

# Public Document Pack



## Northumberland County Council

**Your ref:**

**Our ref:**

**Enquiries to:** Lesley Little

**Email:** lesley.little@northumberland.gov.uk

**Tel direct:** 01670 622614

**Date:** Thursday, 25 August 2022

Dear Sir or Madam,

Your attendance is requested at a meeting of the **STRATEGIC PLANNING COMMITTEE** to be held in **COUNCIL CHAMBER - COUNTY HALL** on **TUESDAY, 6 SEPTEMBER 2022** at **4.00 PM**.

Yours faithfully

Rick O'Farrell  
Interim Chief Executive

**To Strategic Planning Committee members as follows:-**

**C Ball, L Darwin, R Dodd, B Flux, J Foster, G Hill, JI Hutchinson, J Lang, J Reid, G Renner-Thompson, M Robinson (Vice-Chair), G Stewart, M Swinbank, T Thorne (Chair), A Wallace and A Watson**

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>.



**Rick O' Farrell, Interim Chief Executive**  
County Hall, Morpeth, Northumberland, NE61 2EF  
T: 0345 600 6400  
[www.northumberland.gov.uk](http://www.northumberland.gov.uk)



## 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 COMMITTEE**

(Pages 1  
- 2)

2. **APOLOGIES FOR ABSENCE**

3. **DISCLOSURE OF MEMBERS' INTERESTS**

Unless already entered in the Council's Register of Members' interests, members are required where a matter arises at a meeting;

- a. Which **directly relates to** Disclosable Pecuniary Interest ('DPI') as set out in Appendix B, Table 1 of the Code of Conduct, to disclose the interest, not participate in any discussion or vote and not to remain in room. Where members have a DPI or if the matter concerns an executive function and is being considered by a Cabinet Member with a DPI they must notify the Monitoring Officer and arrange for somebody else to deal with the matter.
- b. Which **directly relates to** the financial interest or well being of a Other Registrable Interest as set out in Appendix B, Table 2 of the Code of Conduct to disclose the interest and only speak on the matter if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain the room.
- c. Which **directly relates to** their financial interest or well-being (and is not DPI) or the financial well being of a relative or close associate, to declare the interest and members may only speak on the matter if members of the public are also allowed to speak. Otherwise, the member must not take part in discussion or vote on the matter and must leave the room.
- d. Which **affects** the financial well-being of the member, a relative or close associate or a body included under the Other Registrable Interests column in Table 2, to disclose the interest and apply the test set out at paragraph 9 of Appendix B before deciding whether they may remain in the meeting.
- e. Where Members have or a Cabinet Member has an Other Registerable Interest or Non Registerable Interest in a matter being considered in exercise of their executive function, they must notify the Monitoring Officer and arrange for somebody else to deal with it.

NB Any member needing clarification must contact [monitoringofficer@northumberland.gov.uk](mailto:monitoringofficer@northumberland.gov.uk). Members are referred to the Code of Conduct which contains the matters above in full. Please refer to the guidance on disclosures at the rear of this agenda letter.

- 4. MINUTES OF PREVIOUS MEETINGS** (Pages 3 - 22)
- (a) Minutes of 7 June 2022**
- The minutes of the Strategic Planning Committee held on Tuesday 7 June 2022, as circulated, to be agreed as a true record and be signed by the Chair.
- (b) Minutes of 5 July 2022**
- The minutes of the Strategic Planning Committee held on 5 July 2022, as circulated, to be agreed as a true record and be signed by the Chair.
- 5. DETERMINATION OF PLANNING APPLICATIONS** (Pages 23 - 26)
- 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. 21/04941/VARYCO** (Pages 27 - 46)  
**Variation of condition 2 on approved application 19/00904/FUL in order to amend landscape plans to change position of play area so condition 10 can be complied with, resulting in slight amendment to landscaping. (Amended description)**  
**Land South of Bluebell Court, East Cottingwood, Morpeth, Northumberland**
- 7. APPEALS UPDATE** (Pages 47 - 54)
- 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. S106 AGREEMENTS UPDATE REPORT** (Pages 55 - 60)
- For Members' information to report the agreement monitoring and collection of s106 contributions in the planning process. This is a monthly

report and relates to agreements throughout Northumberland during the previous monthly period.

## **9. URGENT BUSINESS**

To consider such 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 discussed or as soon as it becomes apparent to you.
- Complete this sheet and pass it to the Democratic Services Officer.

<b>Name:</b>		<b>Date of meeting:</b>	
<b>Meeting:</b>			
<b>Item to which your interest relates:</b>			
<b>Nature of Interest i.e. either disclosable pecuniary interest (as defined by Table 1 of Appendix B to the Code of Conduct, Other Registerable Interest or Non-Registerable Interest (as defined by Appendix B to Code of Conduct) (please give details):</b>			
<b>Are you intending to withdraw from the meeting?</b>		Yes - <input type="checkbox"/>	No - <input type="checkbox"/>

## Registering Interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

**"Disclosable Pecuniary Interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.

Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

### Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

### Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in **Table 1**) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a relative or close associate; or
- c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well- being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

This page is intentionally left blank





## 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

### STRATEGIC PLANNING COMMITTEE

At the meeting of the **Strategic Planning Committee** held at Council Chamber - County Hall on Tuesday, 7 June 2022 at 4.00 pm.

#### PRESENT

T Thorne (Chair) (in the Chair)

#### MEMBERS

C Ball	R Dodd
J Foster	G Hill
Jl Hutchinson	J Lang
G Renner-Thompson	M Robinson
G Stewart	M Swinbank
A Wallace	A Watson

#### OTHER COUNCILLORS

J Riddle

#### OFFICERS

T Crowe	Solicitor
G Halliday	Consultant Planner
L Little	Senior Democratic Services Officer
R Murfin	Interim Executive Director of Planning & Local Services
K Tipple	Senior Planner
T Wood	Principal Planning Officer

Around 11 members of the press and public were present.

#### 1 PROCEDURE AT PLANNING COMMITTEES

The Chair outlined the procedure to be followed at the meeting.

**RESOLVED** that the information be noted.

#### 2 MEMBERSHIP AND TERMS OF REFERENCE

**RESOLVED** that the Membership and Terms of Reference of the Strategic Planning Committee as agreed at Annual Council on 4 May 2022 be noted.

### 3 **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Flux, Darwin and Reid.

### 4 **MINUTES OF PREVIOUS MEETINGS**

**RESOLVED** that the minutes of the Strategic Planning Committees held on Tuesday 4 April 2022 and Tuesday 3 May 2022, as circulated, were agreed as a true record and were signed by the Chair.

### 5 **DISCLOSURE OF MEMBERS' INTERESTS**

Councillor Renner-Thompson advised that he was a Director of Advance Northumberland and would therefore leave the Chamber whilst application 22/00879/FUL was considered.

### 6 **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.

Councillor Renner-Thompson left the Chamber at this point.

### 7 **22/00879/FUL**

**Erection of building for manufacturing of subsea cables, with ancillary offices and outdoor cable storage, together with associated development and infrastructure works including vehicular accesses off Brock Lane, landscaping and vehicular parking  
Land North of Blyth Power Station Substation, East Sleekburn,  
Northumberland**

T Wood, Principal Planning Officer provided an introduction to the application with the aid of a power point presentation. Site videos had also been circulated to Members in advance of the Meeting. The Officer advised that there was a slight amendment to a plan number in the proposed condition 2 in that the main site access general arrangement plan number should read PO2 and not PO1.

J Young, Chief Strategy and Compliance Officer, JDR Cables addressed the Committee speaking in support of the application. His comments included the following information:-

- JDR Cables System was a leading provider of subsea cable technology and off shore services to connect the global offshore energy industry. Its success was based on technical expertise and the reliability and supply of subsea power cables and associated hardware and accessories with its first offshore wind contract won in 2006 and a manufacturing facility opening in Hartlepool in 2009. Following further investment in 2016 this factory was now one of the most advanced subsea cable manufacturing facilities in the world.
- JDR were now looking to expand their manufacturing facilities with another factory in Cambois which would focus on renewable energy products and services.
- JDR were the only manufacturer of this type of cable in the UK and the proposed development was the next phase of innovation with new capacity for longer and higher voltage cables to serve the growing offshore market. It would bring more skilled jobs to Cambois, Northumberland and the wider North East.
- The new facility would help the UK to meet its target of 40 gigawatt of renewable energy by 2030 and assist the Government's target of net zero carbon emissions by 2050.
- At opening it would have 170 office and operations staff and would have a maximum capacity of 207 staff. JDR would seek to provide local residents with employment opportunities for 10 years from the opening of the plant including work experience, apprenticeships, internships and graduate engineering traineeships secured through an employment plan as part of the S106 agreement.
- JDR would also seek to provide local residents with training opportunities for at least 10 years by building relationships with local colleges and universities and providing mentoring and interview training secured through a training skills plan as part of the S106 agreement.
- JDR already had a number of STEM ambassadors and mentors supporting local communities bringing hands on training opportunities and it was expected this would be replicated in Cambois.
- JDR were aware of the work on the British Volt site and they would seek to work with them to ensure that any impact from the construction on the JDR site would be kept to a minimum.
- JDR and their contractors would continue to work with the local community and Parish Council and keep them informed of each stage of construction.

Karon Beech, from Vincent & Gorbing, Planning Architects and Consultants working on the project, also addressed the Committee speaking in support of the application. Her comments included the following:-

- The application contained a suite of technical documents. The transport assessment confirmed that there would be no significant impact on the road network as a result of a maximum of 44 additional car movements and 14 lorry movements per day.
- Highways England had advised that a Highways Operational Management Plan would be required to manage the impact the development would have on the A19 Moor Farm roundabout during the peak morning and evening periods and JDR were happy to accept this condition.

