whether the potential impact on health resulting from the development warrants any further assessment.
- 7.41 NLP Policy ECN12 which outlines the strategy for rural economic growth states that the growth of the rural economy will be encouraged through, inter alia, safeguarding the rural environment, rural communities and traditional rural businesses upon which the rural economy depends.
- 7.42 Finally NLP Policy POL2 concerning pollution states that development proposals in locations where they would cause harm by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances will not be supported. Development proposals that may cause pollution of water, air or soil, either individually or cumulatively, are required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, people or biodiversity. Development proposed where pollution levels are unacceptable, and unable to be mitigated to acceptable levels, will not be supported. Development will be required to help, inter alia, maintain air quality standards. Finally advice on the storage and handling of hazardous substances will be taken from the Health and Safety Executive.

- 7.43 Given that the NLP is not as yet an adopted Plan, it is not considered that significant weight can be given to its Policies in deciding this application. Greatest weight should be given to Thirston Neighbourhood Plan Policies 1 and 6 and CMDLP Policy R6 so far as it is in conformity with the NPPF.
- 7.44 The key consideration in assessing the proposal against Neighbourhood Plan Policies 1 and 6 is whether or not the additional impacts arising from the proposed changes to condition 2 would give rise to significant adverse amenity impacts to local residents and businesses including the peaceful nature of the adjacent woodland burial site. Potential mitigation measures need also to be considered in assessing this matter.
- 7.45 In terms of CMDLP Policy R6, it is not considered that full weight can be given to this policy as it is not entirely in conformity with the NPPF.
- 7.46 In this regard Policy R6 is more prescriptive, stating that uses should not be detrimental to the amenities of residents. Reference is also made to safeguarding from any increase in levels of activity which may have a detrimental effect on character and amenity, although this latter reference applies only to 'villages in the vicinity' as opposed to hamlets and individual properties in the vicinity of the airfield. However, as advised earlier in this report, it is accepted that the proposals would be contrary to this Policy R6 criterion as a continuation of the previously approved extended hours would result in increased activity during those extended hours that would have some detrimental effect on the amenity of nearby residents.
- 7.47 However, NPPF Paragraph 185 is less prescriptive as it acknowledges that some harm to amenity may arise from proposals. However, this should be mitigated, reduced to a minimum, limited and significant adverse effects should be avoided.
- 7.48 As detailed below, it is considered that harm to amenity arising can be satisfactorily mitigated through revisions to the wording of condition 2 to allow the continued trialling of the proposed extended hours of operation over another temporary 12 month period and a new condition requiring implementation of an airfield management plan concerning aircraft activity during those extended hours.
- 7.49 It is likewise considered that such mitigation would be sufficient to ensure that the proposals are compliant with Policies 1 and 6 of the Neighbourhood Plan in respect of amenity impacts.
- 7.50 Furthermore, in respect of the scope of this present application, it needs to be borne in mind that certain of the concerns raised by objectors are not material planning considerations in deciding this application as they fall within the jurisdiction of other regulatory bodies and/or are to be addressed through other non planning legislation. To provide clarification, advice has been obtained from Counsel in respect of the Council's responsibilities as Local Planning Authority.
- 7.51 Counsel has confirmed that responsibility in respect of pilot behaviour lies with pilots themselves, with the Civil Aviation Authority having enforcement responsibilities if pilots are not operating in accordance with the Rules of the

Air. As the airfield is an unlicensed aerodrome, the only express statutory responsibility the aerodrome operator has in respect of safe flying is pursuant to Article 209(1) of the Air Navigation Order, which places the onus on the operator of an aerodrome which is 'neither a national licensed aerodrome nor an EASA certified aerodrome' not to permit instruction or examination flights see Article 209(3)) 'unless satisfied on reasonable grounds that the aerodrome has adequate facilities for the safe conduct of such flights'.

- 7.52 Likewise, as the airfield is an unlicensed aerodrome the CAA cannot dictate the technical specification of airfield facilities such as the specification of runways. It is for individual pilots to decide whether or not it is safe to land or take off from the airfield bearing in mind whatever constraints exist. Notwithstanding this, the site has been inspected by the CAA and it is understood that no concerns were raised following that visit. Airfield activities such as aircraft re-fuelling are subject to the Health and Safety at Work Act and both the Council and the Health & Safety Executive have responsibilities to ensure that the Act is complied with in respect of such activities. Again, re-fuelling facilities have been inspected by the Council's Fire & Rescue Service and they have no concerns.
- 7.53 Concerns raised by objectors that airfield activities contravene the lease granted to the current operator are a civil law matter between the operator and freeholder.
- 7.54 Many objectors have raised concerns around noise pollution from both airborne aircraft and aircraft on the airfield.
- 7.55 As stated earlier, under this application submission the applicant seeks to vary condition 2 of the 2018 permission to allow extended hours of 8am to 8pm to continue on a permanent basis. In this regard the applicant keeps a log of flights at the airfield (including military flights) and has supplied details regarding flights for the previously approved 12 month extended hours trial period between September 2018 and September 2019. This shows a total of 3083 flights during that period with only 45 of these (around 1.5%) being during the previously agreed extended hours of 7am to 9am or 7pm to 11pm. They advise that there were no flights between 11pm and 7am and only 16 of the 3083 flights were military helicopter flights. Officers have cross referenced these statistics against representations received from objectors and the Parish Councils and there are no substantial inconsistencies. In this regard, two objectors and Thirston Parish Council refer to a military helicopter visiting the airfield around 11.30pm and there are some references to engine noise from aircraft being warmed up on the ground between 7-9am during months when the airfield have not recorded any flights during the extended hours (this in itself would not be contradictory as such aircraft may not have taken off until after 9am and therefore would not have been recorded as an extended hours flight). Due to the pandemic use of the airfield was significantly reduced during the majority of 2020 and 2021. Flight figures provided by the applicant for the period August 2020 to July 2021 show a total of 1213 flights. 7 of these (0.6%) were outside of the 9am to 7pm hours but none took place between 11pm and 7am. 34 of the 1213 flights were military aircraft flights. Again these figures have been cross referenced against complaints received. The only discrepancy relates to a complaint that alleges 2 aircraft took off from the site at 8.45am in July 2021 whereas the airfield figures refer to 1 breach of the 9am to 7pm hours during that month. Since the

beginning of August 2 further complaints have been received by officers from local residents which refer specifically to out of hours aircraft landings/take-offs. These allege an aircraft landed at 7.30pm on the 4 August and on the 23 September it is alleged that 8 military aircraft (including chinook helicopters over 5,700kg in weight) arrived/departed in connection with refuelling related to a military exercise between 7.30pm and 9.45pm.

