



Northumberland

County Council

Your ref:

Our ref:

Enquiries to: Lesley Little

Email: Lesley.Little@northumberland.gov.uk

Tel direct: 01670 622614

Date: Thursday 2 December 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** on **MONDAY, 13 DECEMBER 2021 at 4.00 PM.**

Yours faithfully

Daljit Lally
Chief Executive

To Castle Morpeth Local Area Council members as follows:-

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

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 of the press and public may tweet, blog etc during the live broadcast as they would be able to during a regular Committee meeting.

Members are referred to the risk assessment, previously circulated, for meetings held in County Hall. Masks should be worn when moving round 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. **MINUTES** (Pages 3 - 14)

Minutes of the meetings of the Castle Morpeth Local Area Council held on Monday 11 October 2021 as circulated, to be confirmed as a true record and signed by the Chair.
4. **DISCLOSURE OF MEMBERS' INTERESTS**

Unless already entered in the Council's Register of Members' interests, members are required to disclose any personal interest (which includes any disclosable pecuniary interest) they may have in any of the items included on the agenda for the meeting in accordance with the Code of Conduct adopted by the Council on 4 July 2012, and are reminded that if they have any personal interests of a prejudicial nature (as defined under paragraph 17 of the Code Conduct) they must not participate in any discussion or vote on the matter and must leave the room. NB Any member needing clarification must contact the monitoring officer by email at monitoringofficer@northumberland.gov.uk. Please refer to the guidance on disclosures at the rear of this agenda letter.
5. **DETERMINATION OF PLANNING APPLICATIONS** (Pages 15 - 18)

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

Please note that printed letters of objection/support are no longer circulated with the agenda but are available on the Council's website at <http://www.northumberland.gov.uk/Planning.aspx>
6. **21/01614/FUL** (Pages 19 - 38)

Construction of 5 residential apartments with undercroft parking and associated landscaping (amended plans received 02/09/21 - design changes, further amendments 01/11/21)
High End, 22 Thorp Avenue, Morpeth, Northumberland, NE61 1JR

7. APPEALS UPDATE

(Pages
39 - 50)

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, 10 January 2022.

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

At the meeting of the **Castle Morpeth Local Area Council** held at Meeting Space - Block 1, Floor 2 - County Hall on Monday, 11 October 2021 at 4.00 pm.

PRESENT

J Beynon (Chair) (in the Chair)

MEMBERS

D Bawn
S Dickinson
L Dunn
G Sanderson

L Darwin
R Dodd
M Murphy
R Wearmouth

OFFICERS

J Blenkinsopp
L Dixon
G Horsman
W Laing
L Little
G Park
E Sinnamon

Solicitor
Democratic Services Assistant
Principal Planning Officer
Planning Officer
Senior Democratic Services Officer
Environmental Health Officer
Development Service Manager

Around 6 members of the press and public were present.

46 **PROCEDURE AT PLANNING MEETINGS**

The Chair outlined the procedure which would be followed at the meeting.

47 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Foster, Jackson, Jones and Towns.

48 **DISCLOSURE OF MEMBERS' INTERESTS**

Councillor Wearmouth advised that the applicant had stood for political office at the last local elections and as the Chair of the Northumberland Conservative branch he was required to sign the paper for their National Office in order that the candidate could use the Conservative emblem. He did this for every candidate selected and had no choice. He did not know everyone he signed for considered that this was not prejudicial and he was happy to consider the application with an open mind. Councillor Bawn advised of a similar non prejudicial situation in that

the applicant had stood for election and whilst he knew him he was not a close personal friend and he had not had any discussion regarding the application.

49 **DETERMINATION OF PLANNING APPLICATIONS**

The report requested the Committee to decide the planning applications attached to the report using the powers delegated to it. Members were reminded of the principles which should govern their consideration of the applications, the procedure for handling representations, the requirement of conditions and the need for justifiable reasons for the granting of permission or refusal of planning applications.

RESOLVED that the information be noted.

50 **19/03659/VARYCO**

**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**

G Horsman, Principal Planning Officer provided an introduction to the application with the aid of a Power Point presentation. Councillor S Dickinson arrived at 4.06 pm and in order to allow his participation in the debate on the application, Mr Horsman started his presentation from the beginning. Updates were provided as follows:-

- 10 further letters of objection and 1 further letter of support had been received since committee report had been published.
- New issues raised included a request that an independent aviation expert reviewed the management plan; NCC should enforce current alleged breaches; and a Noise Abatement Procedure condition should be added if permission was granted.
- One of the letters contained further Counsel advice received by a local resident and in summary requested the following:
 - If the Committee approved the 8am – 8pm hours this must be for trial period of 12 months and must have the correct monitoring in place to assess the impact on residents.
 - The wider impacts of this application needed to be assessed for the neighbouring settlements not just the immediate properties due to the significant change in aircraft noise since the original application, ie older noisier aircraft and helicopter activity. NCC was underestimating the level of harm to neighbouring settlements.
 - The Management Plan must be robust, clear and concise to enable NCC to take enforcement action should it not be adhered to.
 - A comprehensive circuit pattern must be put in place which avoided surrounding settlements from low overflying aircraft which NCC did have the authority to request and act upon should it not be adhered to.

- An independent acoustic noise consultant should be appointed to assess the impact on neighbours and the surrounding settlements.

That Counsel advice on behalf of a local resident questioned the validity of the noise assessment methodology adopted by NCC Public Protection to assess the application.

Reference was also made to the committee report not fully assessing non-emergency training activities at the airfield and visits to the airfield by aircraft over the 5700kg weight limit.

Re-wording was suggested regarding proposed conditions 2 and 3 however Officers had assessed these and did not consider them to be necessary.

- Further comments had been received from NCC Public Protection following re-consultation regarding the change to extended hours. Having had regard to flight data provided by the applicant and commentary in the committee report regarding this data and correspondence received from residents regarding out of hours activity, they maintained their stance of no objection. In this regard they advised that the applicant had now amended the proposed extended hours from 0700-2300 to 0800-2000. This represented an additional one hour in the morning and one in the evening over the original hours permitted.
- Suggested amendments to the conditions as set out in the report were advised as follows:
 - Condition 2 - the extended hours of 8am to 8pm shall only apply once a management plan re airfield activities has been agreed by the LPA and even then such extended hours should be for a temporary period of 12 months to allow for monitoring of the acceptability of those extended hours.
 - Condition 3 – point (v) of the management plan parameters regarding the liaison group and its membership to reference the County Councillor for Shilbottle Ward (which encompasses Felton) as well as the County Councillor for Longhorsley.
 - Condition 3 – additional bullet point (vi) Arrangements regarding resources to be deployed and the allocation of administrative responsibilities to facilitate implementation of the management plan.

Mrs F Krzyzosiak addressed the Committee speaking in objection to the application on behalf of Mr Krzyzosiak and herself. Her comments included the following:-

- The original application which many had objected to had now been amended to 8 am to 8 pm; it was recognised a weight limit should apply to all aircraft and additional monitoring put in place to ensure the failing of the previous trial was not repeated.
- They contested much of the officer report but in the spirit of cooperation would support the recommendation for a trial period of 12 months with the additional monitoring and consultation conditions.
- Caveats needed to be applied to condition 3. The monitoring and consultation conditions needed to be agreed by all parties with a formal

Terms of Reference/ and the Vague wording of the attendees addressed. Attendees should include Public Protection Officials who were responsible for NCC Health and Safety matters at Unlicensed airfields. It needed to be in place and tested with some recent complaints to ensure they would work during the trial and only then should the twelve-month trial clock begin. As it was approaching winter and dark shorter days, this short delay would have no material impact so should be acceptable to all parties.