- The submitted landscape assessment confirmed that the impact of the character of the site, its setting and the landscape from close and distant views were acceptable. There was a landscape buffer between the site and the nearest residents with an illustrative landscape plan submitted to show how additional on-site planting with more mature trees could help the buffer and JDR were happy to accept this as a planning condition.
- The development would not have any impact on any sensitive areas in the locality and a significant net biodiversity gain, well in excess of the 10% required.
- There would be no harmful impact to the setting of the Grade II listed coal staithes.
- Development was deemed to be acceptable in terms of surface water, flood risk and foul water drainage.

In response to questions from Members of the Committee, the following information was provided by Officers:-

- Comments made regarding traffic had been referred to Highways and responses were contained in paragraphs 7.42 – 7.46 of the report. The baseline traffic surveys were those which had been used as part of the British Volt application in 2020 and had been replicated for use in relation to this application and it was not considered that a maximum of 44 trips per hour would have a significant impact on the overall capacity.
- The sustainable transport plan would actively manage the whole operation and logistics of the site in relation to minimising the impact on the Moor Farm Roundabout as required by National Highways.
- The S106 would be very detailed and guarantee skills training and support etc to ensure that the economic benefits of the development were realised locally with work to develop this undertaken in conjunction with the Council's Education and Skills Section.
- This site did not have the rich ecology to replace, unlike the British Volt Site, and therefore the 10% biodiversity net gain could be achieved on site.
- If the application was permitted then a S78 Highways Act Agreement would be required which would look at road safety and would consider if any footpath or lighting provision was required as part of the application.
- A request would be made to the applicants to enable the existing Gatehouse to the former power station, which was a source of pride to the local community, to be kept as a tribute to the cultural heritage of the area.
- Condition 18 requested details of a Construction Management Statement to be submitted and agreed which would include wheel washing for HGV vehicles leaving the construction site.
- It was clarified that 95% of the cables produced would be transported by the River and the application had the support of the Port of Blyth.
- There was a lot of economic growth occurring in the South East of the County with implications of this on the road and footpath/cycleway networks. Once National Highways had confirmed their proposals for Moor Farm Roundabout which would take into account the maximum cumulative developments in a set period of time, then a masterplan for the economic corridor would be drawn up informing the scale of

- investment for infrastructure that would be required.
- The Environment Agency no longer objected to the application.
- It was confirmed that the S106 agreement had been agreed in preparation of this application being agreed.

Councillor Wallace on behalf of the community of Cambois advised that he wished to propose acceptance of the recommendation to approve the application as outlined in the report which was seconded by Councillor Stewart.

Members in welcoming the investment into Cambois hoped it would lead to improved public transport links for the residents of Cambois and that the infrastructure required would be provided in a timely manner. The opportunities to get local people back into employment were particularly welcomed. Officers were thanked for their work in bringing this much needed investment into the area.

A vote was taken on the proposal to approve the application in line with the recommendation in the report and it was unanimously:

**RESOLVED** that the application be **GRANTED** for the reasons and with the conditions as outlined in the report and completion of the S106 agreement to secure an Employment Plan and a Training Skills Plan.

Councillor Renner-Thompson returned to the Chamber at this point.

8

**20/03660/CCMEIA**

**Lateral extension to north of existing quarry boundary for the phased extraction of approximately 2.7 million tonnes of whinstone and restoration of site to agricultural grassland and nature conservation uses. Divet Hill Quarry, Capheaton, Newcastle upon Tyne, Northumberland NE19 2BG**

An introduction to the application was provided by G Halliday, Consultant Planner with the aid of a power point presentation. Videos of the site had been circulated to Members in advance of the meeting and the Chair advised that he had also visited the site.

J Pearson addressed the Committee speaking on behalf of local residents in objection to the application. Her comments included the following:-

- The proposal was too close to homes and living spaces bringing quarry operations within 125m of the nearest properties at Clay Walls Farm, 250m of homes at Great Bavington and 350m of homes at Newonstead.
- Great Bavington Conservation Area was something that the villages had worked on with Tynedale Council to establish. The Conservation Area appraisal document set out the important characteristics of the area and what was essential to its preservation. The setting, landscape and views in and out of the Conservation Area were highlighted as key components and these were to be sacrificed to this quarry.
- Committee was being told that the impact would be limited due to the 9-10 year timeframe for quarrying, however no account had been taken of

the 2 year restoration and up to 15 years for that restoration to be effective, or of the permanent landscape changes. An estimated total of 27 years which would be determined by the sale of the crushed rock.

- The report stated there was 46 years' worth of permitted hard rock reserves in Northumberland which was many more times the amount prescribed by the NPPF and the Northumberland Local Plan (NLP), with an argument about productive capacity and flexibility in applying policy. On closer examination this meant that some quarry operators were managing the supply to market by holding some 18% of those reserves in inactive quarries. Residents would argue that this was the natural reaction of businesses in an over-supplied market and yet they were being asked to sacrifice their Conservation Area and residential amenity so that Breedon could have a slice of that pie at Divet Hill. Applying policy flexibly should also mean examining how the market was operating and not just approving another quarry to attempt to level the playing field.
- This application was for permission to quarry 2.7 million tonnes of rock whilst there were three inactive sites within a few miles holding 9.7 million tonnes of reserves. Swinburne, had 5.25m million tonnes with permission until 2036, Mootlaw had 4.1 million tonnes with permission until 2025 and Cocklaw had 700,000 tonnes and permission until 2042. Balancing those numbers with the impact this proposal would have on local people and places, why was approval needed for the Divet Hill extension? It was clearly more about who controlled the rights of the reserves and market rather than ensuring a continuous supply.
- In 2019 residents asked Committee to reject the application for the Divet Hill Farm Extension due to the issues residents were having with noise. At that time it was stated that the noise conditions being proposed were some of the tightest in Northumberland, however that optimism was misplaced and sadly those same conditions were being presented again for this application.
- Those conditions did not meet the six tests set out in the NPPF. They were not precise, enforceable or in some cases not relevant to the development to be permitted and in total did not deal with the noise issues residents had experienced for in recent years.
- Condition 22 set noise limits for day time operations but took no account of the peaks of noise, the crashes and bangs associated with moving rock and loading the crusher and the horns and beepers that were common all day from 6.00 am. The new proposal introduced the use of dumper trucks taking newly blasted rock from the face to the crusher, loading and tipping each time. Residents dreaded the extra noise that this would create. Impulsive and peak noises were recognised as an issue in Government Minerals Guidance which was suffered already but this was not addressed by a condition in this proposal.

Councillor Peter Ramsden addressed the Committee speaking on behalf of Bavington Parish Council in objection to the application. His comments included the following:-

- This current proposal to extend Divet Hill Quarry had been an agenda item at successive Parish Council meetings. At the outside in July 2018, the Parish Council received a presentation from the Developers and



subsequently arranged a public meeting in December 2020 to canvass local views.

- One member of the Parish Council was conflicted over the proposal and apart from his immediate family, there was a universal view against the proposal.
- The local community had lived in proximity to the Quarry over many years and lived with the associated noise, dust and the constant traffic movements of heavy wagons. However, this proposal, involving quarrying just 190 metres west of the village of Great Bavington represented a new threat of a different magnitude to local residents.
- The Built Heritage and Design Officer indicated that this proposal would be harmful to the setting and significance of the Conservation Area of Great Bavington and in assessing the application, great weight should be given to the heritage asset's conservation. The Conservation status places certain obligations on local residents but it also should offer some measure of protection. The Parish Council is not convinced that the proposals offer adequate mitigation measures to offset this threat posed and had a clear view that if local opinion was to count or if Conservation status was to have significance then this application should be rejected.

Councillor J Riddle, Local Ward Member, addressed the Committee. His comments included the following:-

- This was a finely balanced decision the Committee were being asked to make, with its very significant effect on the Conservation Area and there was clearly not a need for this quarry. There were quarries with reserves with roughly four times what this quarry would produce in the immediate vicinity and over 40 years supply in the County and this extension was not needed.
- This was a business opportunity and was about profit with residents suffering a loss of amenity for years and he had been and heard the noise which they had to put up with.
- It had been disappointing that the in person site visit had been cancelled as the videos provided were not a true representative of the noise from the site and he asked Members to defer the application in order to visit the site.
- As far as he was aware it was not local employment for local residents.
- The hamlets of Little Bavington and Great Bavington were very close by and noise complaints had been made for some time now and had now in fact been referred to the Local Government Ombudsman in relation to how the Council had dealt with this.
- The loss of amenity, the dust and the noise were all too much for something which was not really needed and it was just a financial opportunity for the developer.