- 7.56 The Council's Public Protection Officer has considered the concerns raised by objectors and the observations regarding noise matters raised in the Resident Counsel Opinion. However, they maintain their views as detailed above that, having regard to the small number of aircraft movements during the previously approved extended hours period, there would be no acoustic reasons why this application should be refused.
- 7.57 The Council's Public Protection Officer has visited the airfield and observed aircraft taking off and landing and aircraft undertaking circuits. Officers also have an awareness of existing background noise levels from other nearby noise sources, most notably traffic noise from the adjacent A1, derived from noise assessment work undertaken previously in connection with planning application reference 17/04453/FUL. Such observation and assessment has shown that noise levels from aircraft movements are not in their opinion significantly harmful taking into consideration existing background noise levels from the A1.
- 7.58 Consideration has also been given to the fact that not all aircraft noise in the vicinity is attributable to Eshott Airfield as there are also regular occurrences of aircraft enroute to/from other airports travelling over the local area. In addition, it is apparent from certain of the representations received in support of the application that the current hours restrictions have resulted in the unintended consequence of aircraft arriving early in the locality in the morning before 9am having to spend time circling in the locality and creating additional noise disturbance, before landing at 9am within the currently permitted hours. Furthermore, it is apparent that aircraft using the site do not generally fly after dark.
- 7.59 Officers have also had regard to the 2007 appeal decision which dismissed an appeal against refusal of a planning application to extend flying activity from the airfield after 7pm. In his decision letter the Inspector stated that away from the A1 and areas in the locality where shooting could be heard, he considered the locality to be quiet and tranquil and that the occupiers of the isolated properties, farms and occasional settlements scattered across the nearby countryside enjoyed the benefits of a peaceful existence. In dismissing the appeal he concluded that the amenities of such residents would be harmed by flight activity from the airfield after 7pm, that such a proposal would be contrary to the Development Plan and that it was not possible through planning conditions to control pilot movements once in the air.
- 7.60 However, this decision dates from over 10 years ago and in that time there have been improvements made in reducing noise from aircraft engines and proposals today in respect of flying activity from the airfield need to be assessed against current background noise data. The comments of the previous appeal Inspector regarding the control of pilot movements once in the air are acknowledged. It is considered that some control in this regard in respect of

pilots can be exercised through the implementation of a management plan as suggested re condition 2 but a number of factors such as the level of airspace activity at a particular time, aircraft type, weather conditions and other safety considerations may result in pilots including airfield members not always being able to comply with agreed advisory routes. Furthermore, neither the airfield operator or the Council have legal jurisdiction over the behaviour of airborne pilots as such jurisdiction rests with the Civil Aviation Authority, although the airfield's standing orders do advise that illegal flying will be reported by the airfield operator to the CAA and the operator will co-operate with the CAA re any prosecution proceedings arising. Despite the best efforts of the airfield operator to publicise advisory routes, some visiting pilots may also be unfamiliar with these. Notwithstanding the above, the airfield operator will continue to promote compliance by all pilots with their standing orders and out of hours procedure but these can only ever be advisory.

- 7.61 Reference has been made historically by objectors to a planning permission granted in 2016 for a wood storage/processing use at Wintrick at the eastern end of the airfield. The hours of operation in respect of this use were restricted by condition to 9am to 5pm Monday to Saturday. However, each application is to be considered on its individual merits and there are differences between that proposal and this current application in terms of the type of development for which permission is sought and the relationship of the respective developments to nearby properties. As such, it does not follow that the same hours restrictions should apply in respect of the airfield, and indeed the currently permitted hours of use for the airfield are considerably wider than those permitted on the Wintrick site.
- 7.62 Overall, having regard to all of the above, the view of the Council's Public Protection Officer that a refusal of planning permission on acoustic grounds would not be justified is accepted. However, notwithstanding this, it is apparent from objections received that there have been instances when some disturbance has been caused to adjoining occupiers from aircraft noise events during the previously approved extended hours. Furthermore, the applicant has failed to discharge condition 7 of the September 2018 permission relating to monitoring matters and it is considered that there have been some deficiencies in respect of the monitoring of airfield activities in conjunction with the airfield operator since September 2018. In light of this, it is considered that whilst it would be permissible for the reduced extended hours now proposed to continue, this should be for a further 12 month trial period and there should also be an agreed management plan in place governing aircraft activity, given the current more intensive use of the site compared to when the original permission was granted in 1995, with this covering such matters as advisory routes in respect of aircraft leaving and approaching the airfield, procedures in respect of the refuelling of aircraft, arrangements for the logging of all flights to/from the airfield and details regarding arrangements for the provision of this information to the Local Planning Authority and a complaints management system to allow the Local Planning Authority and airfield to consider complaints from third parties relating to aircraft activity during those extended hours.
- 7.63 It is therefore considered that the wording of condition 2 should be amended to reflect the above and that condition 7 from the 2018 permission should not be

included in any new permission as it is considered that the provisions detailed above will provide for satisfactory monitoring of aircraft activity.

- 7.64 The Resident Counsel Opinion also recommends that conditions 1 and 3 of the 2018 permission be amended to address amenity concerns and also concerns that the 2018 permission approved unlawful amendments which went beyond the terms of the original 1995 permission.
- 7.65 Officers have given consideration to these matters but are of the opinion that further changes to conditions 1 and 3 of the 2018 permission should not be made with the exception of the weight limit exemption for military, emergency services and emergency situations aircraft in condition 1 which it is agreed should be removed.
- 7.66 It is also considered that Condition 5 should be amended so that if complaints are received in future alleging that the 44dB noise limit re noise from non aircraft sources at the nearest dwelling boundaries is being exceeded, the applicant will be required to commission noise assessment work to establish whether or not such a breach has arisen and to undertake appropriate mitigation where necessary.
- 7.67 The Counsel opinion obtained by the Council, contrary to that of the Resident Counsel Opinion, does consider that helicopters fall within the definition of 'aircraft'
- 7.68 In terms of definition of the term 'light aircraft' in the operative description of development of the 1995 permission, The Resident Counsel Opinion refers to 2013 EC Regulations which define two types of light aircraft having weights of 1200kg or less or 2000kg or less and these definitions superseding an earlier definition which referred to the 5700kg or less figure referred to in condition 1 of the 2018 permission. In response to this, the 5700kg or less figure adopted by officers in the 2018 permission was derived from discussions with the applicant and their understanding that this was the upper limit of the CAA's definition of light aircraft. The Council's Counsel opinion further advises that at the time of the 1995 permission, the common understanding of the term 'light aircraft', based on the civil aviation regime then in place, was an aircraft with a take-off weight of less than 5670kg. Officers consider that the 5700kg maximum weight should remain unchanged in condition 1. The reason for condition 1 was to safeguard the amenity of residents. As advised earlier in this report, matters concerning safety in flight and the specification of the airfield to handle particular types of aircraft are matters for individual pilots and the airfield operator with the CAA having some oversight in respect of pilot behaviour. Having regard to this, the economic benefits arising to the airfield from the types of non-military aircraft using the site, the comments of the Council's Public Protection Officer concerning noise pollution matters and the suggested changes to condition 2 related to the mitigation of amenity concerns, it is not considered that condition 1 should be amended.
- 7.69 Given the above, it is not considered that a grant of permission for this current application subject to the recommended conditions would give rise to an unlawful permission which goes beyond the bounds of what was permitted by

the 2018 permission and the operative description of development in the 1995 permission.