- The regulation oversight and enforcement powers for unlicensed aerodromes was devolved to Local Authorities by way of planning consents and conditions as well as public protection responsibility under health and safety laws, which was now understood by the Council.
- Since 2016, Air Accident Investigation Branch published at least 7 Investigation reports in connection with Eshott Aerodrome and in 2019 a French BEA report of two crashes involving Eshott aircraft which resulted in the death of a Pilot and an 18 year old passenger had stated none of the pilots had mountain experience.
- In 2019 a neighbour was falsely accused of endangering lives and aircraft, by putting up a fence and straw bales the CAA later confirmed this was nonsense. This statement had also been repeated on an all-party political group on general aviation and remained on its website.
- In 2020/21, Bockenfield Aerodrome Limited sought damages and an injunction to cut down all the trees of an adjacent neighbour. The claim for damages was lost and their costs were reduced by 20% for causation and were reduced by a further 10% due to dishonesty, during the trial. Only a very limited number of trees were trimmed or removed on the runway approaches only, under the terms of a property easement.
- There was a crash landing only 2 weeks ago in Felton, only 230m from Dene close houses and it was under investigation by the AAIB.
- As recently as last Friday, Felton Parish councillors witnessed an Eshott training aircraft, low flying over the settlement. Despite this being reported to Richard Pike and receiving a sympathetic response, the same aircraft was recorded later that day, doing exactly the same.

Nicola Allen, Trinity Chambers, addressed the Committee speaking on behalf of Thirston Parish Council. Her comments included the following:-

- Thirston Parish Council recognised that the airfield was well established and was now a commercial operation however there needed to be a balance between the airfield and the amenity of those in the parish.
- Since the 2018 permission the operation of the airfield had changed to the detriment of the area. It had been glossed over today, however there had been breaches of conditions and she asked that Members imagine the case of a chinook helicopter being refuelled within 200 metres of a house and whether this was be a breach that should be investigated.
- The appeal decision in 2007 was very important as it was for 4 microlights to land after 7 pm, the Inspector had found that the area was quiet and tranquil despite the proximity of the A1 and this small

change would be an unacceptable annoyance to people in the area and nothing had changed since that time.

- In relation to breaches of conditions, questions had been asked of applicant who always just replied that there was a reason and that was it.
- The EHO advised that he had visited the site to witness take off and landings, however it was the wider area that was affected not just the airfield and a large proportion of the area was not affected by the A1. His findings that the noise was not significantly harmful when taking account of the A1 was totally inconsistent with the previous appeal decision.
- Noise was key material consideration as the Council was the responsible body. The applicant was a commercial operator who was willing to breach conditions and had eroded trust locally.
- The report stated the applicant was benefitting economically from the non emergency military use and also advised that more disturbance had been caused during the extended hours since 2018. The extended hours and more intensive use would disturb more people, more businesses more often.
- The conclusion in Section 8 of the report was simply not made out in the evidence and she would ask you to look at the evidence.
- The MoD letter was referenced as advising that Eshott was the only airfield in reasonable range with military grade fuel, this was not true Newcastle International Airport provided the same fuel and was open 24 hours. The MoD stated that the airfield was significant in terms of training, this was not an emergency and this should stop.
- The Parish Council did engage with the idea of a management plan and would support this, but it needed to work for all parties and this should be agreed before any extended hours were agreed. The management plan to work must be properly drafted, be seen by Members and it must be signed off by them. The Parish Council would be very willing to engage in this process.

Mr R Pike, applicant addressed the Committee speaking in support of the application. His comments included the following:

- He asked that the Committee base their decision on what they have seen rather than what they have heard from the speakers. They should consider what the airfield already does i.e. the charity events, keeping the history of the site going, educational programmes and teaching students things they can't access anywhere else, visits by scouting and cadet groups and the good it does for the community.
- In relation to the history of objections, it was the same people who were objecting now and for the same reasons they had objected 20 years ago and this could be evidenced by looking at minutes from 20/30 years ago.
- 85% of the local population love the airfield or don't care, 10% were on the fence sometimes they might have a genuine grievance, which he admitted that on occasions mistakes or pilot error was made. However there were 5% who hated the airfield and were obsessive.
- During the trial period he estimated that there had been 48 movements over the year, over a handful of days and some of those movements

would have been one minute past seven and were not all very late causing large disturbances.

- It had been stated that the MoD could fuel at Newcastle Airport however this was not always the case. The airfield had been used to assist the RAF in supplying ventilators to Sunderland Hospital that was one of the reasons for the re-fuelling of helicopters and re-fuelling of pumas when they went to assist the Air Ambulance Service in Scotland when they were overwhelmed.
- His staff had slept on site for 4 months in isolation to help fuel the helicopters despite the bullying and on-line comments being made on social media by some people.
- The Military had said that the airfield was vital and it was not just training. The airfield had also helped the Coastguard services to refuel in order to extend their searches in the area as the nearest bases for these were in Humberside or Prestwick both of which were some distance away. However, if this application was agreed today, then this assistance to the Coastguard would no longer be permitted as their aircraft were over the 5.7 tonnes limit, but as there was nowhere else they could access the fuel locally then the airfield would continue to do so when it was necessary and a new application would be submitted to deal with that issue.
- In terms of employment, in relation to his own business they had employed 5 new staff this year who were employed in aircraft restoration. An aircraft would fly in and be on site for a number of weeks. There were also other businesses on the airfield who had a number of employees and he also stated that not all activity on the site had noise implications.

Councillor Sanderson advised that he would like some amendments/ clarification in relation to the management plan as follows:-

- He would request that a dedicated officer or impartial person be nominated in order to be a conduit for concerns and act if necessary or broker resolutions if concerns were unfounded and if necessary this could be a new resource with new funding provided.
- There needed to be a period of discussion of one or two months on how the management plan would be serviced and the key points discussed and process agreed if the application was approved, and it should also be referred back to this Committee after the work had been undertaken to allow the Committee's views to be provided.

In response the Development Services Manager advised that the application was not at that stage yet and work would be undertaken over the next 12 months with the applicant and all other parties pulling together and this would allow the understanding of any resources that would be required should the applicant come forward with an application for this to be permanent. This could not be conditioned and any additional resource would need to be the subject of a separate S106 agreement. If that was something which Members wished to implement today, then the application would need to be deferred for further detailed discussions on the details of the management plan. The additional bullet point (vi) in Condition 3 required details of the arrangements regarding resources to be deployed and the allocation of administrative responsibilities to

facilitate implementation of the management plan.

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

- The 12 months would run from the time that the condition requiring the management plan had been discharged following agreement by the Planning Authority.
- Bullet Point (vi) of Condition 3 would ensure that agreement would need to be reached between the applicant and the Local Planning Authority in respect of the resources required for the implementation of the management plan. Any recompense for costs for additional resources would need to be the subject of a separate S106 legal agreement following the 12 month trial.
- Some work had already taken place on the management plan with a first draft already published on the Council's website with comments received on this. Changes to the conditions had come out of discussions which had already taken place however further detailed discussions were required. This was best dealt with through a condition and if the Committee wished to have control then it could be that the detailed content of the management plan could be reported back to this Committee for agreement.
- Officers advised that there had been issues with the previous monitoring of the trial period however the management plan would only start once it had been agreed and there would be no change of times until this occurred.
- There had been three types of breaches of conditions at the site i.e. incidents outside the take off /landing times; exceeding the weight limits and also in connection with noise from non-aircraft sources. All incidents had been investigated by the Enforcement Team with a judgement made that it was not expedient to take formal action.
- The applicant wished the change of times to be permanent but the LPA felt that a trial was required of 12 months to monitor the impacts of the extended hours.
- Training flights had a distinct pattern with more touch and go landings/take-offs undertaken as opposed to flights arriving which land straight away and flights taking off and moving out of the area. The management plan could require it to be made clear on the log if it was a training flight.
- The CAA was the regulatory body for aircraft in flight with the Secretary of State able to take enforcement action if breaches occurred.
- The airfield had advisory routes for circuits and pilots were encouraged to follow these routes allow it was recognised that it was not always possible for these to be strictly followed.
- If problems were experienced during the trial period in relation to the extended hours then a permanent extension did not need to be granted.
- The parameters of what happens to complaints and any further redress would be included within the management plan.