J Garbutt, Planning & Estates Manager for Breedon, addressed the Committee speaking in support of the application. His comments included the following:-

- From his experience Divet Hill was a very well run site, well organised with a good access road and processing plant located to minimise any adverse impacts with an excellent safety record.
- Restoration works were well advanced and over the coming years large

- parts would also be restored to provide high quality habitat.
- The site was well established and had continued producing construction materials for many years and had the necessary infrastructure to continue operating in an efficient and environmentally friendly way.
- Minerals were essential to society and could only be worked where they were found and a degree of compromise had to be used in developing sites. Maintaining a supply of construction materials in an area was essential to allow economic development. Divet Hill provided a high quality dolomite stone which could be used in a variety of construction uses and the site also had an asphalt plant to produce tarmac for road surfacing.
- The northern extension was an allocated site in the recently adopted NLP and had been identified to produce minerals over the plan period. Whilst it had been suggested that there was no need for the site as Northumberland had a lot of reserves, this did not give a true picture as a large amount was tied up in one site which might not have the capacity to supply more material and 17% of the reserves were in sites which were not active which could be due to a range of issues.
- This site was needed and had already been considered to be a good site through the planning allocation process, with details submitted to the Council confirming this position.
- Almost all statutory consultees accept that, with appropriate planning conditions, to control environmental impacts the development could proceed. The exception to this being the Building Conservation Officer in relation to the setting of the Great Bavington Conservation Area which would only be impacted during the time limited extension to the site.
- The site had been an important supplier in the past to various works within Northumberland and would supply future important developments in the County.
- The site had operated in compliance with its planning consent for many years and had more recently undertaken noise and dust monitoring to demonstrate compliance and reports regularly provided to the Council.
- Breedon was a very responsible operator going beyond the minimum required and who had raised the bar on sustainability issues. The restoration of the site would include whin grass land which could only be created by quarrying activities.
- A Quarry Liaison Group would also be established to assist in dealing with any complaints from residents.
- The retention of the site would secure the 22 full time jobs at the quarry which were local to Northumberland, contributing to securing another 20 contractor/haulier jobs which were linked on a part time basis to the quarry.
- He hoped that the Committee would agree to grant permission to secure the future of the site and jobs.

The following information was provided in response to questions from Members of the Committee:-

- It was not known why the other quarries containing reserves were not operational, but this could be for a variety of technical, economic or geological reasons.

- This quarry first started operating in the early 20<sup>th</sup> century and had operated under planning controls since 1947. It was originally a much smaller operation but has operated at the current level of tonnage for a number of years.
- The 40 years supply of reserves related to the whole of Northumberland, however there were no crushed rock quarries in Tyne and Wear and therefore the market area was wider than Northumberland. The main markets for this quarry were in South East Northumberland and Tyne and Wear, with another operator supplying the main market in the North of the County. The Local Plan Inspector agreed that this site was appropriate and as such it had been allocated in the NLP.
- It was normal to require a restoration bond in respect of high impact schemes of short duration due to the risks involved. These historically related to opencast coal schemes. The quarrying of crushed rock took place over a greater timescale and used progressive restoration. The risk was lower and therefore a bond was not required.
- Issues around noise had been looked at by Public Protection with a large volume of Government Good Practice available. The existing background noise levels were established and limits imposed on how much this could increase during quarrying operations. Quieter areas would be subject to more restrictions. Full noise monitoring would be undertaken and the establishment of the Liaison Group would assist in discussions surrounding any noise complaints by bringing the Operator and residents together and such groups had worked well on many open casting sites in the area.
- There was no technical grounds to refuse the application related to noise as these were within Government limits. The existing plant equipment had been moved in October 2021 further into the site and away from Great Bavington and Little Bavington and away from properties. Its location would now cause less adverse harm than when the application was originally submitted two years ago. It was made clear that the application could be refused on the basis of the impact on the Conservation Area. This would be a matter of planning balance. The Officer appraisal and advice was however that the limited impact, when balanced against the identified benefits, most reasonably pointed to approval subject to conditions.
- Bavington Parish Council did not appear at the examination stage of the Local Plan when the Planning Inspector looked at mineral provision as a whole. There was a demonstrable need for crushed rock provision and each site location was looked at to ascertain if it was appropriate to allocation in the plan. The conclusion was that this quarry was appropriate and the allocation was deliverable.
- The provision of soil mounds around sites was standard practice with the Conservation Officer stating that these would be a manmade element which was not there at present. Looking out from the Conservation Area a stone wall was a strong element in its setting and apart from the soil mounds the proposed development would not be visible. The soil mounds would be slightly higher and would be visible and this had been judged by Planning Officers that the adverse harm was not sufficient in the planning balance to outweigh the benefits of the working of the site.
- Whilst restoration had been undertaken on parts of the site, it was

necessary for a new restoration plan to be agreed to allow the plant, office and roads to remain in place during the extended working of the site.

Councillor Hill left the meeting at this point.

Councillor Robinson proposed acceptance of the recommendation to grant permission as outlined in the report and this was seconded by Councillor Wallace.

In debating the application, the remoteness of the site was highlighted. The Chair advised that on his visit to the site that morning he had found it to be well organised and tidy and that over the last few years the tree planting around the site had helped to screen the quarry. Members had sympathy with residents, but it was hoped that the new monitoring system and Liaison Group would assist and considered that appropriate assessments had been undertaken as part of the examination of the NLP.

A vote was taken on the proposal to grant permission as follows:- FOR 8; AGAINST 4; ABSTENSIONS 0.

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

9

**20/03661/VARCCM**

**Variation of conditions 1 (duration of operations), 2 (approved plans), 17 (noise) and 30 (restoration) of planning permission 17/04637/VARCCM to extend the duration of consented operations, amend the approved documentation associated with the operation and amend the noise limits applicable to the operation**

**Divet Hill Quarry, Capheaton, Newcastle upon Tyne, Northumberland NE19 2BG**

An introduction to the application was provided by G Halliday, Consultant Planner with the aid of a power point presentation who advised that the variation of conditions was required in order to implement the extension to the quarry which was approved under the previous application.

J Pearson addressed the Committee speaking in objection to the application. Her comments included the following:-

- The Conservation Area boundary was less than 200m from the site and 250m from homes.
- In 2019 residents asked Committee to reject the application for the Divet Hill Farm Extension due to the issues residents were having with noise. At that time it was stated that the noise conditions being proposed were some of the tightest in Northumberland, however that optimism was misplaced and sadly those same conditions were being presented again for this application.
- Those conditions did not meet the six tests set out in the NPPF. They were not precise, enforceable or in some cases not relevant to the development to be permitted and in total did not deal with the noise

- issues residents had and continued to experience.
- Condition 22 set noise limits for day time operations but took no account of the peaks of noise, the crashes and bangs associated with moving rock and loading the crusher and the horns and beepers that were common all day from 6.00 am. The new proposal introduced the use of dumper trucks taking newly blasted rock from the face to the crusher, loading and tipping each time. Residents dreaded the extra noise that this would create. Impulsive and peak noises were recognised as an issue in Government Minerals Guidance which was suffered already but this was not addressed by a condition in this proposal.
  - Condition 24 stated “temporary operations such as soil striping or placement and the construction and removal of screen mounds shall not exceed a noise level of 70 Db for any longer than 8 weeks in any 12 month period at any residential property”. The expression “such as” does not pass the test of precision required by the NPPF. While it did set a limit of 70dB, the practicality of measuring over 8 weeks in any 12 months makes it imprecise and unenforceable. For example, assume that in response to a complaint the noise level was measured and found to be over 70dB, is that a breach or does the monitoring then continue to the next hour and the next etc for the next 8 weeks and potentially for a year? This has been discussed at length with the Environmental Health Officer who could not advise how that condition could be measured or enforced.
  - If Members approved this application then they were signing up to say that they understood and approved the planning conditions. If the workings of the conditions were not understood or they thought they needed to be improved then Members needed to reject the application.
  - The second reason that residents had no confidence in the noise conditions was that the Council had a woeful record in dealing with noise complaints about the quarry and dealing with the complaints about not dealing with the original noise complaints. It was not the Council who measured noise following a complaint, they abdicated their responsibility in the matter and relied on the quarry operator to hire a noise man.
  - Even following a statutory noise nuisance complaint it had taken one year for the Council to offer noise monitoring at their property and by that time the crushing plant had been moved and operations at the north end of the site that were causing problems were coming to an end.
  - After 4 years, dozens of complaints and raising a statutory noise nuisance complaint, neither the Council or the operator had recorded or assessed the noise which had woken them up from their beds, driven them indoors from their garden and invaded their living room. It was a long complex saga and the Council’s handling of these matters was currently being investigated by the Local Government Ombudsman.
  - Their experience had indicated that these were problems with resources, practice and procedure within the Planning Department and would not be resolved by another noise complaint procedure that did not get implemented or a Community Liaison Group that had no teeth due to inadequate planning conditions.
  - Similar problems were being experienced with dust which was first raised in early 2020 with monitoring put in place in July 2020. Residents had seen no analysis or assessment of the results, there had been no

- changes and no less dust.
- Condition 26 which related to the problems of dust, had the same issue of not being relevant to this proposal as well as not being precise. It was known that the worst operations for creating dust were blasting, crushing plant and the coating plant and yet none of these were mentioned in the condition. Furthermore the measures listed in the condition would not deal with the dust fallout from any of these.
- Condition 27 stated that dust monitoring would continue, but to what end? There was no objective set other than to monitor. No levels were set therefore no enforcement was possible. This was what had been experienced in the last two years of monitoring, no report, no analysis, no feedback and no improvement.
- Members were asked to reject the application.