- 7.70 Concerns have been raised by objectors regarding helicopter use of the airfield generally and for training with concerns re noise, vibration and dust pollution. In response to such concerns, the helicopter take-off & landing area on the airfield has been re-sited by the applicant to a location as far away as possible from neighbouring dwellings. Advice received from Counsel is that helicopters would fall within the definition of light aircraft provided they do not exceed 5700kg in weight and therefore helicopter use of the site in and of itself, including training, is considered to fall within the terms of the originally permitted use. In terms of use by larger helicopters, or indeed any other aircraft, over 5700kg in weight, it is acknowledged that such use would not fall within the terms of the original permission and it is proposed to amend condition 1 of the 2018 permission to remove the exemption for military, emergency services and emergency situations aircraft from this weight limit. The Council's Public Protection Officer raises no objections re helicopter use of the site.
- 7.71 Complaints have been received alleging excessive noise from non aircraft sources (e.g. fuel trucks) exceeding the current 44dBA limit at the nearest dwellings as specified by condition on the most recent permission. These have been investigated by NCC planning enforcement but formal action has not been deemed expedient re incidents to date. This condition would be re-attached were this application to be supported with the above suggested additional wording re monitoring should the County Council as Local Planning Authority consider this to be justified.
- 7.72 Reference has been made to the Athey's Moor airfield site nearby where a planning permission regarding more intensive use was granted earlier this year. That application was accompanied by a Noise Assessment and it is alleged by objectors that such an assessment should have been sought re this application also. That assessment was not required by NCC Public Protection for the Athey's Moor but was submitted unilaterally by the applicant.
- 7.73 Objectors have also referred to the need for greater compliance with CAP793 which is CAA guidance for unlicensed airfield, particularly around the enforcement of circuit routes. CAP793 is guidance only and not mandatory. The view of officers is that concerns related to circuit route enforcement are best addressed through the proposed management plan and that it would not be expedient to require compliance in all instances with agreed circuit routes as pilots may on certain occasions need to depart from these routes on safety grounds due to matters such as weather conditions and aircraft specification.
- 7.74 Overall, the proposals are considered acceptable in terms of amenity considerations subject to the suggested changes to conditions 1, 2 and 5, associated deletion of condition 7, a new management plan condition and retention of all other conditions attached to the 2018 permission.

Ecology

- 7.75 In addition to CMDLP Policy R6 referred to above, Policies C9, C11 and WTC3 also seek to safeguard designated nature conservation sites and protected

species whilst Neighbourhood Plan Policy 1 and the NPPF seek to secure biodiversity enhancement. The Council's ecologist and Natural England have confirmed that the proposals are acceptable in terms of Policies C9 and WTC3 as they would not result in any significant adverse impacts upon designated sites in the locality. In terms of Policy C11 regarding protected species, the Council's ecologist raises no objection subject to a condition regarding lighting. Some temporary runway lighting was installed on site for a short period during the Autumn of 2018. However, this current application proposes no lighting, although a condition in this regard is proposed as a safeguard in respect of ecology matters.

- 7.76 Overall the proposals are considered acceptable on ecology grounds subject to condition.

Transportation matters

- 7.77 In respect of transportation matters, no changes are proposed to site access arrangements. All vehicles using the application site would enter from the A1 and a hard surfaced car parking area is available close to the airfield entrance.
- 7.78 The Council's highways team raise no objections to these arrangements and Highways England also raise no objection in terms of impact on the A1.
- 7.79 Overall the proposals are therefore considered to be acceptable in respect of transportation matters.

Landscape and Visual Impact

- 7.80 As stated earlier, criterion 2 of CMDLP Policy R6 states that proposals are to be located so as to minimise the visual impact on the countryside. The scale, design and materials used for buildings and other structures should reflect local vernacular architecture with special attention given to the screening of buildings and car parks.
- 7.81 The application site and its immediate surroundings are not considered to be a high value landscape and in this regard are not covered by any landscape designations regarding landscape of high value.
- 7.82 In terms of more general landscape classification, the site lies within the Natural England Mid Northumberland National Character Area which is specified as a transitional plateau area between the Penine uplands and low lying coastal plain which is characterized by largely agricultural use. Moving onto the Northumberland Landscape Character Assessment, the site lies within Landscape Character Type 38 – Lowland Rolling Farmland and within Landscape Character Area 38b – Longhorsley. Key components of this landscape are specified as being a strong enclosure pattern and an intricate network of small settlements/farmsteads/hedgerow trees/woodland with the A1 and A697 exerting a strong influence on the landscape through severance and visual/aural intrusion. In the Council's Key Land Use Impact Study the quality score for LCA 38b is 24 which places this landscape within the 2nd lowest of 5 landscape quality classifications. This further confirms that the locality surrounding the site is not of high quality in landscape terms.

- 7.83 The airfield is screened from view from the north, west and south by tree and hedge planting and the nearest public right of way which lies around 300 metres to the east of the application site is some distance away.
- 7.84 Bearing in mind the above and the nature of the variations in respect of condition 2 it is not considered that significantly harmful landscape and visual impacts would arise were this current application to be supported.

Other matters

- 7.85 Concern has been raised about security if aircraft are arriving at the site in the evening and no member of staff is in attendance at the airfield. However, this is essentially a management issue for the airfield and is addressed in the airfield standing orders which do require pilots in such a scenario to ensure that the airfield gates are locked when they leave the site.
- 7.86 Northumberland Zoo have previously expressed concerns regarding the impact of noise from the airfield and aircraft movements themselves on the welfare of their animals and the operation of their business. The zoo lies around 600 metres south east of the southernmost point of the airfield. Local residents also raise objections in terms of disturbance to horses. Whilst the proposed amendments to condition 2 would result in aircraft being able to continue using the airfield for some additional hours in the morning and evening, it is not considered that such an intensification of use would cause significantly increased harm compared to the existing situation.
- 7.87 Supporters have raised concerns that the current restrictions on hours compromise safety as pilots rush to get to/from the airfield within the currently permitted hours. However, this is essentially a management issue for individual pilots. Reference is made to other airfields locally not having their hours restricted. However, details have not been provided regarding the circumstances of those other airfields or their planning history. As stated previously, each planning application needs to be considered on its merits having regard to the particular circumstances of the application site.
- 7.88 Objectors refer to other airfields being available locally if pilots wish to land outside of the currently permitted hours. However, it is accepted that other airfields may not always be suitable for landings due to capacity issues (particularly Newcastle International Airport) or weather conditions (e.g. other local airfields having only grass landing strips which may not be safe to land on in certain weather conditions).
- 7.89 Reference has also been made by objectors to climate change impacts arising. However, as stated earlier, this application relates to variation of a condition concerning extended hours. It is apparent that the number of aircraft using the airfield during those extended hours following approval of the 2018 permission has been small in number and there is no substantial evidence that allowing those extended hours to continue would give rise to further significant increases in aircraft movements. As such it is not considered that a refusal of planning permission on climate change grounds

would be justified. The Council's Public Protection team raise no objections on air pollution grounds.

- 7.90 Objectors have queried the status of a safeguarding map which the County Council has related to the airfield. The purpose of this is to assist officers in assessing applications within a certain distance of the airfield but it is not of relevance in assessing this application that relates to the airfield site itself.
- 7.91 The site area referenced in the officer reports for the previous applications has also been queried. It is acknowledged that the 37.66 figure referenced referred to acres rather than hectares and this is now corrected at the beginning of this report.
- 7.92 Finally, objectors have referred to damage to crops and fencing from aircraft using the airfield. These are considered to be civil matters between the airfield operator, pilots and adjoining landowners rather than matters of significance in determining this planning application.
- 7.93 Equality Duty
- 7.94 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 bearing in mind the level of harm arising and the proposals concerning the mitigation of such harm. Accordingly, no changes to the proposal were required to make it acceptable in this regard.
- 7.95 Crime and Disorder Act Implications
- 7.96 These proposals have no implications in relation to crime and disorder.
- 7.97 Human Rights Act Implications
- 7.98 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.
- 7.99 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.