Councillor Sanderson proposed acceptance of the recommendation to grant permission subject to the conditions as outlined in the report and amended by the

officer with a further amendment to the first paragraph of Condition 3 as follows:

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 and thereafter the acceptability or otherwise of the management plan and associated discharge of condition application in respect of this management plan shall be determined by the Castle Morpeth Local Area Council. The management plan shall include details in respect of the following matters

This was seconded by Councillor Bawn.

It was reiterated following concerns by Members that the extended hours could only be implemented following the agreement of the Management Plan and this must be provided within a period of 2 months. It was explained that using a management plan was typical in the case of the more unusual applications such as open casting and was a very good, effective management tool.

Following discussions between Officers and Councillors in relation to the suggested amended wording and the need to ensure that the management plan was reported back to this Committee for agreement, Councillor Sanderson agreed to withdraw the reference to resources at the current time and this was seconded by Councillor Bawn.

A vote was taken on the proposal to accept the recommendation to approve the application subject to the conditions as outlined in the report and as amended above as follows:- FOR 8; AGAINST 0; ABSTENSIONS 1.

RESOLVED that the application be **GRANTED** for the reasons and with the conditions as outlined in the report and amended conditions 2 and 3 as below:

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). All training school flight activities including circuit training shall only take place between the hours of 9am and 7pm and are not permitted outside of these hours on any day. From the date of this permission until the date of discharge by the Local Planning Authority of condition 3 below and 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 be 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.

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 and thereafter the acceptability or otherwise of the management plan and associated discharge of condition application in respect of this management plan shall be determined by the Castle Morpeth Local Area Council. The 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 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) Agreed timescales for responses to complaints.

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 Councillors for Longhorsley and Shilbottle Wards, Thirston Parish Council and Felton Parish Council.

vi) Arrangements regarding resources to be deployed and the allocation of administrative responsibilities to facilitate implementation of the management plan.

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

51 **20/03851/COU**

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

W Laing, Planning Officer provided an introduction to the report with the aid of a

power point presentation. He advised that there was a slight amendment to condition 3 in that the access shall be retained and maintained **in perpetuity** and condition 6 Clear and public access to the public right of way **No 1 Footpath Ulgham**

D Moore addressed the Committee speaking in objection to the application. Her comments included the following:-

- She owned the wood directly north of the application site and had right of access through the proposed site of the arena. She was a horse owner and competitor and had never come across an arena so disassociated with its buildings and involved crossing a public right of way.
- She questioned why the online report did not state which policies the application had been judged against stating that other arena applications seemed to be judged against the emerging Northumberland Local Plan and all fell within the curtilage of associated steadings, unlike this application.
- She could not understand why the Officer stated that the application site was not within the Green Belt when a previous application 21010204 was and also application 1903885/FUL for the stabling stated it was within Green Belt and also map 3.2 key diagram in the Northumberland Local Plan.
- She highlighted and quoted from Policies ENV2 3(a); ENV3 1 (3) (iii) (v) and (vi) in the Northumberland Local Plan which had been used in other applications. The application did not contribute positively and in fact detracted.
- It created a stand-alone feature in a separate field abounded by an ancient hedgerow and woodland and altered the topography of the landscape in a rural environment with its rubber surface as viewed from the public footpath.
- It would create additional pressure on the edge of Ulgham where a landowner is trying to create a caravan park.
- In relation to QOP1, the application did not make a positive contribution as it would alter the landform and topography and was a considerable distance from existing buildings.
- In relation to Policy QOP2 it would result in an adverse impact on neighbours as the arena would be clearly visible from the surrounding area and from the public footpath where it dissects the site.
- The site of the arena would be hazardous to the right of way users, footpath users and the applicant.
- Currently there were 8 horses kept as a herd by one person and to take one away created anxiety amongst the rest. The arena would be 100m from the stables, passing through four gates, across the vehicular right of access for her and the public footpath, both of which were entered as separate entities on her deeds.
- An agitated 400kg horse could cause a lot of damage, and some users of the footpath have been trapped by these horses when their curiosity is attracted by walkers and dog walkers and this was when accidents happened.
- The officer put great store by the fact that this was for personal use, as was also stated in the stable application, however additional horses

- have been kept their as liveries.
- The land had covenants stipulating the location of any new fencing which had been ignored, displacing the original footpath route without consultation to NCC or herself.
- If it was to be for private use, why, after the land purchase in 2019 was a hardstanding with additional fencing and gates across the footpath added and why was the arena so far away from the buildings.
- Why should the residents of Ulgham have to negotiate those additional hazards when using the public footpath.
- This was a stand alone development in a Green Belt which created hazards for other users.

In response to questions from Members of the Committee in relation to the possibility of the application site being in the Green Belt, advice was provided that all constraints on the site would have been brought up when the application had been validated. However Officers would give an undertaking to look again at the application as if it was in the Green Belt. Some uses were acceptable within the Green Belt including an exception for appropriate uses for outdoor sport or recreation, however this application had not been considered against Green Belt tests.

Councillor Sanderson left the meeting at 6.09 pm.

As clarification on the question of the application site being within the Green Belt was an important consideration, Councillor Bawn proposed deferment of the application for a definite answer and this was seconded by Councillor Wearmouth. A vote was taken as follows: FOR 7; AGAINST 0; ABSTENTION 1.

RESOLVED that the application be **DEFERRED** for clarification as to whether the application site was within the Green Belt.

52 **APPEALS UPDATE**

RESOLVED that the information be noted.

53 **DATE OF NEXT MEETING**

The next meeting which was a Planning only meeting would be held on Monday 11 October 2021 at 4.00 pm.

54 **URGENT BUSINESS**

CHAIR.....

DATE.....

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CASTLE MORPETH LOCAL AREA COUNCIL

13 DECEMBER 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.

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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
Interim Executive Director of Planning and Local Services
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Rob.Murfin@northumberland.gov.uk

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.