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

- Officers tried not to be too prescriptive about the cause of noise in the conditions. The conditions tried to look at the noise experienced at the boundaries of the noise sensitive properties and that was where the numerical decibel values were set. Normal practice on quarries throughout the Country required the operator themselves to monitor noise, the fall back was that if there was reason to believe that the operator was not carrying this out in a proper way then arrangements would be made for the Council to undertake this themselves. There had been resource issues with this as Public Protection did not have sufficient equipment to be able to attend when residents had asked. The new arrangement and Liaison Group would set up a working arrangement between the Quarry, the local community and the Council to agree how the site can be worked properly. The Operator would be doing more noise monitoring and a report would be provided to each Liaison meeting providing details of all complaints received and any actions they had taken to mitigate those problems. This was an established way of working and had worked well on other sites in the County. The conditions were in accordance with the six tests.
- There were two issues in relation to noise, i.e. planning conditions related to noise and also statutory noise nuisance. The problems in 2021 were in relation to Public Protection investigating a noise nuisance complaint as they were able to do that independent of any planning condition. The new regime would look at how conditions were complied with and Public Protection would be ongoing consultees on this, and when the effects of climatic conditions were understood then the Council would work with the operator and there could be a cessation of activities when climatic conditions affected the operations and this would also apply to dust from the site as well as noise.
- The conditions being included reflected the operations in 2022 with standards much stricter than previously. Government recommendations which had been set out in the report would be adhered to. The conditions were proper and reasonable and enforceable. The applicant, as part of their Environmental Statement submitted with the application, had to carry out a noise, a dust and a vibration assessment, which were then assessed by Environmental Health Officers. The noise

assessment showed that there would be the likelihood of two properties who might experience slightly higher levels by 1dB at one property and 2dB at the other, these had been accepted by the Environmental Health Officer as being realistic and that the limits were appropriate as they were significantly below the 55dB limit set by Government. The 70dB limit referred to by J Pearson in her address was also in accordance with Government guidance and was a standard practice in mineral operations for putting up soil mounds at the edge of the site which were closer to residential properties and have a leeway of temporary operations for 8 weeks. The works would be progressive and the condition was a standard enforceable condition. It might be that discussions could be held with the developer regarding continuing noise monitoring during the time that the mounds were being created and a slight tweak of the condition would be discussed with the Chair should Members be minded to approve the application.

- There were conditions requiring a noise scheme, a dust scheme and a blasting scheme to be submitted and issues would be addressed during this detailed stage.
- The Liaison Group would allow a direct route for complaints to the Operator when the activities were actually taking place.

Councillor Hutchinson proposed acceptance of the recommendation to approve the application as outlined in the report, which was seconded by Councillor Stewart. A vote was taken as follows:- FOR 8; AGAINST 3; ABSTENSION 1.

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

## 10 **SUSPENSION OF STANDING ORDERS**

During consideration of the previous item, the suspension of standing orders to allow the meeting to continue over the 3 hour limit was proposed by Councillor Hutchinson, seconded by Councillor Stewart and unanimously

**RESOLVED** that the Suspension of Standing Orders be agreed.

## 11 **APPEALS UPDATE**

**RESOLVED** that the information be noted.

## 12 **S106 AGREEMENTS UPDATE REPORT**

**RESOLVED** that the information be noted.

**CHAIR**.....

**DATE**.....

Ch.'s Initials.....

**Page 15**

This page is intentionally left blank



## NORTHUMBERLAND COUNTY COUNCIL

### STRATEGIC PLANNING COMMITTEE

At the meeting of the **Strategic Planning Committee** held at Council Chamber - County Hall on Tuesday, 5 July 2022 at 4.00 pm.

#### PRESENT

T Thorne (Chair) (in the Chair)

#### MEMBERS

L Darwin  
JI Hutchinson  
J Reid  
G Stewart  
A Wallace

G Hill  
J Lang  
M Robinson  
M Swinbank  
A Watson

#### OFFICERS

M Bulman  
L Little  
D Love  
E Sinnamon

Solicitor  
Senior Democratic Services Officer  
Senior Planning Officer  
Development Service Manager

Around 3 members of the press and public were present.

#### 13 PROCEDURE AT PLANNING COMMITTEES

The Chair outlined the procedure to be followed at the meeting.

**RESOLVED** that the information be noted.

#### 14 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Ball, Dodd, Flux and Renner-Thompson.

#### 15 DISCLOSURE OF MEMBERS' INTERESTS

Councillor Stewart declared a personal interest in application 21/02926/VARYCO as he was the Ward Councillor. He advised that he had no conflict on the application and would take part in the decision, however he had spoken to residents, the applicant and planning officers.

Councillor A Watson advised that whilst she was a member of Blyth Town Council she had taken no part in any debate on this matter or the comments made by the

Town Council and she would take part in the decision.

## 16 **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.

## 17 **22/00702/FUL**

**Full planning application for construction of new SEND school, with associated access, car-parking, landscaping, MUGA and outdoor playground space**

**Site of Former Princess Louise Adult Learning Centre, Princess Louise Road, Blyth, Northumberland**

D Love, Senior Planning Officer provided an introduction to the application with the aid of a power point presentation. As a result of additional information provided by the application after the report had been published, an updated list of conditions had been circulated to Members of the Committee and uploaded to the Council's website in advance of the meeting. The additional conditions would also be filed with the signed minutes of the meeting.

J Patterson, Associate Director of DPP addressed the Committee on behalf of the applicant in support of the application. Her comments included the following:-

- The Development complied with planning policy at a national and local level and would deliver 80 school places for pupils aged 11-16 with Autism and/or Social Emotional and Mental Health needs. The need for these school places for pupils with special educational needs had been established and the development was strongly supported by Northumberland County Council's education team.
- The site was split into two land parcels; the site containing the school was located on the southern side of Princess Louise Road which was previously occupied by Blyth Princess Louise First School prior to its demolition, and historic foundations, hard standing and services remained on the site.
- The site would have a Multi-use Games Area (MUGA) and an outdoor learning and play space alongside integrated soft landscaping. The delivery of sports and recreation facilities in association with the school accords with adopted policies as the existing open space would be replaced by an area of better quality open space. The MUGA would also be available for community use.
- The new school building would be located back from the Princess Louise Road frontage enabling a dedicated drop-off/pick-up area to the front of the school to accommodate mini buses, taxis and cars for the operational safeguarding of a SEND school. The development would also include secure cycle parking facilities for staff and pupils.

- The car park was to be located on the north side of Princess Louise Road and would result in 40 spaces on the parcel of land next to existing car parking for Blyth Sport Centre and would be for the exclusive use by the school.
- The principle of educational uses on the site had been established by the former educational use and was in accordance with adopted development plan policies.
- The proposed school was policy compliant and would contribute significantly to the Council's established need for SEND pupil places in the County.

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

- The design process which informed the way in which the access and exit was to be provided was not known. The proposals had been assessed by Highways Development who were satisfied in relation to road safety, and condition 17 to be attached to any permission granted required a full school travel plan to be submitted and agreed by the Local Planning Authority.
- The noise mitigation measures for the MUGA were not to hand but it was understood that these included fencing to absorb noise and had been considered appropriate by Public Protection. The use of the MUGA would also be limited to daylight hours as no lighting was proposed. The noise of a ball hitting a fence and causing a nuisance to nearby residents would be borne in mind when discharging the condition for additional evidence.
- Officers were not aware of any formal control of use of the staff car park but condition 15 required that details be provided and would allow further assessment if there were concerns that it would be used as an overspill for Blyth Sports Centre.
- In relation to a vertical assessment of the evacuation of the building, it was clarified that the applicant had submitted their vertical evacuation process which stated that "the building was designed with appropriate refuges in staircases to allow for managed and assisted evacuation. All refuge areas would feature an intercom link and the school would develop a personal emergency evacuation plan for any student or member of staff with mobility and/or cognitive impairments and the procedure should be practiced during the fire drill." It was requested by a Member that the applicant look at this again, as it was felt this was an inhumane and outdated way of evacuating and one emergency lift should be provided for every 10 people.
- It was confirmed that net gain biodiversity would be provided on the site with the provision of bat boxes and mature vegetation.
- The use of the MUGA was not conditioned through this planning application as the community use would be run by the Council's Education Department and would be set up by them in conjunction with Active Northumberland.
- Full details of the cycle storage would be provided and assessed by Highways as part of a condition.

Councillor Watson proposed acceptance of the recommendation to approve the application as outlined in the report with the updated conditions which was seconded by Councillor Reid.

Members expressed their support for the application and welcomed the opportunity to provide additional SEND places which was much needed in the County. They did however express some concerns regarding the arrangements for staff parking on the north site and access/egress to the south site. A vote was taken on the proposal and it was unanimously:-

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

18

**21/02926/VARYCO**

**Variation of condition 1 on approved application 20/00571/VARYCO in order to Move Plot Numbers 208 – 222 (15 no Market Sales units) from the Western location on the Masterplan to the Central location occupied by plot numbers 363-393 and alter the house type mix and move Plot Numbers 363-393 (31 no Affordable units) from the Central location on the Masterplan to the Western location occupied by plot numbers 207-222.**

**Former Prudhoe Hospital, Prudhoe Hospital Drive, Prudhoe, Northumberland NE42 5NT**

D Love, Senior Planning Officer provided an introduction to the application with the aid of a power point presentation. Updates were provided as follows:-

- Paragraph 1.1 should read “This application is to be determined at Strategic Planning Committee given that it relates to a development that is of Strategic importance.
- Paragraph 8.1 should read “The proposal represents an appropriate form of development that would not have an adverse impact on the street scene, ecology, or the amenity of nearby residents or users of the site. Those objections which were material had been addressed and the proposal is in accordance with local and national planning policies and is therefore recommended for approval.

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

- There was no change proposed to the size of the affordable housing units or of their tenure.
- The reason for the change was not definitively known, however it was a possible reaction to market conditions at the current time with the company looking to provide larger homes as more people were working from home and wishing to move to more rural areas.
- An updated Ecological Impact Assessment had to be provided as part of this application as development was moving closer to the wildlife corridor. The County Ecologist was happy with the proposals subject to the conditions previously attached would be carried forward to this application, and that has been done. The number of units at 31 was the same as consented, the number of bedrooms was also staying the same and tenure mix was remaining, therefore there would be no further impact on the wildlife corridor or the footpath previously affected.
- The viability of the scheme had not been reassessed as there was no change in the number of units being built.
- Whilst the modern national design code brief advocates affordable housing

throughout a development in order to create communities, however the original approval pre-dates this and the scheme has evolved as it has progressed. It could be considered that the new location of the affordable housing was improved as it now backed onto woodland. The delivery of the affordable housing must be provided as part of the phasing plan and this was probably the extent of the changes to affordable housing that would be acceptable.