7.100 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

Overall in terms of the planning balance having regard to the various material planning considerations the proposals are considered to be acceptable in principle and also in terms of residential amenity, ecology, transportation matters and landscape/visual impact subject to the conditions as detailed below. In terms of Neighbourhood Plan Policies 1 and 6 it is considered that significant adverse impacts/effects would not arise subject to the mitigation measures proposed. Whilst the proposals would be contrary to Castle Morpeth Local Plan Policy R6, this Policy is not entirely consistent with the NPPF and therefore out-of-date for the purposes of NPPF paragraph 11(d). As such overall in terms of the presumption in favour of sustainable development it is considered that the proposal should be supported subject to the proposed conditions as the application of relevant policy to protect areas or assets of particular importance does not provide a clear reason for refusing the development proposed and the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits of the proposal when assessed against relevant planning policy.

9. Recommendation

That this application be GRANTED subject to the following conditions:

Conditions/Reason

01. With the exception of landings/take-offs only by military aircraft, emergency services aircraft and/or aircraft in emergency situations, the airfield shall not be used other than by gliders, microlights, helicopters and propeller driven aircraft. No such individual aircraft shall exceed 5700 kilograms in weight.

REASON: To limit the use of the site and thereby ensure that the amenity of the occupants of nearby residential properties is not adversely affected by the development in accordance with Policies 1 and 6 of the Thirston Neighbourhood Development Plan, Policy R6 of the Castle Morpeth District Local Plan and the National Planning Policy Framework (NPPF)

02. For a temporary period of 12 months from the date of discharge by the Local Planning Authority of condition 3 below, aircraft using the airfield may take off, land and/or move around within the airfield between the hours of 8am and 8pm only on

any day (except in an emergency). Circuit training shall only take place between the hours of 9am and 7pm and is not permitted outside of these hours on any day. Following the expiry of the above-mentioned 12 month temporary period the hours when aircraft using the airfield may take off, land and/or move around the airfield shall revert to 9am to 7pm only on any day (except in an emergency) unless a further planning permission has been granted by the Local Planning Authority for alternative hours of operation.

REASON: To allow for the trialling of extended hours of operation on a temporary basis in order that the impact of such extended hours on the amenity of the occupants of nearby residential properties may be satisfactorily assessed in accordance with Policies 1 and 6 of the Thirston Neighbourhood Development Plan, Policy R6 of the Castle Morpeth District Local Plan and the National Planning Policy Framework (NPPF).

03. Within 2 months of the date of this permission a management plan concerning airfield activities shall be submitted in writing to the Local Planning Authority. That management plan shall include details in respect of the following matters:

i) Effective use, promotion and monitoring of advisory routes for aircraft approaching and leaving the airfield including promotion of routes through airfield website, email to airfield members and navigation software apps;

ii) Procedures and operational controls in respect of the refuelling of aircraft including fuel storage, handling, dispensing and testing to be undertaken in accordance with relevant CAA guidance and identification of those locations on the airfield where refuelling activities shall take place (emergencies excepted);

iii) Arrangements for the logging of all flights to/from the airfield and details regarding arrangements for the provision of this information to the Local Planning Authority (LPA) and wider public including:

- a) Agreement with LPA on what detail is recorded in the flight log maintained by the airfield. This shall include landing/take off time (during core hours of 0900-1900, extended hours of 0800-0900 or 1900-2000 or outside these hours); helicopter or other aircraft type; military or civilian aircraft.
- b) Provision of statistics from flight log provided to LPA on a quarterly basis or access to log granted to LPA on a quarterly basis to allow LPA to compile statistics.
- c) Arrangements for flight log to be inspected on request by LPA at any other reasonable time.

iv) Arrangements for a public complaint recording and management system to allow the LPA and airfield to consider all complaints received from third parties including:

- a) Complaints logging system has been set up on airfield website. Mechanism to be agreed for residents to also log their complaints direct with LPA if they wish.
- b) Publicity to make third parties aware of agreed complaints logging system.
- c) Airfield and/or LPA respectively to respond to all complaints each receives within an agreed timescale.
- d) Mechanism for joint working between LPA and airfield in assessing complaints prior to responses being issued (e.g. publication by each party of regular summary of

complaints received with opportunity afforded to the other party to comment before complaint response issued)

e) Agreement between airfield and LPA as to approach to be taken regarding repeat complaints raising matters that have already been responded to but where complainant remains unhappy with response received.

v) Liaison group to be set up which meets on a regular basis to review the effectiveness of the above-mentioned measures and agree any changes to the management plan. Those invited to be a part of the liaison group shall comprise at least representatives from the following parties – applicant, County Council officers, County Councillor for Longhorsley Ward, Thirston Parish Council and Felton Parish Council.

At all times following its approval in writing by the Local Planning Authority that management plan shall be implemented in full.

REASON: To limit the use of the site and thereby ensure that the amenity of the occupants of nearby residential properties is not adversely affected by the development in accordance with Policies 1 and 6 of the Thirston Neighbourhood Development Plan, Policy R6 of the Castle Morpeth District Local Plan and the National Planning Policy Framework (NPPF)

04. The maximum number of microlights, helicopters and aircraft to be stationed on the application site at any one time shall not exceed 100.

REASON: To limit the use of the site and thereby ensure that the amenity of the occupants of nearby residential properties is not adversely affected by the development in accordance with Policies 1 and 6 of the Thirston Neighbourhood Development Plan, Policy R6 of the Castle Morpeth District Local Plan and the National Planning Policy Framework (NPPF)

05. There shall be no outside storage within the application site without the prior written approval of the Local Planning Authority except for the outside storage of plant/equipment associated with airfield operations and the development approved on the 21 March 2018 under planning permission reference 17/04453/FUL.

REASON: To limit the use of the site and thereby ensure that the amenity of the occupants of nearby residential properties is not adversely affected by the development in accordance with Policies 1 and 6 of the Thirston Neighbourhood Development Plan, Policy R6 of the Castle Morpeth District Local Plan and the National Planning Policy Framework (NPPF)

06. No machinery or other airfield activities (excluding aircraft movements) which generate a noise level in excess of 44dBA at the boundary between the application site and the nearest residential receptor to that machinery or airfield activity shall be operated or take place on site outside of the hours of 9am to 7pm on any day. In the event that any complaint(s) is/are received by the Local Planning Authority alleging non-compliance with this condition and the Local Planning Authority are satisfied that there is sufficient evidence and harm to justify further detailed investigation of that/those complaint(s) then the applicant shall undertake noise monitoring in accordance with a methodology agreed in writing with the Local Planning Authority to determine whether or not a breach of this condition has arisen and the results of

such monitoring shall be submitted in writing to the Local Planning Authority. Where it is determined by the Local Planning Authority that mitigation is required to achieve compliance with this condition then such mitigation works shall be undertaken in full accordance with details agreed in writing by the Local Planning Authority.