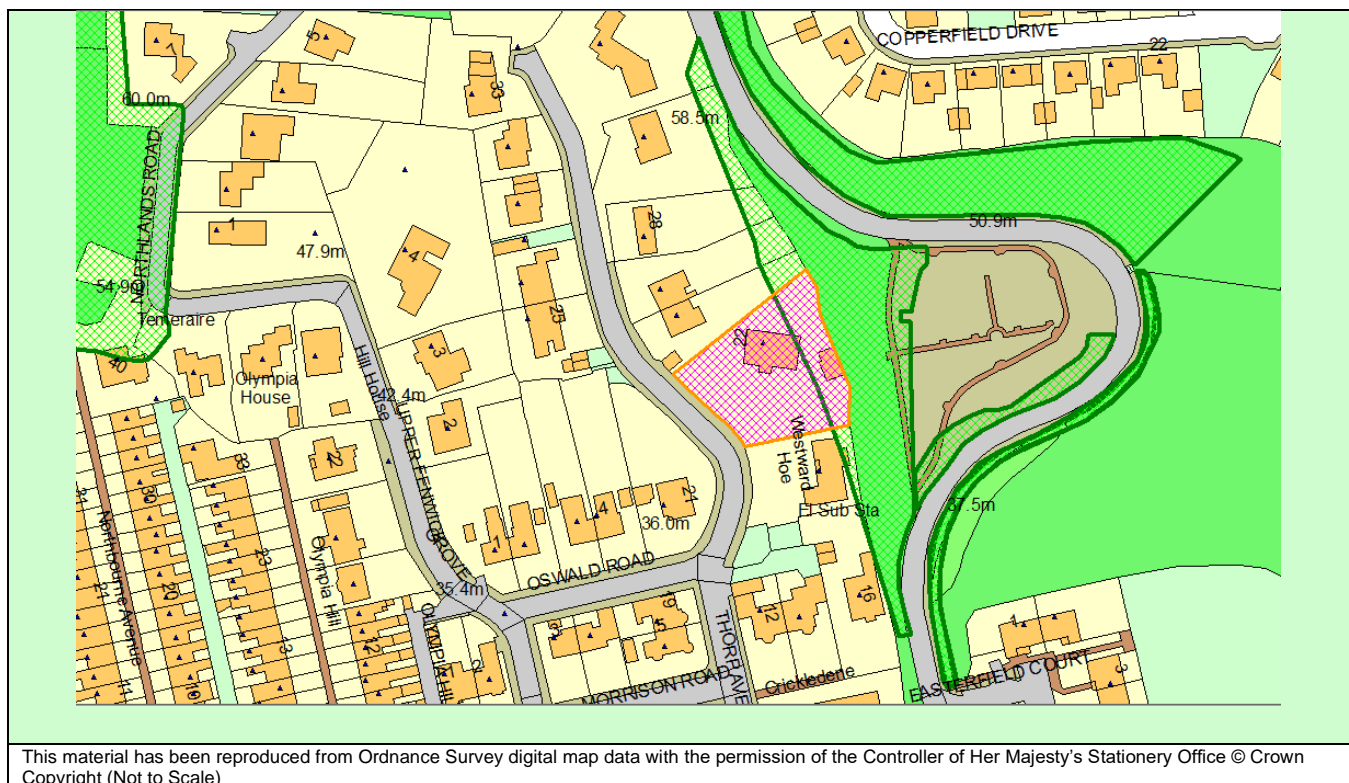


Northumberland County Council

Castle Morpeth Local Area Council Committee 13th December 2021

Application No:	21/01614/FUL		
Proposal:	Construction of 5 residential apartments with undercroft parking and associated landscaping (amended plans received 02/09/21 - design changes, further amendments 01/11/21)		
Site Address	High End, 22 Thorp Avenue, Morpeth, Northumberland, NE61 1JR		
Applicant:	Mr and Mrs David Nicholson Ghyllheugh, Longhorsley, Northumberland, NE65 8RP	Agent:	Mrs Katherine Pimblott 8 Hawthorn Road, Gosforth, Newcastle Upon Tyne, NE3 4DE
Ward	Morpeth North	Parish	Morpeth
Valid Date:	7 June 2021	Expiry Date:	2 August 2021
Case Officer Details:	Name: Mr Ryan Soulsby Job Title: Planning Officer Tel No: 01670 622627 Email: Ryan.Soulsby@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



1. Introduction

- 1.1 Under the Council's current Scheme of Delegation, as an objection was received by Morpeth Town Council and a number of residents, the application was referred to the Director of Planning and Chairs of the Castle Morpeth Local Area Council for determination as to how the application should be decided. It was confirmed the application shall be determined at Local Area Council committee.

2. Description of the Proposals

- 2.1 Planning permission is sought for the construction of a detached building to provide 5no residential apartments with associated parking provision and landscaping at High End, 22 Thorp Avenue, Morpeth.
- 2.2 The proposed building would measure 22.6 metres in width, including external balconies, by 27.3 metres in length. A pitched roof would be incorporated upon the structure that would measure 14.1 metres to the ridge from the lowest level of the land however, the sloping topography of the land ensures a ridge height of 12.4 metres from ground level towards the Northern boundary.
- 2.3 Internally, the 5no residential apartments would be situated across 3no floors with 2no at ground floor level, 2no at first floor level and 1no at second floor level. Parking provision and ancillary storage for the apartments will be provided at basement level below the building. Access will remain off the Thorp Avenue public highway albeit with a widened access allowing for appropriate ingress and egress at the application site.
- 2.4 Existing soft landscaping will be retained within the site where possible with additional soft and hard landscaping to be incorporated within the curtilage of the application site. Apartments 1-4 will have outdoor garden areas within the site whilst communal areas are also identified upon the submitted plans.
- 2.5 Materials used within the construction of the apartment block would consist of multi red brickwork, ashlar cut stone, off white render, slate roof tiles and grey aluminium window frames. Timber fencing and stone walling would represent the boundary treatments within the site along with the provision of hedging and shrubbery.
- 2.6 The application site is located within the settlement of Morpeth. A detached dwelling previously occupied the site but was demolished prior to submission of this planning application.
- 2.7 A pre application was submitted by the applicant prior submission of this full planning application. Within the pre application response, the LPA confirmed the principle of development as acceptable however, careful consideration was needed in relation to the design, scale and massing of the building and potential impacts upon the amenity of neighbouring residents.
- 2.8 Amended plans were provided by the applicant following comments from the Planning Officer. It is these amended details that will be assessed within the below appraisal.

3. Planning History

Reference Number: CM/94/D/476

Description: Conservatory

Status: Permitted

Reference Number: CM/98/D/078

Description: PROPOSED NEW EXTERNAL LEAF TO GABLE END

Status: Permitted

Reference Number: CM/84/D/363

Description: EXTENSION TO DININGROOM AND KITCHEN ERECTION OF ENTRANCE PORCH AND CONSERVATORY TOGETHER WITH OUTBUILDING COMPRISING GARAGE GARDEN STORE GENERAL STORE AND KENNEL (AS AMENDED BY LETTER RECEIVED 3RD AUGUST 1984)

Status: Permitted

Reference Number: CM/90/D/607

Description: EXTENSION TO LOUNGE, DININGROOM AND KITCHEN AND ERECTION OF UTILITY ROOM, LOBBY AND BATHROOM WITH BEDROOM ABOVE

Status: Permitted

Reference Number: CM/00/D/559

Description: ERECTION OF FRONT PORCH

Status: Permitted

4. Consultee Responses

Morpeth Town Council	Object. Concerns regarding overdevelopment, use of the site, impact on visual character, highway safety issues and land stability.
Highways	No objection subject to recommended conditions.
Northumbrian Water Ltd	No objection. Promote sustainable surface water management.
The Coal Authority	No objection subject to recommended conditions.
Forestry Commission	No response received.
County Ecologist	No objection subject to recommended condition.
West Tree And Woodland Officer	No response received.
Public Protection	No objection subject to recommended conditions.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	4
Number of Objections	51
Number of Support	0
Number of General Comments	0

Notices

General site notice, 17th June 2021
No Press Notice Required.

Summary of Responses:

51no objections were received against the application from neighbouring residents and members of the public across 3no consultation periods. Concerns were raised regarding:

- Overdevelopment;
- Impact on visual character;
- Impact on street scene;
- Concerns relating to residential amenity (overlooking, privacy, overbearing);
- Highway safety issues;
- Land stability concerns;
- Setting of a precedent;
- Flooding and drainage;

Material planning considerations shall be assessed within the below appraisal.

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=QRTGL0QSFUH00>

6. Planning Policy

6.1 Development Plan Policy

Morpeth Neighbourhood Plan (Made version, May 2016) (MNP)

Policy Sus1 Sustainable Development Principles

Policy Des1 Design Principles

Policy Set1 Settlement Boundaries

Policy Hou3 Housing Mix

Policy Tra2 Traffic Congestion

Policy Tra3 Transport Requirements for New Developments

Policy Tra 4 Development of Footpath and Cycleway Networks

Policy Inf1 Flooding and Sustainable Drainage

Castle Morpeth District Local Plan (2003) (Saved Policies 2007) (CMDLP)

Policy RE5 Surface Water Runoff and Flood Defences

Policy RE6 Service Infrastructure

Policy RE8 Contaminated land

Policy RE9 Ground stability

Policy C1 Settlement boundaries

Policy C11 Protected species

Policy H15 New housing developments

Policy MC1 Settlement Boundary

6.2 National Planning Policy

6.3 Other documents/strategies

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

Policy STP 1 Spatial strategy (Strategic Policy)
Policy STP 2 Presumption in favour of sustainable development (Strategic Policy)
Policy STP 3 Principles of sustainable development (Strategic Policy)
Policy STP 4 Climate change mitigation and adaption (Strategic Policy)
Policy STP 5 Health and wellbeing (Strategic Policy)
Policy HOU 2 Provision of new residential development (Strategic Policy)
Policy HOU 3 Housing requirements for neighbourhood plan areas (Strategic Policy)
Policy HOU 5 Housing types and mix
Policy HOU 9 Residential development management
Policy QOP 1 Design principles (Strategic Policy)
Policy QOP 2 Good design and amenity
Policy QOP 3 Public realm design principles
Policy QOP 4 Landscaping and trees
Policy QOP 5 Sustainable design and construction
Policy QOP 6 Delivering well-designed places
Policy TRA 2 The effects of development on the transport network
Policy TRA 4 Parking provision in new development
Policy ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)
Policy ENV 2 Biodiversity and geodiversity 1
Policy WAT 1 Water quality
Policy WAT 2 Water supply and sewerage
Policy WAT 4 Sustainable drainage systems
Policy POL 1 Unstable and contaminated land
Policy POL 2 Pollution and air, soil and water quality