- The plot sizes for the affordable houses remained the same as the existing, they had simply been moved to a different location. The new site location for the affordable housing was to be made larger to accommodate the increase in house numbers for that site which is why there had been a need to update the ecology assessment.

The question of revisiting the S106 agreement to ascertain if was possible to request additional funds be provided due to viability and any triggers attached to this in response to the larger house types proposed and increased market value since the original application was raised by Members of the Committee. Advice was provided by the Solicitor that the S106 agreement contained a section 73 clause which allowed the S106 to apply through all variations of the original application and provided details of what had been requested and timescales as part of the S106 agreement. The Development Services Manager suggested that should Members be minded to approve the application delegated authority be given to the Director of Planning in conjunction with the Chair to allow the S106 agreement to be checked to see if there were any clauses which would allow clawback or to revisit the viability as a result of the changes in house types as part of this application.

Councillor Darwin proposed acceptance of the recommendation to approve the application in line with the Officer's report subject to a review of the Section 106 agreement by the Director of Planning in conjunction with the Chair and if any changes were required the application would be brought back to Committee if no amendments were required then a decision notice would be issued. This was seconded by Councillor Hutchinson.

Councillor Stewart expressed disappointment at the lack of consideration and communication with the residents of Humbles Wood in particular but welcomed the other Members input regarding the S106 contribution, a point which had also been raised by residents within his Ward. He advised that he had had a number of issues with this development stating that the proposed playpark in Humbles Wood was causing concern for residents. He was in regular contact with the developer. at the behest of residents, asking for this application to be withdrawn. The residents of Humbles Wood would now have 5 properties behind their own properties instead of the one which had previously been agreed. There would be increased traffic in that area due to the increase in the number of properties and the limited access to footpaths and public transport in that particular area of the development which would impact on the climate.

Members expressed their support for the proposal that the S106 be looked at and highlighted concerns with the affordable housing all being in one place, however it was suggested that there were no grounds for refusing the application and that social housing providers often preferred to have their properties in one location.

The Solicitor read out the proposal and a vote was recorded as follows: FOR 9; AGAINST 2; ABSTAIN 0.

**RESOLVED** that the application be **GRANTED** for the reasons and with the conditions as outlined in the report subject to a review of the Section 106 agreement by the Director of Planning in conjunction with the Chair and if any changes were required the application would be brought back to Committee or if no amendments were required then a decision notice would be issued.

19 **APPEALS UPDATE**

**RESOLVED** that the information be noted.

**CHAIR**.....

**DATE**.....



## Northumberland County Council

### STRATEGIC PLANNING COMMITTEE

DATE: 6 SEPTEMBER 2022

---

### 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 Strategic Planning Committee to decide the planning applications attached to this report using the powers delegated to it.

#### **Recommendations**

The Strategic Planning Committee 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.

#### **Author and Contact Details**

Report author: Rob Murfin  
Interim Executive Director of Planning and Local Services  
01670 622542  
Rob.Murfin@northumberland.gov.uk

## **DETERMINATION OF PLANNING APPLICATIONS**

### **Introduction**

1. The following section of the agenda consists of planning applications to be determined by the Strategic Planning Committee 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 Strategic Planning Committee 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 the tests that are set down in paragraph 56 of the NPPF and meet the tests set out in Community Infrastructure Levy Regulations 2010. Conditions must be:

- a. necessary to make the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related in scale and kind to the development.

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 constitute material planning considerations, and as to what might be appropriate conditions or reasons for refusal.



## Important Copyright Notice

5. The maps used are reproduced from the Ordnance Survey maps with the permission of the Controller of Her Majesty's Stationery office, Crown Copyright reserved.

## BACKGROUND PAPERS

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

### Implications

<b>Policy</b>	Procedures and individual recommendations are in line with policy unless otherwise stated
<b>Finance and value for money</b>	None unless stated
<b>Legal</b>	None unless stated
<b>Procurement</b>	None
<b>Human Resources</b>	None
<b>Property</b>	None
<b>Equalities</b> (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Planning applications are considered having regard to the Equality Act 2010
<b>Risk Assessment</b>	None
<b>Crime &amp; Disorder</b>	As set out in the individual reports
<b>Customer Consideration</b>	None
<b>Carbon reduction</b>	Each application will have an impact on the local environment and it has been assessed accordingly
<b>Wards</b>	All

This page is intentionally left blank

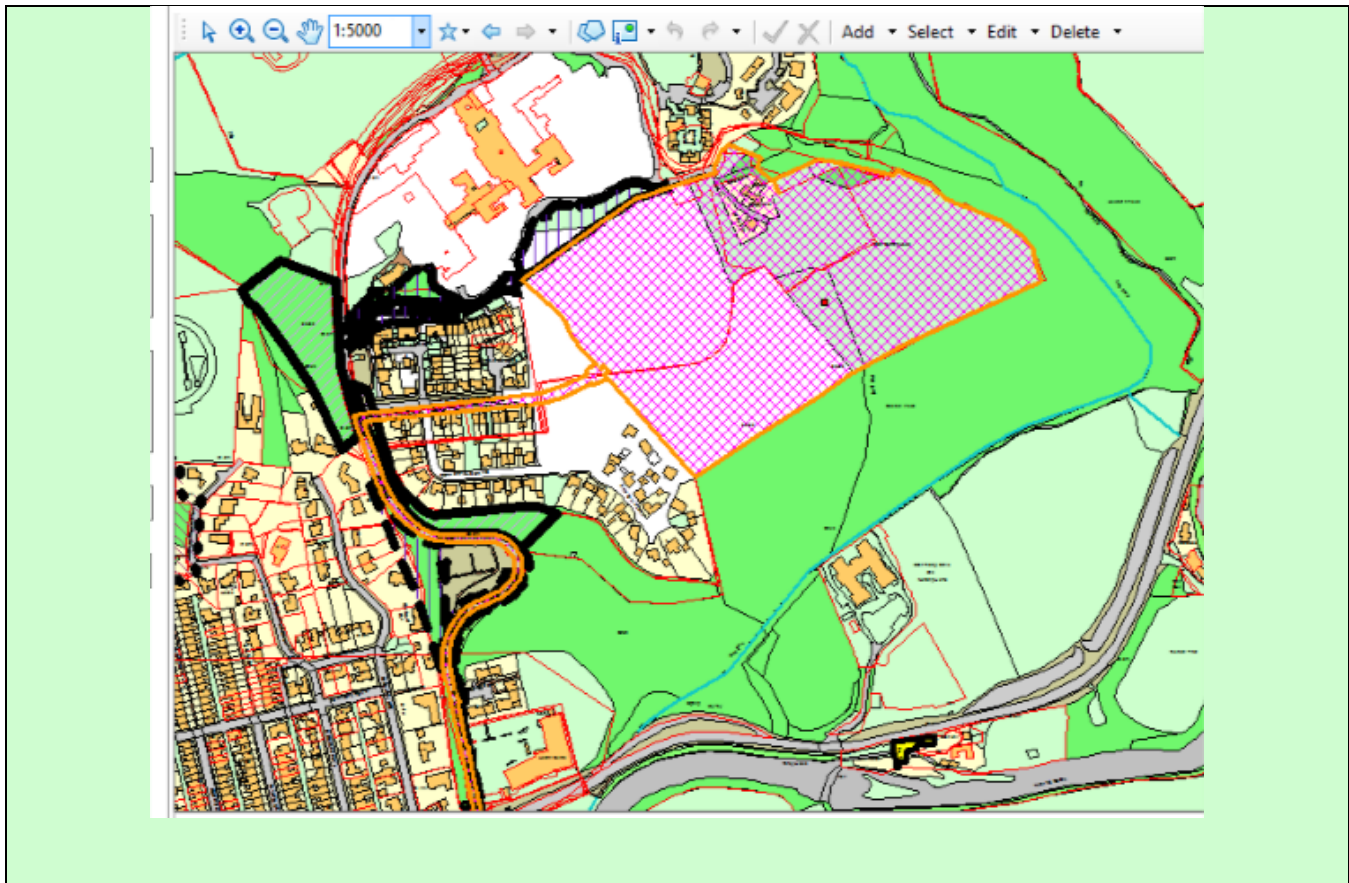


**Northumberland**  
County Council

**Strategic Planning Committee 6/9/22**

<b>Application No:</b>	21/04941/VARYCO		
<b>Proposal:</b>	Variation of condition 2 on approved application 19/00904/FUL in order to amend landscape plans to change position of play area so condition 10 can be complied with, resulting in slight amendment to landscaping. (amended description)		
<b>Site Address</b>	Land South Of Bluebell Court, East Cottingwood, Morpeth, Northumberland		
<b>Applicant:</b>	Paul Hacking 2 Esh Plaza, Sir Bobby Robson Way, Gosforth, NE13 9BA	<b>Agent:</b>	None
<b>Ward</b>	Morpeth North	<b>Parish</b>	Morpeth
<b>Valid Date:</b>	21 December 2021	<b>Expiry Date:</b>	5 July 2022
<b>Case Officer Details:</b>	Name: Mrs Tamsin Wood Job Title: Principal Planning Officer Tel No: 01670 625545 Email: tamsin.wood@northumberland.gov.uk		

**Recommendation:** That this application be GRANTED permission



## **1. Introduction**

1.1 Given the number of objections the Chair of the committee and Director of Planning decided that the application should be determined at Committee.

## **2. Description of the Proposals**

2.1 Planning permission was granted under application 19/00904/ful for the 'Construction of 158 dwellings, forming phase 1B of the development of the former St Georges Hospital site in Morpeth. (amended description)'. This permission was subject to a number of conditions including Condition 2 which listed the approved plans.