REASON: To limit the use of the site and thereby ensure that the amenity of the occupants of nearby residential properties is not adversely affected by the development in accordance with Policies 1 and 6 of the Thirston Neighbourhood Development Plan, Policy R6 of the Castle Morpeth District Local Plan and the National Planning Policy Framework (NPPF)

07. No external lighting additional to that already provided on site (including temporary lighting) shall be installed unless and until:

- a) Details regarding the location of bat sensitive lighting zones on the application site have been submitted to and approved in writing by the local planning authority; and
- b) Where such external lighting would be sited within those approved zones, details of that lighting have been submitted to and approved in writing by the Local Planning Authority.

Any such lighting details should be designed so that lighting levels are minimised in accordance with the document, ' Bats and Lighting in the UK', Institute of Lighting Engineers and BCT, 2009. Following approval, any such external lighting shall be installed and operated in strict accordance with the approved details.

REASON: To prevent the risk of harm to protected species in accordance with Policy 1 of the Thirston Neighbourhood Development Plan, C11 of the Castle Morpeth District Local Plan and the National Planning Policy Framework (NPPF).

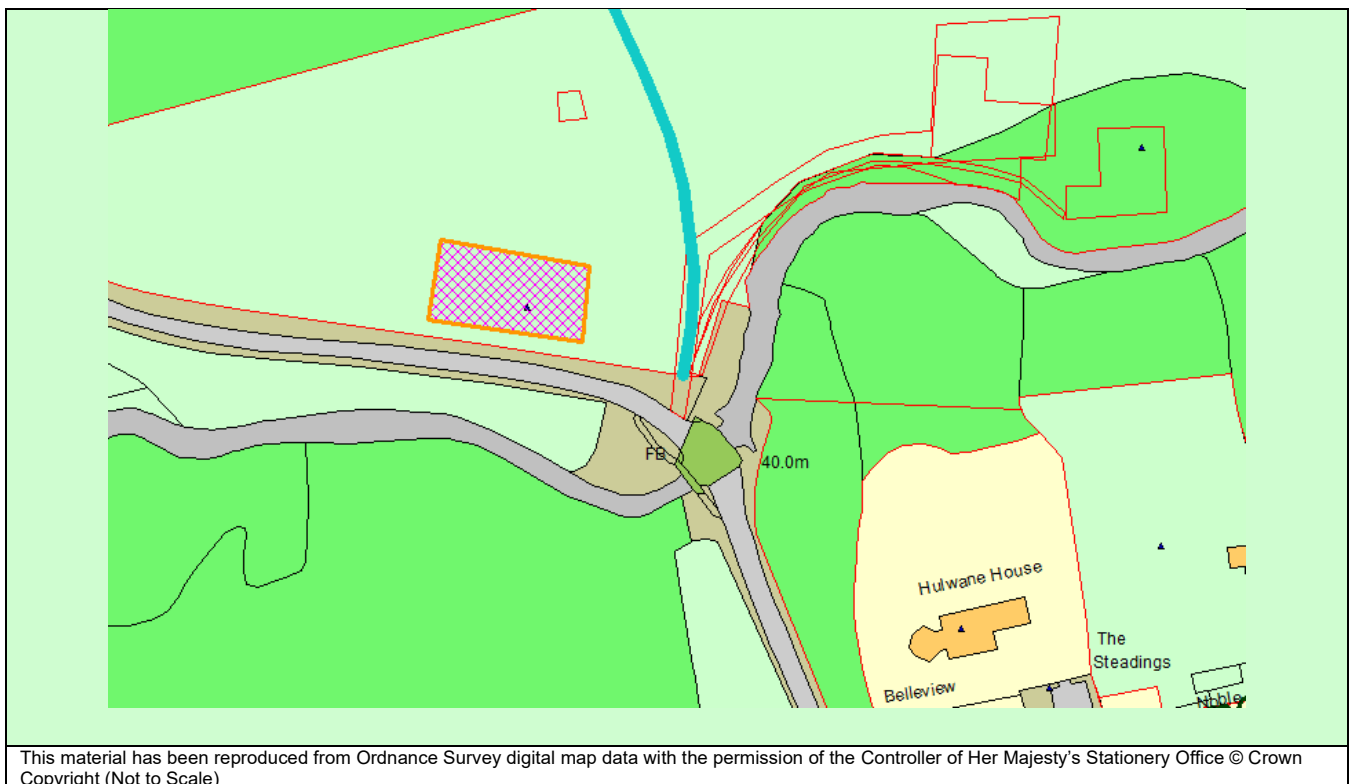
Background Papers: Planning application file(s) 19/03659/VARYCO



Northumberland County Council

Application No:	20/03851/COU		
Proposal:	Change of use from field to construct a riding arena 22 metres x 40 metres for private use		
Site Address	Land North West Of Hulwane, U6003 Ulgham To Ulgham Park Junction, Ulgham, Northumberland		
Applicant:	Mrs Linda Rudd Warren Cottage, Longhirst, Morpeth, NE61 3LX	Agent:	None
Ward	Pegswood	Parish	Ulgham
Valid Date:	23 February 2021	Expiry Date:	31 May 2021
Case Officer Details:	Name: Mr Will Laing Job Title: Planning Officer Tel No: Email: will.laing@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



1. Introduction

1.1 This application has received an objection from the Parish Council, and as such the application is to be determined by Local Area Planning Committee.

2. Description of the Site

2.2 This application refers to a field and access track to the northwest of Ulgham and north of the U6003 Ulgham To Ulgham Park Junction. The site has an access and hardstanding to the southwest, with a public right of way along the west boundary.

2.3 This application seeks full planning permission to install a riding arena 22 metres by 40 metres for private use. The proposed riding area would have a chopped rubber surface, enclosed by a 1.35m high wooden posts and rails and would utilise the existing access.

2.4 The applicant has confirmed that the proposal would be for private use in conjunction with the stable approximately 90m to the northeast. There are other structures or lighting proposed as part of the proposal.

3. Planning History

None.

4. Consultee Responses

Ulgham Parish Council	The Parish Council wish to object to the application as the proposed arena /ménage is well away from the existing stable block and will be a stand-alone development in an open field which is in the green belt. Also the line of the right of way has been redirected which is now to the west of a newly erected fence, it seems, without any consultation. This means that walkers must walk through a field potentially containing up to 12 horses which could be intimidating to members of the public, particularly in view of recent fatal incidents involving the public and livestock.
Public Protection	No objection.
Environment Agency	No objection.
Lead Local Flood Authority (LLFA)	No comment.
Highways	No objection subject to conditions.
Public Rights of Way Officer	No objection to the proposed development on the condition that Public Footpath No 1 is protected throughout. No action should be taken to disturb the path surface, without prior consent from ourselves as Highway Authority, obstruct the path or in any way prevent or deter public use without the necessary

	temporary closure or Diversion Order having been made, confirmed and an acceptable alternative route provided.
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5. Public Responses

Neighbour Notification

Number of Neighbours Notified	0
Number of Objections	2
Number of Support	0
Number of General Comments	0

Copies of all representations received are available in the Member's Lounge and will also be made available at the meeting of the Committee

Notices

General site notice, 3rd March 2021
No Press Notice Required.