7. Appraisal

7.1 In assessing the acceptability of any proposal, regard must be given to policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that the starting point for determining applications remains with the development plan, which in this case contains policies from the Morpeth Neighbourhood Plan (Made version, 2016) (MNP) and Castle Morpeth District Local Plan (2003, saved policies 2007) (CMDLP). The main considerations in the assessment of this application are:

- Principle of development
- Design and visual character;
- Residential amenity;
- Highways safety;
- Ecological impacts;
- Contaminated land;

- Water management.

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.

Principle of development

- 7.2 Paragraph 12 of the NPPF outlines that development plans form the starting point for decision making by local planning authorities. Taking this into consideration, policies from the Morpeth Neighbourhood Plan (MNP) (made version) are given weight in so far that they accord with the provisions of the NPPF. Weight is also given to Castle Morpeth District Local Plan (CMDLP) which was made in 2003, with saved policies in 2007.
- 7.3 Policy Set1 of the MNP, read in conjunction with the Proposals Map which accompanies the plan, seeks to direct development within existing settlements. These provisions are mirrored within policy C1 of the CMDLP.
- 7.4 The application site is located within the settlement of Morpeth, situated within a densely populated residential area with good links to Morpeth town centre. The site previously accommodated a detached residential dwelling which was demolished prior to the submission of this planning application.
- 7.5 The application proposes the construction of a detached structure to accommodate 5no apartments. The use class will therefore remain C3 as per the existing use on site. The site is clearly sustainable owing to its proximity to Morpeth Town Centre with everyday shops and amenities accessible via public footpaths or sustainable modes of transport. The principle of development is therefore acceptable in accordance with both local and national planning policy.

Design and visual character

- 7.6 Policy Des1 of the MNP seeks to achieve good design within developments stating that *'the design and layout of the development achieves a sense of place by protecting and enhancing the quality, distinctiveness and character*

of settlements' and that application proposals should respect or enhance the character of the site and its surroundings in terms of *'proportion, form, massing, density, height, size, scale, materials and detailed design features'*.

- 7.7 Policy Hou3 is also relevant within this assessment and seeks to create a housing mix within residential areas. A range of housing assists in achieving a balanced housing market.
- 7.8 Policy H15 of the CMDLP states that proposals for new housing developments *'must be compatible with any distinctive vernacular character present in the locality in respect of layout, design and materials'*. At national planning policy level, paragraph 126 of the NPPF recognises *'good design as a key aspect of sustainable development'* whilst paragraph 130, part a) expects developments to *'function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development'*.
- 7.9 Whilst little weight can be given to policy QOP 1 of the emerging NLP at this stage, the aims of this policy mirror design policies within both local and national planning policy outlined above.
- 7.10 As part of the pre application enquiry assessment, and the assessment of this planning file, a site visit was undertaken by the Planning Officer consisting of a site walk around whilst also taking in views of the site from the wider surrounding area. The curtilage of the site is significantly larger than adjacent plots and has a significant sloping topography to the South. Residential properties bound the application site to the North and South and also to the West beyond the adjacent public highway. To the East, a mature tree belt provides a buffer between the site and a parcel of open space. Due to the topography of the application site, it is readily visible from neighbouring viewpoints and partially visible from areas further afield.
- 7.11 There is an evident housing mix within Thorp Avenue consisting of large detached properties, 1.5 storey dwellings and single storey bungalows. To the West of the site, terraced properties are prevalent whilst to the North East, new residential development is currently under construction. As well as a housing mix, there is a wide range of materials used within the construction of these dwellings which contributes to the visual character of the street scene and the wider area. The submitted details indicate materials used upon the proposed apartment block would mirror those incorporated upon existing dwellings.
- 7.12 The scale, form and massing of the proposed building is clearly large however, the footprint of the site, coupled with the sloping topography of the land allows the incorporation of a structure of this scale without representing harm to the street scene or the wider area. As part of the submitted details, the applicant has provided details plans which show the scale, massing and ridge height of the proposed building compared with existing dwellings. Discussions have been held between the Local Planning Authority and applicant as part of the application process following which the applicant agreed to reduce the ridge height of the building. The ridge is now viewed in line with the existing chimney upon the roof of 24 Thorp Avenue ensuring that the overall height of the structure would not represent an incongruous addition upon the immediate or surrounding landscape.

- 7.13 Fenestration has been appropriately sited in a uniform design upon the external elevations of the building whilst ensuring that habitable rooms within the building would benefit from appropriate levels of light. Whilst a large portion of glazing is incorporated upon the second floor of the West and South facing elevations, this is not unusual upon upper levels of apartment blocks and represents a modern design approach from the applicant as do the external balconies upon these elevations.
- 7.14 The design and access statement that forms part of the application submission references that design cues and material choices have been carefully considered, taking into consideration existing residential properties and the nearby Greystoke apartment block. Following the submission of amended plans to address initial concerns from the LPA, the proposed development now represents good design in accordance with both local and national planning policy referred to above. It would be appropriate for a condition to be attached upon the granting of any planning approval to ensure that precise material details and samples be submitted to the LPA for written approval prior to construction of the development above damp proof course level.

Residential amenity

- 7.15 Policy Des1, part H of the MNP seeks to protect the amenity of residents stating development must *'not cause an unacceptable adverse impact on the amenities of occupiers of existing or proposed nearby properties'*. Policy H15 of the CMDLP can also be given weight within this section and states that *'the distance, between primary elevations of new and existing dwellings, particularly at first floor level or above should not fall below 20 metres unless it can be demonstrated by the development that allowances should be made because of the site specific circumstances'*.
- 7.16 At national planning policy level, paragraph 130, part f) states developments should *'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'*.
- 7.17 Policy QOP 2 of the emerging NLP, which can only be given little weight at this stage, states *'Development will be required to provide a high standard of amenity for existing and future users of the development itself and preserve the amenity of those living in, working in or visiting the local area'*.
- 7.18 As part of the site visit, an assessment was undertaken regarding the separation distances of the proposals to existing dwellings and how the development may impact upon the amenity of neighbouring residents, most notably the immediate dwellings to the North and South and also to the West beyond the Thorp Avenue public highway. Various alterations have been undertaken to the plans by the applicant following comments from the Local Planning Authority relating to design and amenity.
- 7.19 The proposed building would be located centrally within the application site, ensuring a buffer zone of soft landscaping to all boundaries. As outlined

earlier in the appraisal, the site has a significant slope Southwards therefore careful consideration must be given to the amenity of residents within the neighbouring two storey dwelling to the South, 20 Thorp Avenue. This dwelling is set across 2no floors however, the topography of the site ensures one level at ground floor with another level viewed as lower ground floor. A separation distance of 8 metres would be retained from the outdoor terrace area located towards the Southern boundary with a separation of 11.3 metres between the built form of the apartment block and the North facing gable of 20 Thorp Avenue. Due to the orientation of the 2no properties, there would be no direct facing primary elevations.