2.2 This application seeks an amendment to only the position of the play features on the open space to the west of the site so that condition 10 can be complied with. Condition 10 states:

'The play area to be provided in the open space shall be implemented in full accordance with the approved plans before the occupation of the 30th house and thereafter such play area provision shall be maintained.  
Reason: To achieve a satisfactory form of development and to secure appropriate provision for on-site play provision in accordance with Policy R4 of the Castle Morpeth Local Plan'

2.3 The reason why condition 10 cannot currently be complied with is because the site compound is on the area of open space to the west of the site where the play area is proposed. The Construction Method statement plan which showed the compound on this site was an approved document and therefore this position has been agreed.

2.4 As such permission is now sought to vary the approved landscape plans set out under condition 2, to show the position of the play area in the southern part of the open space rather than the northern part, so that it can be constructed and provided in accordance with Condition 10.

2.5 The site is located approximately 1km north east of the town centre of Morpeth off the A197 / Dark Lane. There is currently no access to the application site from the north with all vehicular traffic entering from the south via the junction with the A197 / Dark Lane and Phase A which has been completed. This site (Phase B) is greenfield land comprising rough grass land. Two buildings which were on this site have been demolished. The site comprises an area principally to the east and south east of the main former hospital buildings. The new St Georges Hospital itself is located immediately to the north east of the site. To the east the site is bound by Howburn Wood whilst to the south is Bluebell Wood beyond which lies the A197. To the west beyond the Phase A site is a further tree belt, residential properties, and King Edward VI School with its associated playing fields.

## **3. Planning History**

**Reference Number:** 19/00904/FUL

**Description:** Construction of 158 dwellings, forming phase 1B of the development of the former St Georges Hospital site in Morpeth. (amended description)

**Status:** PER

**Reference Number:** 21/01442/DISCON

**Description:** Discharge of Conditions 18(Surface Water Construction Management Plan), 21(Dust Management Plan), 23(Remediation Method Statement), 25(protective measures) and 27(Borehole Verification Report) on approved application 19/00904/FUL.

**Status:** CONREF

**Reference Number:** 21/03026/DISCON

**Description:** Discharge of condition 3 (materials) on approved application 19/00904/FUL.

**Status:** PER

**Reference Number:** 21/03578/DISCON

**Description:** Discharge of condition 4(ground levels), 9(bird nesting and bat roosting), 16(permeable paving), 31(external lighting), 33(Estate Street Phasing and Completion Plan) and 35(full engineering, drainage, street lighting and constructional details) on approved application 19/00904/FUL.

**Status:** PER

**Reference Number:** 21/04550/DISCON

**Description:** Discharge of Conditions 14 - (Open Space Management and Maintenance Scheme), 17 - (adoption and maintenance of all SuDS features), 34 - (future management and maintenance of the proposed streets), 37 - (details of surface water drainage) pursuant to planning application 19/00904/FUL-amended description

**Status:** PER

**Reference Number:** 22/02210/DISCON

**Description:** Discharge of Condition 15 (Archaeological Excavation Report) on approved application 19/00904/FUL

**Status:** PCO

**Reference Number:** C/01/00207/CPC

**Description:** Outline proposal for redevelopment of buildings and conversion to provide 150 dwelling units, 5839m2 of offices and enlarged playing field

**Status:** PER

**Reference Number:** 14/02750/FUL

**Description:** Hybrid planning application - Full planning permission sought for demolition of existing hospital buildings and development of 119no. dwellings (Use Class C3) with associated access, landscaping, public open space, parking, infrastructure and engineering works (Phase A). Outline planning permission sought for phased redevelopment of site for up to 256no. dwellings (Use Class C3) including change of use of administration block to residential and assembly and leisure use (Use Class C3 & D2) with associated public open space (Phase B & C).

**Status:** PER

**Reference Number:** 15/02479/DISCON

**Description:** Discharge of conditions 5 and 8a relating to planning permission 14/02750/FUL (Hybrid planning application - Full planning permission sought for

demolition of existing hospital buildings and development of 119 no. dwellings (Use Class C3) with associated access, landscaping, public open space, parking, infrastructure and engineering works (Phase A). Outline planning permission sought for phased redevelopment of site for up to 256 no. dwellings (Use Class C3) including change of use of administration block to residential and assembly and leisure use (Use Class C3 & D2) with associated public open space (Phase B & C))

**Status:** PER

**Reference Number:** 15/03821/DISCON

**Description:** Discharge of conditions 7, 12 (traffic), 9 (gas membrane), 10, 11, 16 (drainage) 13 (archaeology), 14 (materials), 15 (site layout) 17 (management/maintenance plan) of approved planning application 14/02750/FUL Hybrid planning application

**Status:** CONREF

**Reference Number:** 16/01314/NONMAT

**Description:** Non-material amendment to 14/02750/FUL (amendment - include 2no. single garages to plots 4 and 5. Reduce garage of plot 12 from double to single. Amend turning head to South East of site to allow for 3no. visitor parking spaces in line with Highways comments)

**Status:** PER

**Reference Number:** 16/02340/DISCON

**Description:** Discharge of Condition 6 (Remediation), 18 (Landscaping) & 19 (Landscape Management) of Planning Permission 14/02750/FUL - Hybrid planning application - Full planning permission sought for demolition of existing hospital buildings and development of 119no. dwellings (Use Class C3) with associated access, landscaping, public open space, parking, infrastructure and engineering works (Phase A). Outline planning permission sought for phased redevelopment of site for up to 256no. dwellings (Use Class C3) including change of use of administration block to residential and assembly and leisure use (Use Class C3 & D2) with associated public open space (Phase B & C).

**Status:** PER

**Reference Number:** 17/01368/VARYCO

**Description:** Variation of conditions 2 (plans) and 18 (landscaping) of approved planning application 14/02750/FUL (revised address)

**Status:** PER

**Reference Number:** 17/03544/VARYCO

**Description:** Variation of conditions 2 (approved plans) 14 (schedule of samples) 19 (landscape management plan) 20 (proposed roads and footpaths) and 24 (road standards) pursuant to planning permission 14/02750/FUL in order to substitute house types and minor layout amendments within phase 1A.

**Status:** PER

**Reference Number:** 18/03987/DISCON

**Description:** Discharge of Conditions 5 (Layout Plan), 7a (Programme of Archaeological Work), 8 (Refuse & Recycling Storage) and 12 (Street Lighting) pursuant to planning application 17/03544/VARYCO.

**Status:** PER

**Reference Number:** 19/00904/FUL

**Description:** Construction of 158 dwellings, forming phase 1B of the development of the former St Georges Hospital site in Morpeth. (amended description)

**Status:** PER

**Reference Number:** 19/02721/DISCON

**Description:** Discharge of conditions 6 (access road) and 10 (highway improvements) pursuant to planning application 17/03544/VARYCO.

**Status:** PCO

**Reference Number:** 21/01442/DISCON

**Description:** Discharge of Conditions 18(Surface Water Construction Management Plan), 21(Dust Management Plan), 23(Remediation Method Statement), 25(protective measures) and 27(Borehole Verification Report) on approved application 19/00904/FUL.

**Status:** CONREF

**Reference Number:** 21/03026/DISCON

**Description:** Discharge of condition 3 (materials) on approved application 19/00904/FUL.

**Status:** PER

**Reference Number:** 21/03578/DISCON

**Description:** Discharge of condition 4(ground levels), 9(bird nesting and bat roosting), 16(permeable paving), 31(external lighting), 33(Estate Street Phasing and Completion Plan) and 35(full engineering, drainage, street lighting and constructional details) on approved application 19/00904/FUL.

**Status:** PER

**Reference Number:** 21/04550/DISCON

**Description:** Discharge of Conditions 14 - (Open Space Management and Maintenance Scheme), 17 - (adoption and maintenance of all SuDS features), 34 - (future management and maintenance of the proposed streets), 37 - (details of surface water drainage) pursuant to planning application 19/00904/FUL-amended description

**Status:** PER

#### 4. Consultee Responses

Morpeth Town Council	<p>Morpeth Town Council object to this variation as is not clear why the developer feels the need to make this change now, rather than stick to the original plan. We note the objections of residents re further exposure to the dust and disruption of the compound if it continues in its current position until completion of phase 1C as proposed and the delay in providing the play facilities promised to new house buyers.</p> <p>This contravenes Policy Des1 of the MNP that "Development proposals should make a positive contribution to their surroundings in terms of ensuring that the development does not cause unacceptable adverse impact on the amenities of occupiers of existing or proposed nearby properties".</p>
Neighbourhood Plan Team	No response received.
County Ecologist	No objection to the variation.
South SE Tree And Woodland Officer	No response received.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	157
Number of Objections	24
Number of Support	0
Number of General Comments	0

### Notices

General site notice, 23/2/22

No Press Notice Required.