Summary of Responses:

Three letters of objection have been received on the following grounds:

- Inappropriate development for Green Belt;
- Detrimental impact on Green Belt;
- Contrary to NPPF;
- Impact on landscape and local character;
- The proposal would be an isolated and alien feature;
- Man-made surface would be intrusive to the surrounding area;
- Unacceptable urbanisation of the area;
- Intrusive development outside of the settlement boundary (contrary to policy C1 of the Local Plan)
- The site is a local beauty spot;
- Previous alterations to the public footpath adjacent to the site;
- Impact of fencing installed through previous application;
- Overuse of signage (from previous application);
- Previous comments from the Public Right of Way Officer have not been adhered to;
- The applicant has created an area of hardstanding to the west which attracts people to park where there is no right to park.
- Potential conflict between users of the area and people using the trail, if it was hired out;
- Dispute the applicants claim of personal use;
- Contrary to the Human Rights Act "an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.", due to conflict between the users of the proposal and people accessing their property via the public footpath.
- Access to woods/public footpath during construction;
- Previous issues with access due to a previous approval;
- If permission is granted lighting should be prohibited to prevent light pollution to the woods and surrounding area.

The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=QJVQGOQSK4S00>

6. Planning Policy

6.1 Development Plan Policy

Castle Morpeth District Local Plan

C1 - Settlement boundaries;
C15 - Landscaping; and
R7 - Low Impact Countryside Activities.

6.2 National Planning Policy

National Planning Policy Framework 2021
National Planning Practice Guidance (2019)

6.3 Emerging Planning Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (January 2019)

STP1 - Spatial strategy;
QOP2 - Good design and amenity;
QOP4 - Landscaping and trees; and
TRA4 - Parking provision in new development.

7. Appraisal

7.1 The main issues for consideration in the determination of this application are as follows:

- Principle of Development
- Impact on residential amenity;
- Design and visual impact;
- Rights of way, parking and highway safety; and
- Other issues.

7.2 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development comprises policies in the Blyth Valley District Local Development Framework: Development Control Policies Development Plan Document (DPD)(2007) as identified above. The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.3 Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon three criteria: the stage of preparation of the plan; the extent to which there are unresolved objections to policies within the plan; and the degree of consistency with the NPPF. The Northumberland Local Plan - Publication Draft Plan (Regulation 19) (NLP) was submitted to the Secretary of State for Ministry of Housing, Communities and Local Government on 29 May 2019, and is currently going through the examination process.

7.4 On 9 June 2021, the Council published for consultation, a Schedule of proposed Main Modifications to the draft Local Plan which the independent Inspectors examining the plan consider are necessary to make the plan 'sound'. As such the plan is at an advanced stage of preparation, and the policies in the NLP - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021), are considered to be consistent with the NPPF. The NLP is a material consideration in determining this application, with the amount of weight that can be given to specific policies (and parts thereof) is dependent upon whether Main Modifications are proposed, and the extent and significance of unresolved objections.

Principle of Development

7.5 The proposal is not within a settlement boundary as is identified within the Proposals Map of the Castle Morpeth District Local Plan. Policy C1 of the Castle Morpeth Local Plan establishes settlement boundaries and states that development in the open countryside beyond settlement boundaries will not be permitted unless the proposals can be justified as being essential to the needs of agriculture or forestry or are permitted by alternative policies in the development plan.

7.8 The proposed development would be supporting and existing private stable, and would have a relatively small amount of physical development. While it is noted in the supporting text of policy R7 that equine uses can cause conflict with road and traffic users, particularly at large events, the proposal is for a private use and as such, there would be no large gatherings such as competitions or public training classes. The applicant has clarified that the proposal is for private use only.

7.9 The proposed riding arena would have limited physical development, restrict to surfacing and fencing as the proposal would support an existing private stable approximately 80m to the east of the site. The applicant has submitted a Flood Risk Analysis and neither the Environment Agency or Lead Local Flood Authority have any objections to the application. As such, the proposal is not considered to be a flood risk.

7.10 Having regard to the above, the use and scale of the proposal would not have significant impact on the openness of the countryside. It is noted that objections have been received referring to the Green Belt and the impact on the development on Green Belt. The application site does not fall within or near the designated Green Belt and as such this is not reasonable grounds for refusal.

7.12 Having regard to the above, by virtue of the limited physical development, proximity and use in conjunction with an existing private stable, it is the view of

officers that the proposal is acceptable in principle and would comply with policies C1 and R7 of the Castle Morpeth District Plan.

Impact on Residential Amenity

7.13 It is noted that objections have been received on the grounds of potential light disturbance and that the proposal would prevent peaceful enjoyment of their property.

7.14 The proposal does not propose any lights or lighting systems and a condition shall be imposed to ensure that no lighting is installed in future in the interest of visual and residential amenity.

7.15 The application site is located approximately 105m to the nearest dwelling (75m to the boundary) which is separated by a strip of woodland and the topography site ensures that the application site is set at a significantly lower ground level. The proposal is not for public use and as such would not generate public traffic, and the proposal does not include the installation of any plant. As such, the proposal would not create any noise generating uses that would impact on the residential amenity of the nearest residential properties.

7.16 Having regard to the above, it is officer opinion that the proposal would not have a detrimental impact on residential amenity and as such would comply with policies C1 and R7 of the Castle Morpeth District Local Plan 2003 and QOP 2 of the Emerging Northumberland Local Plan 2019.

Design and Visual Impact

7.17 The proposal would consist of a 1.35m timber fencing with an artificial surface. The proposal would be within an existing enclosed field which is enclosed by a timber fence along the eastern and northern boundary and a hedge along the southern boundary. Other from the public right of way along the eastern boundary of the site, public views of the site are extremely limited.

7.18 The application site is for the use of the stables to the north. The siting of a horse-riding arena on a rural field on the periphery of a settlement, such as the application site, is not unusual in terms of location. Furthermore. The low timber fencing would remain in keeping with existing means of enclosure.

7.19 Having regard to the above, the proposal is considered to be acceptable in terms of character and appearance. It is officer opinion that the proposed visual impact on the development would not be as significant as to warrant refusal of the application. As such, the proposal is deemed to comply with policies R7 and C15 of the Castle Morpeth District Local Plan (2003) and policies QOP 2 and QOP4 of the Emerging Northumberland Local Plan 2019.

Rights of Way, Parking and Highway Safety

7.20 Objections have been received on the grounds that the proposal would prevent the use of the public right of way, and that the existing right of way has been altered.

7.21 The right of way was discussed between the applicant and the Right of Way Officer, and whilst there was some initial confusion over a diversion, the right of way is remains unchanged. The proposal does not seek to amend the right of way and proposal would not impact on enclose the right of way. At the time of the case officers last site visit (24.09.2021) the public right of way matched the existing maps.

7.22 Objections have been raised regarding the impact on access of previous approvals, including access during construction. Each application must be assessed on its own merits, previous issues are not reasonable grounds for refusal and the application cannot be forced address existing issues. At the time of the officers site visit, there were no obstructions to the public right of way.

7.23 An objector states that the applicant has created an area of hardstanding to the west which attracts people to park where there is no right to park. This is an existing hard-standing and not subject to this application.

7.24 A further objection raises the issue of potential conflict between users of the area and people using the trail, if it was hired out. The application is for private use only which shall be enforced by means of planning condition. Therefore, there shall be no hiring out of the area, and as such this is not reasonable grounds for refusal.

7.25 Concerns have been raised by an objection regarding access to woods/public footpath during construction. The site has ample room for the storage of materials during construction, and while there will inevitably be some construction traffic during the construction process a condition shall be imposed to ensure that the public right of way remains.