- 7.20 The submitted plans indicate the provision of outdoor terraces upon the South facing elevation of the proposed building that would serve apartments 3, 4 and 5. Whilst these outdoor areas will be South facing, it was noted by the Planning Officer when visiting the site that there would be no direct views from these balconies area into fenestration incorporated upon the front elevation of 20 Thorp Avenue. Whilst there would ultimately be some overlooking to the front garden area of this neighbouring property, outdoor space to the front of dwellings is not afforded the same level of protection as rear garden areas with it noted the front garden of 20 Thorp Avenue is readily visible when travelling along Thorp Avenue. The dwelling appears to have minimal outdoor amenity space to the rear with the property situated in proximity to the rear boundary. The provision of balconies upon this elevation would be to afford residents of the apartments views towards Morpeth and not to contribute to direct overlooking of properties to the South.
- 7.21 To the North of the application site is 24 Thorp Avenue which is a semi-detached two storey dwelling with outdoor amenity space located to the rear. A separation distance of 12 metres would exist between the nearest Northern building line of the apartment block and the South facing gable of no.24. A minimum separation distance of 5 metres would be retained between proposed building and the shared boundary. Whilst first floor windows are incorporated upon the South facing gable of no.24, appropriate separation would exist to ensure there would be no significant overshadowing caused with it noted these windows do not serve habitable rooms. The orientation of the proposed apartment block would ensure that windows upon the North facing elevation which aren't to be obscure glazed would not directly overlook the private outdoor amenity space of this neighbouring dwelling.
- 7.22 To prevent overlooking to no.24, a privacy screen would be incorporated upon the flat roof offshoot whilst a condition can secure that this area is not used as a raised platform and is only accessible for maintenance purposes. Use of this flat roof as a raised platform would result in overlooking of the neighbouring rear patio area along with partial views of fenestration incorporated upon the rear elevation of no.24.
- 7.23 Whilst objections have been raised from residents located to the South West upon Thorp Avenue and Oswald Road relating to overlooking, considerable separation distances exist between the proposed building and shared boundary to ensure that there would not be significant overlooking that may adversely impact upon amenity. A minimum separation distance of 24 metres would exist between the nearest first floor terrace and shared boundary with this increasing to the properties located upon Oswald Road.

- 7.24 As part of the landscape proposals for the site, the applicant has proposed retention of existing boundary treatments such as fencing along with additional soft landscaping which will provide further screening upon the site. An appropriately worded condition can secure landscaping be implemented on site within the first planting season following any approval of the application. Conditions have also been recommended by the Public Protection team restricting noisy working hours and construction/delivery collection hours.
- 7.25 Following alterations to the initial scheme in line with recommendations made by the Local Planning Authority, and subject to planning conditions, the proposal accords with both local and national planning policy in relation to protecting residential amenity.

Highway safety

- 7.26 Paragraph 111 of the NPPF states that *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.
- 7.27 Consultation was undertaken with Highways Development Management who, following the submission of amended details, raised no objection to the application proposals subject to recommended conditions. Access to the site would be sought off the Thorp Avenue public highway with a widened access allowing 2no vehicles to pass at the entrance therefore preventing vehicles stopping upon the public highway and causing obstruction issues. Adequate visibility splays have been demonstrated allowing for safe ingress and egress at the site.
- 7.28 Within the site, appropriate levels of parking provision would be provided that adhere with NCC parking standards. Cycle parking and refuse storage have also been indicated within the basement level of the development. To ensure highway safety during the construction phase of the development on site, a condition is recommended for a construction method statement to be provided prior to the commencement of development. Subject to appropriate conditions, and the applicant entering into a S184 agreement with the Highways team regarding the access works, the proposal accords with relevant highway policy.

Ecological impacts

- 7.29 Policy C11 of the CMDLP outlines that *'the council will not permit development which would adversely affect protected species or their habitats unless it can be demonstrated that the reasons for the proposed development outweigh any adverse affect on the species or their habitat'*.
- 7.30 Paragraph 174, part d) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by *'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'*.

- 7.31 Consultation was undertaken with the local authority's ecologist who raised no objection to the application proposals subject to a recommended condition. The condition recommends appropriate mitigation on site to ensure there shall be no adverse impacts upon protected species or their habitats whilst also requesting the installation of 5no integrated bat/bird boxes into the development to represent biodiversity net gains in accordance with the NPPF.

Contaminated land

- 7.32 Policy RE8 of the CMDLP stipulates that *'The Council will require proposals for the development of all land identified as being, or potentially being contaminated by previous developments or mineral workings, to be accompanied by a statement of site investigation outlining the tests undertaken and the evaluation of results, in order that the council may assess any direct threat to health, safety or the environment'*.
- 7.33 The application site is located within an area subject to former coal mining workings therefore, consultation was undertaken with The Coal Authority (TCA) for their comments. A Phase I desktop study & coal mining risk assessment and phase 2 site investigation report form part of the application documents. Within the consultation response provided by TCA, they concur with the recommendation of these reports that coal mining legacy poses a risk to the proposed development and remedial measures are required in order to ensure the safety and stability of the development. Appropriate conditions are therefore recommended upon the file to ensure the safety of the site for neighbouring residents and future occupiers of the proposed development.
- 7.34 Due to the site's location within a former coal mining working area, the development will also require ground gas protection to protect the health of any end user. Consultation was undertaken with Public Protection who raised no objection to the application proposals, subject to the submission of additional information, with conditions relating to ground gas protection, contamination and remediation works on site.
- 7.35 Subject to relevant conditions recommended by both internal and external consultees, the proposal accords with both local and national planning policy with regards to land contamination and site safety.

Water management

- 7.36 The submitted details indicate that both foul sewage and surface water will be disposed of via existing mains. Consultation was undertaken with Northumbrian Water who raised no objection to this arrangement. The applicant will be required to agree discharge rates and connection points with NWL, out with the planning process.

Equality Duty

- 7.37 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

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

Human Rights Act Implications

- 7.39 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.
- 7.40 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.
- 7.41 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 proposal represents an acceptable form of development which subject to recommended conditions, accords with both local and national planning policy referred to above. The submission of amended details has overcome the Local Planning Authority's initial concerns regarding impacts upon residential amenity.
- 8.2 The application is therefore recommended for approval, subject to conditions.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

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

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

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

- 1) Proposed first floor plan drawing no. 3030-5 011 L (received 1st November 2021)
- 2) Proposed roof plan drawing no. 3030-5 013 E (received 1st November 2021)
- 3) Proposed second floor plan drawing no. 3030-5 012 K (received 1st November 2021)
- 4) Proposed West and South elevations drawing no. 3030-5 015 E (received 1st November 2021)
- 5) Proposed site plan drawing no. 3030.05.005C (received 8th September 2021)
- 6) Basement plan drawing no. 3030-5 009 H (received 2nd September 2021)
- 7) Block plan as proposed drawing no. 3030.05.004A (received 2nd September 2021)
- 8) Proposed ground floor plan drawing no. 3030-5 010 J (received 2nd September 2021)
- 9) North and East elevations drawing no. 3030-5 016 B (received 2nd September 2021)
- 10) Ground gas protection statement (received 23rd July 2021)
- 11) Visqueen gas barrier datasheet (received 23rd July 2021)
- 12) Visqueen gas resident self adhesive membrane overview (received 23rd July 2021)
- 13) Visqueen high performance damp proof membrane overview (received 23rd July 2021)
- 14) Drainage strategy JC Consulting JCC21-095-C-02 (received 7th June 2021)
- 15) Flood risk assessment JC Consulting JCC21-095-C-01 (received 7th June 2021)
- 16) Phase 2 Site investigation JC Consulting JCCGEO20-029-02-SI (received 7th June 2021)
- 17) Phase 1 Desktop study and CMRA JCCGEO20-029-01-DTS (received 7th June 2021)
- 18) Landscape proposal drawing no. TAML1 Rev. A (received 7th May 2021)
- 19) Tree protection plan (received 7th May 2021)
- 20) Ecological impact assessment February 2021 (received 19th April 2021)
- 21) Arboricultural implications assessment (received 19th April 2021)

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

03. Notwithstanding any description of the materials in the application, prior to construction above damp proof course level, precise details of the materials to be used in the construction of the external walls, roof and fenestration of the building shall be submitted to, and approved in writing by, the Local Planning Authority. Development must not be undertaken above damp proof course level until approval from the Local Planning Authority has been provided in writing. All roofing and / or external facing materials used in the construction of the development shall conform to the materials thereby approved.