### Summary of Responses:

24 letters of objection with some from the same household have been received which in summary state:

- No mitigating circumstances that have arisen that require the applicant to change the planning permission.
- The need to move the compound in order to deliver the open and playing spaces after the sale of the 30th house in phase 1B was entirely predictable and was present at the time of the existing planning application.
- The proposed change contravenes condition 10 (not delivering the play area), and condition 13 (failure to deliver promised planting of compounded area). 2) Approving this variation would also mean contravention of condition 13. *(response- the applicant has submitted this so they can comply with condition 10 and the applicant has been made aware that if they can't comply with condition 13 they will need to agree another time frame in writing with the LPA – this is not to be dealt with as part of this application)*
- The proposed application to leave the compound in place until 1B is complete means the residents of Rastrick Way and surrounding areas will have to put up with the dust, noise, traffic, and loss of view for far longer than they were expecting at the time of their purchases and for far longer than was previously approved *(response- the compound has already been approved in its location under the 19/00904/ful application)*
- The open and play spaces were promised to residents at the start of phase 1A. To be without a resource sold to them for up to a decade is unacceptable. People spent a lot of money purchasing houses off plan for a location on the estate to benefit from those planned amenities. *(response- this is really a civil issue with the developer )*
- Confidence in the applicant to deliver the plan on time is damaged by their failure to complete phase 1A after more than 5 years. Roads, footpaths, green spaces, and planted areas remain unfinished and in a state of disrepair. Repeated problems with lighting and road conditions. *(response- not relevant to this application. This is a civil matter or to be dealt with through enforcement if neighbours wish)*



-Vistry must have had an alternate plan for the site compound (unless they knew they'd get it) *(response- not relevant to this application/ not planning issue)*

- What is the reason for this other than Vistry like where the compound is and it's easier for them to access. Why is it not viable to move the compound. *(response- not relevant to this application/ not planning issue)*

-The roundabout/traffic lights and the unsuitability of the current access road / lack of link to the bypass have still not been started *(response- not relevant to this application)*

- The site compound was required to be relocated as a condition of the original application and not maintaining their current compound as it is *(response- not relevant to this application)*

-On multiple occasions Linden/Vistry have been in breach of condition 20 – with site work starting before 0800. *(response- not relevant to this application/ this matter can be dealt with through enforcement if neighbours wish )*

- The play area and open space were sold to residence of Phase 1A. This phase has now been “completed” for approaching 24 months. Delay in play facilities / open space promised to residents. Vistry's proposal would delay the creation of this space for years and all the kids in the neighbourhood will miss out.. *(response- the applicant has submitted this so they comply with condition 10)*

- The proposal to place the play area next to the suds basin open body of water concerns me from a child safety point of view. *(response- do accept this could be a concern. NCC Ecology have no objection to the amendment. Quite often suds areas are landscaped as this area will be to offer attractive walking / recreation routes and their multi purpose is considered to be a benefit. In this case though whilst the play area will be on the site of the large suds pond, which won't necessarily have water in it all the time, the play area will still be separated.*

-Developer constantly changing goal posts.

-The site compound is an eyesore.

- Part of the road along from there at the junction of Copperfield and Palmerston is also being used as a material store. Signage directing construction vehicles not to be visible as there are often lorries heading into the estate.

-Can Vistry be forced to do something with the part of the site containing the old hospital buildings and chapels before allowing further development of the fields around the hospital. These have been left to rot and whilst I understand may be difficult. I'm sure Vistry are hoping that they become such a state that they need to be demolished rather than retained.

-Given they have just announced the road is going to be closed up the hill to the hospital for a number of weeks, I would advise that they are made to maintain the brambles etc that have grown through the fence along the road to the hospital. At the moment pedestrians are forced onto the road and given the increase of cars that will be in the areas this is likely to cause an accident.

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=R4F8N0QSLE600>

## **6. Planning Policy**

### **6.1 Development Plan Policy**

Northumberland Local Plan - 2016 - 2036 (Adopted March 2022)

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 6 Green Infrastructure

Policy STP 7 Strategic approach to the Green Belt (Strategic Policy)

Policy STP 8 Development in the Green Belt (Strategic Policy)

Policy HOU 1 Making the best use of existing buildings (Strategic Policy)

Policy HOU 2 Provision of new residential development (Strategic Policy)

Policy HOU 3 Housing requirements for neighbourhood plan areas (Strategic Policy)

Policy HOU4 Housing development site allocations

Policy HOU 5 Housing types and mix

Policy HOU 6 Affordable Housing provision

Policy HOU 8 Residential Development in the open countryside

Policy HOU 9 Residential development management

Policy QOP 1 Design principles (Strategic Policy)

Policy QOP 2 Good design and amenity

Policy QOP 4 Landscaping and trees

Policy QOP 5 Sustainable design and construction

Policy QOP 6 Delivering well-designed places

Policy TRA 1 Promoting sustainable connections (Strategic Policy)

Policy TRA 2 The effects of development on the transport network

Policy TRA 4 Parking provision in new development

Policy ICT 2 New developments and infrastructure alignment

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

Policy ENV 3 Landscape

Policy WAT 1 Water quality

Policy WAT 2 Water supply and sewerage

Policy WAT 3 Flooding

Policy WAT 4 Sustainable Drainage Systems

Policy POL 1 Unstable and contaminated land

Policy POL 2 Pollution and air, soil and water quality

Policy INF1 Delivering development related infrastructure (Strategic Policy)

Policy INF6 Planning Obligations

### **Morpeth Neighbourhood Plan- Made 2011-2031**

Policy Sus 1 – Sustainable Development Principles

Policy Des 1- Design Principles

Policy Set 1- Settlement Boundaries

Policy ENV1- Landscape and Wildlife Corridors

Policy ENV5- Local Wildlife Site

Policy HOU1- Housing Development

Policy HOU2- ST Georges Hospital, Morpeth

Policy HOU3- Housing Mix  
Policy HOU4- Delivering Affordable Housing Mix  
Policy HOU5- Infrastructure to serve new Housing Development  
Policy Tra 2- Traffic Congestion  
Policy Tra 3- Transport Requirements for New Developments  
Policy Tra 4- Development of Footpath and Cycleway Networks  
Policy Inf1- Flooding and Sustainable Drainage

## 6.2 National Planning Policy

National Planning Policy Framework 2019 (NPPF)  
National Planning Practice Guidance (amended, 2019)

## **7. Appraisal**

7.1 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. Planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made. Section 73 cannot be used to change the description of the development either. There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. It is considered that the proposal sought in this instance can be considered to be a minor material amendment as it would comply with all the above criteria.

7.2 In respect of Section 73 applications such as this the planning legislation states that the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

7.3 If a Section 73 application is approved the end result is that a new planning permission is granted in respect of the development in its entirety albeit subject to differently worded conditions.

7.4 The main issues in the consideration of this application are therefore:

Principle of Development  
Design and landscape impact

### Principle of development

7.5 Matters relating to the principle of development were addressed in the original planning application 19/00904/FUL. The principle of development was deemed to be acceptable and does not need to be revisited in the determination of this section 73 application which only needs to address those issues pertinent to the application. In this case it is only the repositioning of the play area and slight amendment to the

landscaping in the open space area. In addition there is a clause in the Section 106 tied to the original consent that ensures it remains in force in respect of any permission under a section 73 application, without the need for further agreement.

### Design and landscape impact

7.6 The main purpose of this application is so the applicant is able to implement the play space as per the requirements of the original condition- 10 which states 'The play area to be provided in the open space shall be implemented in full accordance with the approved plans before the occupation of the 30th House..' etc. The application is therefore only for the repositioning of the play area as the site it was proposed on is used as the site compound which has also been agreed in the same location. Some slight amendments to the landscaping in the areas affected is also shown on the submitted plans. There are no changes to the size of the SUD's provision and all hardstanding, i.e. roads, footways, shared private drives are the same size.

7.7 The applicant has confirmed that the amount of public open space within the red line of phase 1B is exactly the same and the play feature provision is also exactly the same as the already permitted landscape proposals but on a different part of the site. In moving the play space this does mean that there is a very slight change in the type of planting in some areas, however this change is really just a swap from one area to the other, with the same type of planting proposed. As such the changes are not considered to be significant.

7.8 Overall, the changes are considered to be acceptable and will not provide a poorer quality of development or have any further impact than already approved, given the plans just really show a movement around of already approved features. The County Ecologist has raised no objection to the proposal either. The proposal is therefore still considered to be acceptable in terms of visual impact and the changes proposed will not have any further impact upon residential amenity, in accordance with the Local Plan and the NPPF.

### Other

7.9 In response to the above objections a lot of these are not relevant to this application including concern regarding general maintenance around the site development, other conditions not being complied with, buildings being left to fall into disrepair, lack of link to the bypass. Some of these are civil or enforcement matters. The applicant has however submitted this application in order to be able to comply with condition 10. This application is to move the play area so the applicant is able to implement the play space as per the requirements of the original condition- 10. This is because the approved position of the play area conflicts with the approved position of the site compound area. Whilst objectors are concerned that the compound is in the same position as it was for Phase 1a and so will be in this position for longer, the position of it has been agreed with Highways and the position of this is not being assessed as part of this application. The applicant is only seeking to change the location of the play area and slight changes to landscape.

7.10 In addition whilst a number of objections relate to the positioning of the actual compound, stating it is causing amenity issues and that the site where it is now should have been reverted back to open space on completion of Phase A1, the approved Construction Management Plan does show construction vehicles should take their route around the northern side of the residential properties, so not through the estate. This is also the only reasonable route with features such as woodland,

buildings and trees restricting the route and also the compound to its location. On a site visit the fencing around the site also appeared to be in a good state of repair. It is considered that the route of vehicles and the fencing therefore helps to limit the impact on amenity. The fencing is also required for safety and security reasons. Notwithstanding this the applicant will be made aware of the concerns raised. The applicant has also said they will open up the southern area of open space with play space when this has been completed and which will be before the dwellings have been completed.

### Equality Duty

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

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

### Human Rights Act Implications

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.

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.

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. 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 26<sup>th</sup> March 2021.