7.26 The applicant has submitted details to ensure that a Type-C access is installed, which has been agreed by the Highways Network Manager. The Highways Network Manager has no objection to the proposal subject to the imposition of a condition to ensure that the proposed access is installed prior to first use of the development.

7.27 Subject to the requested condition regarding access, the proposal is considered to be acceptable in terms of public rights of way, parking and highway safety. As such it is officer opinion the proposal complies with the Castle Morpeth District Local Plan 2003 and policy TRA 4 of the Emerging Northumberland Local Plan 2019.

Other Issues

7.28 Objections have been received on the grounds that the site is a local beauty spot; and the overuse of signage (from previous application).

7.29 The impact of proposal on visual amenity have been assessed above, and the site is privately owned with no planning policy designation as a local beauty spot, as such this is not reasonable grounds for refusal.

7.30 There was no signage on site at the time of the officers site visit, and no signage is proposed as part of the proposal.

Equality Duty

7.31 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

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

Human Rights Act Implications

7.33 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.

7.34 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.

7.35 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 the relevant Development Plan Policy. The application has also been considered against the relevant sections within the 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 proposal has addressed the main considerations and would accord with relevant policy and is considered acceptable. 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 not be carried out otherwise than in complete accordance with the approved document and plans.

The approved document for this development is:-

- Application Form (dated 15.11.2020)
- Flood Risk Analysis (received 11.01.2021)
- Planning Statement (received 02.02.2021)

The approved plans for this development are:-

- Arena Plan 1 Not Scaled (received 16.11.2020);
- Arena Plan 2 Not Scaled (received 16.11.2020);
- Arena Plan 3 Not Scaled (received 16.11.2020);
- Proposed Horse Shelter Land North of Ulgham River Lyne, Ulgham, Morpeth (dated Dec 2020);
- Block Plan Proposed Rev A (dated 02.02.2021);
- HDM/SD/1100/12: 1100 - Series Heavy Vehicle Use - Type C - Commercial/HGV Use Access (dated 18.09.18)

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

02. 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)

03. Prior to the first use of the hereby approved development, the approved access shall be fully implemented in accordance with plan "HDM/SD/1100/12: 1100 - Series Heavy Vehicle Use - Type C - Commercial/HGV Use Access (dated 18.09.18)". The access shall be retained and maintained thereafter/

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

04. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any other re-enacting or revoking Order with or without modification), the premises shall only be used as a private arena for horses owned

by the applicant. The hereby approved development shall not be used for any business purposes or no other purpose other than that included in the application description.

Reason: In the interests of highways safety and amenity policies C1 and R7 of the Castle Morpeth District Local Plan 2003 in accordance with the National Planning Policy Framework.

05. There shall be no lighting permanent, temporary or mobile lighting installed at the site at any time.

Reason: In the interests of highways safety and amenity having regard to policies C1 and R7 of the Castle Morpeth District Local Plan 2003 in accordance with the National Planning Policy Framework.

06. Notwithstanding the submitted details, safe and clear public access to the public right of way shall be maintained at all times, with construction materials or waste storage and no construction vehicles parked on, or blocking the access or public right of way.

Reason: In the interests of highways safety, and amenity policies C1 and R7 of the Castle Morpeth District Local Plan 2003 in accordance with the National Planning Policy Framework.

Date of Report:

Background Papers: Planning application file(s) 20/03851/COU



Northumberland County Council

Appeal Update Report

Date: October 2021

Planning Appeals

Report of the Director of Planning

Cabinet Member: Councillor CW Horncastle

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?
21/00928/FUL	<p>Part first floor extension to existing bungalow - 16 Lynwood Close, Darras Hall, Ponteland</p> <p>Main issues: proportion, form, massing, siting, height, size, scale and design fails to be subordinate and respectful of the character and appearance of the property and its surroundings.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No

Planning Appeals Split Decision

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

Planning Appeals Dismissed (permission refused)

Reference No	Proposal and main planning considerations	Award of costs?
20/03089/FUL	<p>Retrospective application to raise the level of rear lower patio by 385mm above the former timber deck level – Harbour Cottage, 5 Haven Hill, Craster</p> <p>Main issues: inappropriate design and materials and adverse impact on the AONB; and adverse impact on residential amenity.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
21/00069/CLEXIS	<p>Certificate of Lawful Development of an Existing Use of land as residential - land south of 4 Station Cottages, Longhirst</p> <p>Main issues: insufficient evidence to conclude that the land has been used as stated for a period in excess of 10 years.</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
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>
20/02548/FUL	<p>Construction of dwelling – land and building east of Ovington House, Ovington</p> <p>Main issues: development in the open countryside; inappropriate development in the Green Belt; harm to the setting of a non-designated heritage asset and the Ovington Conservation Area; and a Section 106 agreement has not been completed in respect of a contribution to sport and play.</p>	<p>19 May 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/03861/VARYCO	<p>Variation of condition 2 (approved plans) pursuant to planning permission</p>	<p>26 May 2021</p>

	<p>20/00297/FUL in order to allow new wall to be moved closer to boundary wall to underpin and give support. Also French doors have 3/4 height windows on either side and single window in extension will be replaced using existing 2no. sash windows and mullions – Ashleigh, 26 Cade Hill Road, Stocksfield</p> <p>Main issues: extension would be out of scale and character with the existing property and would have a harmful impact on the character and appearance of the site and surrounding area; and detrimental impact upon the residential amenity of the neighbouring property.</p>	<p>Delegated Decision - Officer Recommendation: Refuse</p>
19/04883/FUL	<p>Proposed demolition of existing garage to be replaced with two-storey dwellinghouse - 2 Sandridge, Newbiggin-by-the-Sea</p> <p>Main issues: harm to non-designated and designated heritage assets and the identified harm would not be outweighed by public benefits.</p>	<p>27 May 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/00574/ADE	<p>Retrospective: Advertisement consent for installation of 3no. signs that have been in place for over 2 years - ADS Caravan Storage, Remscheid Way, Jubilee Industrial Estate, Ashington</p> <p>Main issues: Sign 1 has an unacceptable impact on the visual amenity of the site and surrounding area due to its siting and scale.</p>	<p>1 June 2021</p> <p>Delegated Decision - Officer Recommendation: Split Decision</p>
20/04234/FUL	<p>Proposed two storey side extension and demolition of existing garage – 23 Ladbroke Street, Amble</p> <p>Main issues: adverse impact on the street scene and the character and appearance of the conservation area due to scale, height and mass forward of the building line.</p>	<p>1 June 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/04134/FUL	<p>New sunroom – Outwood, Riding Mill</p> <p>Main issues: alongside existing extensions the proposal would result in a disproportionate addition over and above the scale of the original building and would be inappropriate development in the Green Belt.</p>	<p>1 June 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/00925/FUL	<p>Outline permission for the construction of up to 9no dwellings including access, appearance, layout and scale – land north-west of Blue House Farm, Blue House Farm Road, Netherton Colliery</p> <p>Main issues: harm to setting of a designated</p>	<p>30 June 2021</p> <p>Delegated Decision - Officer Recommendation:</p>