Reason: To retain control over the external appearance of the development from the outset in the interests of amenity and in accordance with the provisions of in accordance with the provisions of policy H15 of the Castle Morpeth District Local Plan and the National Planning Policy Framework.

04. Prior to occupation of the development hereby approved, details of the privacy screen as shown on drawing no. 3030-5 012 K must be submitted to and approved in writing by the Local Planning Authority. The approved screen shall therefore be retained and appropriately maintained for the lifetime of the development.

Reason: To protect the amenity of neighbouring residents in accordance with policy Des1 of the Morpeth Neighbourhood Plan, policy H15 of the Castle Morpeth District Local Plan and the National Planning Policy Framework.

05. The flat roof located at second floor level upon the West facing elevation, as shown on drawing no. 3030-5 012 K, must not be used as a raised platform with access only permitted for maintenance of this area.

Reason: To protect the amenity of neighbouring residents in accordance with policy Des1 of the Morpeth Neighbourhood Plan, policy H15 of the Castle Morpeth District Local Plan and the National Planning Policy Framework.

06. During the construction period, there should be no noisy activity, i.e. noise from the construction activities which is audible at or beyond the site boundary, on Saturdays, Sundays or Bank Holidays or outside the hours: Monday to Friday - 0800 to 1800,

Reason: To protect residential amenity and provide a commensurate level of protection against noise

07. Deliveries to and collections from the demolition and/or construction phase of the development shall only be permitted between the hours:

Monday to Friday - 08:00 to 18:00 Saturday - 08:00 to 13:00

With no deliveries or collections on a Sunday or Bank Holiday.

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

08. No building shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS2 standard for a Type B building specified in Table 4 of BS8485:2015 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), have been submitted to and approved in writing by the Local Planning Authority. The report must include cross-sectional drawings showing the proposed incorporation of a gas protection system including any active ventilation systems and gas resistant membranes. The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases)

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the health & amenity of the occupants of the respective properties.

09. No building shall not be brought into use or occupied until the applicant has submitted a validation and verification report to the approved methodology in Condition 8, which has been approved in writing by the LPA.

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the health & amenity of the occupants of the respective properties.

10. No development shall be commenced until a verification report detailing the position of all boreholes installed for the investigation of soils, ground gases, groundwater or geotechnical purposes (including grouting), shall be submitted to the Local planning authority. The verification report shall detail on how redundant boreholes have been decommissioned and how any borehole that needs to be retained, post-development, for monitoring purposes will be secured, protected and inspected.

Reason: To ensure that redundant boreholes do not form part of a source-pathway receptor linkage which could cause harm to human health by exposing future residents to harmful concentrations of hydrocarbon ground gases.

11. A written Method Statement (or Remediation Strategy) detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without express written agreement of the Local Planning Authority. The land contamination was identified at this site within the Phase 2 – Site Investigation report – JC Consulting Rev 01, June 2021.

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

12. Prior to the development being brought into use or continuing in use the applicant shall submit a full closure (Verification Report) report to the Local Planning Authority for its written approval. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be Page 4 of 4 included in the closure report to demonstrate that the required remediation has been fully met. Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition.

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

13. If during redevelopment contamination not previously considered within any statement / report that has received the approval of the Local Planning Authority is identified, then a written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority – the written method statement must be written by a competent person. No building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out. Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition. “Competent Person” has the same definition as defined within the National Planning Policy Framework (NPPF) ISBN 978-1-5286-1033-9

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

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

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

15. The development shall not be occupied until constructional details of the vehicular access, including surface water drainage measures, have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the vehicular access shall be retained in accordance with the approved details.

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

16. The development shall not be occupied until cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety, residential amenity and sustainable development, in accordance with the National Planning Policy Framework.

17. Notwithstanding details submitted, development shall not commence until a Construction Method Statement together with a supporting plan has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement and plan shall, where applicable, provide for:

- i. details of temporary traffic management measures, temporary access, routes and vehicles;
- ii. vehicle cleaning facilities;
- iii. the parking of vehicles of site operatives and visitors;
- iv. the loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development

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

18. The development hereby permitted shall be undertaken in accordance with the following, unless otherwise agreed in writing by the local planning authority:

- i. No tree felling or vegetation clearance shall be undertaken between 1st March and 31st August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.
- ii. All work to be undertaken in accordance with the Tree Protection Plan by Woodsman Arboricultural Consultancy (DWG. TPP.HighEnd.No2) and guidance set out in BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations British Standards Institution, 2012.
- iii. All trenches and excavations deeper than 0.30m left open overnight should have a ramp installed at an angle of no more than 45 degrees to allow the escape of entrapped mammals.
- iv. Prior to first occupation or use of the development, a minimum of five integrated bird box and/or bat boxes must have been constructed within the fabric of the new building positioned following best practice guidance.
- v. All garden boundary fences, or walls will include a gap at the base measuring a minimum 13cm x 13cm to allow continued access through the site for hedgehog.

Reason: To conserve and enhance local biodiversity in line with the National Planning Policy Framework.

19. No development shall commence (excluding the demolition of existing structures) until remedial stabilisation works to address land instability arising from unrecorded shallow coal mining legacy has been carried out in full in order to ensure that the site is made safe and stable for the development proposed. The remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure the development is not at risk from previous coal mining activity.

20. Prior to the occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the remedial works and any mitigatory measures necessary to address the risks posed by past coal mining activity.

Reason: To ensure the development is not at risk from previous coal mining activity.

21. The landscaping of the site shall be carried out in accordance with the approved plans within the first planting season following the commencement of development or within such other time as may be approved with the Local Planning Authority in writing beforehand. The landscaped areas shall be maintained to ensure establishment of the approved scheme, including watering, weeding and the replacement of any plants which fail within a period up to 5 years from the completion of the development.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion, and in accordance with the provisions of policy Des1 of the Morpeth Neighbourhood Plan, Policy H15 of the Castle Morpeth District Local Plan and the National Planning Policy Framework.

22. Fenestration serving the en-suite, utility room and WC at first floor level upon the North East facing elevation along with fenestration serving the dressing room and en-suite at second floor level must be obscurely glazed and hereby retained in this condition for the lifetime of the development. These areas are identified upon drawing no's. 3030-5 011 L and 3030-5 012 K

Reason: To protect the amenity of neighbouring residents in accordance with policy Des1 of the Morpeth Neighbourhood Plan, policy H15 of the Castle Morpeth District Local Plan and the National Planning Policy Framework.

Informatives

- 1) No external refuse or refuse containers shall be stored outside of the approved refuse storage area except on the day of refuse collection.