	heritage asset; insufficient information in respect of potential risk from ground gas; and a section 106 agreement has not been completed in respect of a contribution to the ecology coastal mitigation scheme or off-site sport and play provision.	Refuse
21/01205/AGTRES	<p>Prior notification for change of use of an existing agricultural building and conversion to 1no. Dwelling - land to east of Edgewell House Farm House, Edgewell House Road, Prudhoe</p> <p>Main issues: insufficient information to establish if the proposal complies with relevant requirements regarding the last use of the building.</p>	<p>16 July 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/00543/ADE	<p>Display of 1no. 'Development Opportunity For Sale' board for 6 months (Retrospective) - land north of Shaw House Farm, Newton</p> <p>Main issues: the signage would cause harm to public and highway safety.</p>	<p>4 August 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/00496/FUL	<p>Construction of a bungalow – land east of Dukewilley, Lowgate</p> <p>Main issues: inappropriate development in the Green Belt; unsustainable development in open countryside; unacceptable impacts on residential amenity; and no Section 106 agreement has been completed in relation to sport and play provision.</p>	<p>18 August 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/03541/FUL	<p>Erection of five camping pods and associated clubhouse – land south-west of Catton Pumping Station, Catton</p> <p>Main issues: isolated from and not well related to existing development as well as being visually intrusive in the countryside; detrimental impact on residential amenity; adverse impact on the North Pennines AONB; and inadequate information regarding ecology of the site and surrounding area and inadequate mitigation.</p>	<p>19 August 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/04660/FUL	<p>New external plant – Asda, Main Street, Tweedmouth</p> <p>Main issues: insufficient information in relation to noise and potential impacts on residential amenity.</p>	<p>19 August 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/00128/FUL	Change of use from public house at ground floor (Sui Generis) to 1no. self contained two	<p>20 August 2021</p> <p>Delegated</p>

	<p>bedroom apartment at ground floor (C3 Use). Retention of existing 7no. existing holiday let rooms at first floor (C1 use); 1no. existing self contained apartment at first floor (C3 Use); and 1no. existing self contained apartment at second floor (C3 use) (Amended description 06/04/2021).</p> <p>Main issues: proposal is unable to provide sufficient on-site car parking with unacceptable adverse impact on highway safety; and no completed Section 106 Agreement to secure sport and play contributions.</p>	<p>Decision - Officer Recommendation: Refuse</p>
21/00834/FUL	<p>Stone clad side extension with pitched roof to form new open plan kitchen, dining and master with part mezzanine above kitchen – The Gin Gan, Whalton</p> <p>Main issues: poor design that would have a significant detrimental impact on the character of the property and inappropriate development in the Green Belt.</p>	<p>23 August 2021 Appeal against non-determination</p>
21/00844/FUL	<p>Adjustment to front boundary, replace lawn with permeable surface to allow parking for 2 cars, addition of electric vehicle charging point, remove pedestrian access, create central 10 foot wide vehicle/pedestrian access, installation of wrought iron gates and dropped kerbs to highway - 51 Ravensdowne, Berwick-upon-Tweed</p> <p>Main issues: the proposal would result in less than substantial harm to the Conservation Area and listed buildings and there are no public benefits to outweigh the harm.</p>	<p>25 August 2021 Appeal against non-determination</p>
21/00845/LBC	<p>Listed Building Consent for adjustment to front boundary, replace lawn with permeable surface to allow parking for 2 cars, addition of electric vehicle charging point, remove pedestrian access, create central 10 foot wide vehicle/pedestrian access, installation of wrought iron gates and dropped kerbs to highway - 51 Ravensdowne, Berwick-upon-Tweed</p> <p>Main issues: the proposal would result in less than substantial harm to the Conservation Area and listed buildings and there are no public benefits to outweigh the harm.</p>	<p>25 August 2021 Appeal against non-determination</p>
20/02536/FUL	<p>Retrospective - Installation of hard standing, electricity and water points, alterations to access and other ancillary works - land west</p>	<p>26 August 2021 Delegated Decision - Officer</p>

	<p>of North Farm Cottages, Embleton</p> <p>Main issues: incursion into the open countryside and would erode the rural character of the site and its surroundings.</p>	<p>Recommendation: Refuse</p>
21/02693/FUL	<p>Two-storey side extension – 2 Bromley Gardens, South Beach, Blyth</p> <p>Main issues: siting, scale and design of the extension would result in harm to the street scene and visual amenity of the area.</p>	<p>10 September 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/03231/OUT	<p>Erection of 4no. dwellinghouses (C3 use class) with all matters reserved – land north-west and south-east of The Haven, Back Crofts, Rothbury</p> <p>Main issues: fails to address highway safety matters in relation to site access and manoeuvrability.</p>	<p>10 September 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/03542/FUL	<p>Change of use of land to site shepherd's hut for tourism accommodation – land east of Kingshaw Green, Tyne Green, Hexham</p> <p>Main issues: inappropriate development in the Green Belt; inadequate flood risk assessment; and insufficient information regarding foul water treatment.</p>	<p>13 September 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/01008/FUL	<p>Construction of 58no. dwellings with associated landscaping, access and infrastructure works – land to north of Fairmoor Centre, Morpeth</p> <p>Main issues: unacceptable in principle as the site is allocated in the development plan for employment use and it is considered that the site should be retained for such purposes; outstanding technical matters also remain to be resolved regarding surface water drainage and highways matters; and Section 106 contributions in respect of education, primary healthcare and affordable housing have not been secured.</p>	<p>16 September 2021</p> <p>Appeal against non-determination</p>

Recent Enforcement Appeal Decisions

Enforcement Appeals Allowed

Reference No	Description and address	Award of costs?
None		

Enforcement Appeals Dismissed

Reference No	Description and address	Award of costs?
None		

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	<p>Construction of a publicly accessible landmark, commissioned to commemorate Queen Elizabeth II and the Commonwealth - land at Cold Law, Kirkwhelpington</p> <p>Main issues: development in the open countryside which fails to recognise the intrinsic character and nature of the countryside.</p>	<p>Inquiry date: 9 March 2021</p> <p>Committee Decision - Officer Recommendation: Approve</p>
20/02247/FUL	<p>Erection of a rural worker's dwelling – land south of Middle Coldcoats Equestrian Centre, Milbourne</p> <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>Virtual hearing date: 28 July 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/02488/FUL	<p>Siting of upcycled shipping containers to provide retail and leisure facilities (use class A1, A3, and A4) and tented permanent roof covering as supplemented by note from agent received 07/09/20, additional details received 23/09/20, acoustic report received 25/09/20, and supplementary information received 20/10/20 - JH Laidler Storage Yard, Double Row, Seaton Delaval</p> <p>Main issues: loss of employment land; not demonstrated that the proposal satisfies the sequential test for main town centre uses in an out of centre location; and lack of information to be able to assess impacts on highway safety.</p>	<p>Hearing date: 27 September 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

Implications

Policy	Decisions on appeals may affect future interpretation of policy and influence policy reviews
Finance and value for money	There may be financial implications where costs are awarded by an Inspector or where Public Inquiries are arranged to determine appeals
Legal	It is expected that Legal Services will be instructed where Public Inquiries are arranged to determine appeals
Procurement	None
Human resources	None
Property	None
Equalities (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
Risk assessment	None
Crime and disorder	As set out in individual reports and decisions
Customer consideration	None
Carbon reduction	Each application/appeal may have an impact on the local environment and have been assessed accordingly
Wards	All where relevant to application site relating to the appeal

Background papers

Planning applications and appeal decisions as identified within the report.

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