- 2) Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.
- 3) In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.
- 4) Using native species in landscaping schemes has many advantages. They are the most likely to support the most wildlife and avoid the risk of the problems that invasive species bring. Many of them are just as attractive as ornamental varieties and will bring a sense of local distinctiveness to planting schemes. A list of plant species native to Northumberland can be found online <https://www.northumberlandcoastaonb.org/files/Downloads/Botanical%20species%20native%20to%20Northumberland%20-%20Google%20Docs.pdf>

A list of suitable trees is available online from Northumberland Wildlife Trust <https://www.nwt.org.uk/what-we-donews-and-publications/publications> Please note Field Maple is not considered locally native to Northumberland and should not be widely planted, and it is no longer recommended to include Ash in planting schemes due to the prevalence of ash die back disease (Chalara). A species-rich grassland mix is now produced in Northumberland from seed harvested within grassland SSSIs in the Northumberland National Park, which can be bought through British Wildflower Seeds. It has a high proportion of yellow rattle, which is helpful to its establishment in existing grasslands. <https://britishwildflowermeadowseeds.co.uk/collections/wildflower-meadowseeds/products/northumberland-meadow-seed-mix> The Royal Horticultural Society's

Plants for Pollinators is also a useful reference for landscaping schemes. <https://www.rhs.org.uk/science/conservation-biodiversity/wildlife/plants-for-pollinators>

- 5) Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property
- 6) NWL encourage the developer to produce a surface water drainage solution by working through the following, listed in order of priority: Discharge into ground (infiltration) Discharge to a surface water body Discharge to a surface water sewer, highway drain, or another drainage system As a last resort, discharge to a combined sewer If sewer is the only option then the developer is encouraged to contact Northumbrian Water to agree allowable discharge rates and connection points into the public sewer

network. Further advice can be found at
<https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx>

Date of Report: 24th November 2021

Background Papers: Planning application file(s) 21/01614/FUL



Northumberland County Council

Appeal Update Report

Date: December 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?
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>Committee Decision – Officer Recommendation: Approve</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?
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>Delegated Decision - Officer Recommendation: Refuse</p>	No
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>	No

	Appeal against non-determination	
20/00925/OUT	<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 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.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No – claim refused
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>Delegated Decision - Officer Recommendation: Refuse</p>	No
20/03451/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>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
20/03861/VARYCO	<p>Variation of condition 2 (approved plans) pursuant to planning permission 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>26 May 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
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>
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	<p>Change of use from public house at ground floor (Sui Generis) to 1no. self contained two 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>20 August 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</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>	
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</p> <p>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</p> <p>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 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>26 August 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>13 September 2021</p>

	Main issues: inappropriate development in the Green Belt; inadequate flood risk assessment; and insufficient information regarding foul water treatment.	Delegated Decision - Officer Recommendation: Refuse
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>
21/01393/FUL	<p>Single-storey flat-roofed garage to rear of back garden – 7 First Avenue, Blyth</p> <p>Main issues: design, scale and massing would result in an incongruous addition with a negative visual impact on the property and surrounding area.</p>	<p>30 September 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/01085/FUL	<p>Single storey front extension – 2 The Limes, Morpeth</p> <p>Main issues: the proposals would result in an incongruous and overbearing addition with visual harm to the property and wider street scene.</p>	<p>12 October 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/04369/FUL	<p>Reserved Matters application in accordance with condition 1, 2 and 5 - seeking approval of layout, scale, appearance and landscaping, including details of materials/finishes (residential development of up to 6 dwellings) pursuant to planning permission 13/00802/OUT - land north of High Fair, Wooler</p> <p>Main issues: layout, scale and massing would be out of character with surrounding area.</p>	<p>18 October 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/01578/OUT	<p>Outline permission with all matters reserved - demolition of existing garage, stable block and tennis court and erection of 1 dwelling with associated driveway and landscaping (Self Build) - land west of Roecliffe, Ladycutter Lane, Corbridge</p>	<p>19 October 2021</p> <p>Delegated Decision - Officer</p>

	<p>Main issues: inappropriate development in the Green Belt; and encroachment into the countryside and would not respond to the character of the area.</p>	<p>Recommendation: Refuse</p>
20/04343/LBC	<p>Listed building consent for metal railings to balcony – 8 Prospect Place, Alnmouth</p> <p>Main issues: less than substantial harm caused to the listed building.</p>	<p>19 October 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/01918/FUL	<p>Demolition of modern agricultural sheds and development of six new residential dwellings, including gardens, car parking, and all ancillary works – Longbank Farm, Longhoughton</p> <p>Main issues: principle of housing in an isolated location in the open countryside is unacceptable; significant urbanising effects in the open countryside eroding the local landscape and not enhancing the Northumberland Coast AONB; insufficient information to assess off-site highway works; and no Section 106 Agreement completed to secure affordable housing.</p>	<p>26 October 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/01600/FUL	<p>Development of 9no. affordable houses, including access road, gardens, car parking and other ancillary works - land north of B6350, Corbridge</p> <p>Main issues: inappropriate development in the Green Belt; development in an unsustainable location in the open countryside; results in encroachment into the countryside, loss of mature trees and visually intrusive and harmful impact on rural and open character of the site and setting of Corbridge; and loss of Grade 2 agricultural land.</p>	<p>27 October 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/03224/FUL	<p>Change of use of private dwelling into 4no. holiday lets and separate holiday home to rent and erection of 4no. holiday homes to rent with associated car parking – Bayview, Beachway, Blyth</p> <p>Main issues: inadequate off-road car parking provision and resultant off-site impacts; increased noise and light pollution to the shoreline of the Northumberland Shore SSSI and harmful to bird species in that area; inadequate provision to mitigate the impact of increased recreational disturbance to designated sites of ecological importance;</p>	<p>27 October 2021</p> <p>Appeal against non-determination</p>

	insufficient information to demonstrate that the proposals are acceptable in terms of coastal erosion vulnerability and surface water drainage; and insufficient information to demonstrate the proposals are acceptable in terms of impacts on the World War II pill box and setting of Blyth Battery.	
21/03224/FUL	Former Veterinary Clinic Converted to 4 x Residential Apartments – 37-39 Croft Road, Blyth Main issues: harmful impact on residential amenity; fails to address highway safety matters in relation to parking provision; and lack of completed planning obligation in respect of a contribution to the Coastal Mitigation Service.	27 October 2021 Delegated Decision - Officer Recommendation: Refuse
20/03777/FUL	Change of use to dwelling with single storey extension and internal/external alterations – The Water House, Redesmouth, Hexham Main issues: no completed Section 106 Agreement to secure planning obligation of financial contribution for sport and play provision.	28 October 2021 Delegated Decision - Officer Recommendation: Refuse
20/02282/LBC	Listed building consent for replacement of all single glazed windows with double glazed units matching the current design – West House, Chillingham Castle, Chillingham Main issues: insufficient information to demonstrate that the proposed works are necessary or justified and the existing windows are beyond reasonable repair.	2 November 2021 Delegated Decision - Officer Recommendation: Refuse
21/00667/FUL	Conversion of agricultural buildings into 4no. residential units – High Baulk Farm, Great Whittington Main issues: retention and alteration of modern hay barn as part of conversion works is unacceptable in principle; and harmful design that would not be in keeping with the curtilage listed buildings.	2 November 2021 Delegated Decision - Officer Recommendation: Refuse
21/01660/FUL	Proposed erection of perimeter fencing and gates – site of former The Bungalow, High Pit Road, Cramlington Main issues: by virtue of siting, height and design the proposal constitutes an incongruous feature that fails to respect or enhance the character of the area.	3 November 2021 Delegated Decision - Officer Recommendation: Refuse

21/02878/FUL	Change of use of land for siting of shepherd's huts and associated development – land north of White House Farm, Slaley Main issues: inappropriate development in the Green Belt.	4 November 2021 Delegated Decision - Officer Recommendation: Refuse
21/03062/FUL	Proposed alterations and rear extension to dwelling house (retrospective) - 23 Shoresdean, Berwick-upon-Tweed Main issues: poor quality flat roof design with detrimental impact on the property and the character of the environment.	10 November 2021 Delegated Decision - Officer Recommendation: Refuse

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	<p>Land to the West of Buildings Farm, Whittonstall, Consett, DH8 9SB</p> <p>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</p>	1 February 2021
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Inquiry and Hearing Dates

Reference No	Description and address	Inquiry/hearing date and decision level
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>
20/01932/FUL	<p>Construction of single dwelling with annex and ancillary accommodation, c.6.5 metre</p>	<p>Hearing date: 18 January 2022</p>

	<p>high wind turbine, associated landscaping and highway works (amended description) - land south of Church Lane, Riding Mill</p> <p>Main issues: isolated dwelling in the open countryside; inappropriate development in the Green Belt; insufficient information to fully assess ecological impacts; harmful impacts on the character of the site, wider area and countryside; lack of completed Section 106 Agreement to secure planning obligations for contributions to sport and play provision; and insufficient information to assess noise from wind turbine and impacts in residents and local area.</p>	<p>Committee Decision - Officer Recommendation: Refuse</p>
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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.

Report author and contact details

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