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

02. The development hereby approved shall be carried out in complete accordance with the approved plans. These plans are:  
Flood Risk Assessment and Drainage Strategy Revision C (30 June 2020) - CK21;  
Drawing 'SuDS Details - Sheet 1' number - 19032-CK-XX-XX-DR-C-(52)-104 Rev P2;  
Drawing 'SuDS Details - Sheet 2' number - 19032-CK-XX-XX-DR-C-(52)-105 Rev P1;  
Drawing 'SuDS Details - Sheet 3' number - 19032-CK-XX-XX-DR-C-(52)-106 Rev P1;  
Drawing 'Engineering Layout - Sheet 1' number - 19032-CK-XX-XX-DR-C-52-001 Rev P4;  
and  
Drawing 'Engineering Layout - Sheet 2' number - 19032-CK-XX-XX-DR-C-52-002 Rev P4.  
EXTERNAL WORKS ARRANGEMENT SHEET 2 19032-CK-XX-XX-DR-C90-002 P1  
EXTERNAL WORKS ARRANGEMENT SHEET 1, 19032-CK-XX-XX-DR-C90-001 P1  
PROPOSED GARAGE - SINGLE, SGM 519 G1 XX DR A 2020, Rev F  
PROPOSED GARAGE - DOUBLE, Feb 2019- SGM 519 G2 XX DR A 2021- Rev G  
PROPOSED GARAGE - EXTENDED DOUBLE, SGM 519 G4 XX DR A 2023  
SITE LOCATION PLAN- SGM 519 S XX DR A 0101  
PROPOSED SITE PLAN - FINISHES, SGM - 519 - S - XX - D - A - 2002, Rev E  
PROPOSED SITE LAYOUT- SGM - 519 - S - XX - D - A - 2001, Rev N  
PROPOSED SITE SECTION, SGM 519 S XX D A 2101, Rev F  
Illustrative layout - Playarea, ONE-Z1-XX-DR-L-0801, Po3  
PROPOSED HOUSE TYPE GRAINGER, SGM 519 HT10 XX DR A 2019, Rev J  
PROPOSED HOUSE TYPE 1001, SGM 519 HT6 XX DR A 2015, Rev J  
PROPOSED HOUSE TYPE MYLNE, SGM 519 HT8 XX DR A 2017, Rev K  
PROPOSED HOUSE TYPE MOUNTFORD, SGM 519 HT5 XX DR A 201, Rev I  
PROPOSED HOUSE TYPE HARCOURT, SGM 519 HT1 XX DR A 2010, Rev E  
PROPOSED HOUSE TYPE EVELEIGH, SGM 519 HT3 XX DR A 2012, Rev F  
PROPOSED HOUSE TYPE 304, SGM 519 HT4 XX DR A 2013, Rev E  
PROPOSED HOUSE TYPE PEMBROKE, SGM 519 HT9 XX DR A 2018, Rev I  
Proposed Planting Plan Sheet 1 of 5, N788-ONE-ZZ-XX-DR-L-0201 P13  
Proposed Planting Plan Sheet 2 of 5, N788-ONE-ZZ-XX-DR-L-0202 P13

Proposed Planting Plan Sheet 3 of 5, N788-ONE-ZZ-XX-DR-L-0203 P12  
Planting Plan Sheet 4 of 5, N788-ONE-ZZ-XX-DR-L-0204 P13  
Proposed Planting Plan Sheet 5 of 5, N788-ONE-ZZ-XX-DR-L-0205 P10  
Proposed Softworks Plan Overview PRELIMINARY N788-ONE-ZZ-XX-DR-L0200 P12  
Site Internal Visibility Splays- View 1, 20-056/015 Rev A  
Site Internal Visibility Splays- View 2, 20-056/016 Rev A  
Site Internal Visibility Splays- View 3,4,5, 20-056/017 Rev A  
Swept Path of a 11.6m Refuse Vehicle, 20-056/TK02, Rev C  
Swept Path of a 11.6m Refuse Vehicle, 20-056/TK03, Rev C  
Swept Path of a 11.6m Refuse Vehicle, 20-056/TK01, Rev C  
CONSTRUCTION METHOD STATEMENT & PLAN, M102-XX-XX-X-X-DR-CXX-01  
-Transport Statement  
-Road Safety Audit Response Report  
- UPDATE ECOLOGICAL APPRAISAL, June 2020  
- Bluebell Wood and Howburn Wood, 10 Year Woodland Management Plan, February 2021, Version 3.1  
ARBORICULTURAL IMPACT ASSESSMENT, 25/06/20  
ARBORICULTURAL IMPACT ASSESSMENT JUNE 2020  
LANDSCAPE MANAGEMENT PLAN  
GENERAL MAINTENANCE SCHEDULE SHEET 1 and 2  
Dust Management Plan May 2019  
Site Management Methodology May 2019  
Air Quality Assessment

Reason: In the interests of proper planning, and for the avoidance of doubt.

03. The materials to be used in the construction of the external walls and / or roof(s) of the building(s) shall conform to the materials approved under 21/03026/DISCON on 27<sup>th</sup> August 2021.

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 Local Plan Policy H15.

04. The proposed ground levels shall be carried out in complete accordance with the details approved under 21/03578/DISCON on 21/1/22.

Reason: In the interests of visual amenity and residential amenity, in accordance with Local Plan Policy H15.

05. No trees or hedges shall be removed outside the application site boundary.  
Reason: To ensure the protection of existing trees and hedges in the interests of visual amenity in accordance with Local Plan Policy C15.

06. All remaining trees, bushes and hedges within, and to the boundaries of the site and trees which fall outside the site but have roots that fall within the application site, shall be protected throughout the course of development in accordance BS5837:2012 Trees in Relation to Design, Demolition and Development: Recommendations, British Standards Institution, 2012 and the Arboricultural Impact Assessment Report.

Reason: To ensure the protection of existing trees and hedges in the interests of visual amenity in accordance with Local Plan Policy C15.

07. In this condition "retained tree" means an existing tree which is to be

retained in accordance with the approved plans and particulars;

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of the same species.

Reason: To ensure the protection of existing trees and hedges in the interests of visual amenity in accordance with Local Plan Policy C15.

08. All development shall be undertaken in full accordance with the Avoidance and Mitigation Strategy and Compensation Strategy set out in section H Recommendations of the report entitled Update Ecological Appraisal: Phase B, St Georges Hospital, Morpeth (E3 Ecology Ltd, Version RO6 Final, June 2020), including but not restricted to:

-The provision of a buffer zone of at least 15m width between the development site and the ancient woodland adjacent to it. This shall be fenced off prior to development commencing and protected from any damage or disturbance thereafter, and planted with a hedge comprising native thorny species as shown on drawing number N788-ONE-ZZXX-DR-L-0200 Revision P11 Proposed Softworks Plan - Overview

-Measures to secure the protection of species protected by law.

- Restrictions on external lighting to avoid light spill on woodland edges or the woodlandbuffer zone.

- The provision of 13cm x 13cm hedgehog gaps in all garden fencing.

Reason: To secure the protection of habitats and species of principal importance in accordance with paragraph 175 of the NPPF and in accordance with Local Plan Policy C11.

09. The built-in bird nesting and bat roosting features (eg bat bricks and swift bricks), shall be installed in complete accordance with the details approved under 21/03578/DISCON on 21/1/22.

Reason: To secure ecological enhancement, as required by paragraphs 170 and 175 of the NPPF. In accordance with Local Plan Policy C11.

10. The play area to be provided in the open space shall be implemented in full accordance with the approved plans before the occupation of the 30th house and thereafter such play area provision shall be maintained.

Reason: To achieve a satisfactory form of development and to secure appropriate provision for on-site play provision in accordance with Policy R4 of the Castle Morpeth Local Plan.

11. No removal of vegetation or felling of trees shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no birds nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

Reason: To protect nesting birds, all species of which are protected by law. In accordance with Local Plan Policy C11.

12. 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 maintain the population of a priority species. In accordance with



Local Plan Policy C11.

13. The approved landscaping scheme shall be fully implemented during the first full planting season (November March inclusive) following the commencement of development or within another time scale agreed in writing with the LPA.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site. In accordance with Local Plan Policy C11.

14. The development shall be carried out in accordance with the Open Space Management and Maintenance Scheme submitted to and approved in writing by the Local Planning Authority under 21/04550/discon on 15/6/22 , unless otherwise agreed in writing with the Local Planning Authority.

The open space areas provided shall be retained for their intended purpose at all times thereafter unless otherwise is approved in writing by the Local Planning Authority.

Reason: To ensure appropriate maintenance and management of open space having regard to the National Planning Policy Framework. In accordance with Local Plan Policy C11.

15. The development shall be carried out in accordance with the programme of archaeological work submitted to and approved in writing by the Local Planning Authority, under 22/02210/discon on 25/7/22.

Reason: The site is of archaeological interest in accordance with the NPPF.

16. All permeable paving within the development shall be carried out in accordance with the details approved under 21/03578/DISCON on 21/1/22.

Reason: To ensure that the scheme to dispose of surface water effectively disposes of surface water without increasing the risk of flooding elsewhere. In accordance with Morpeth Neighbourhood Plan Policy Inf1-deals with Flooding and Sustainable Drainage and Castle Morpeth District Local Plan Policy RE5.

17. The development shall be carried out in accordance with the details of the adoption and maintenance of all SuDS, submitted to and approved in writing by the Local Planning Authority under 21/04550/discon on 15/6/22 ,

Reason: To ensure that the scheme to dispose of surface water operates at its full potential throughout the development's lifetime. In accordance with Morpeth Neighbourhood Plan Policy Inf1-deals with Flooding and Sustainable Drainage and Castle Morpeth District Local Plan Policy RE5.

18. The disposal of surface water from the development through the construction phase shall be carried out in accordance with the details approved under 21/01442/DISCON on 15<sup>th</sup> June 2021.

Reason: To ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features. In accordance with Morpeth Neighbourhood Plan Policy Inf1-deals with Flooding and

19. Prior to the first occupation of the development, a verification report must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

- \* As built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc);
- \* Construction details (component drawings, materials, vegetation);
- \* Health and Safety file;
- \* Details of ownership organisation/adoption details.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non technical standards. In accordance with Morpeth Neighbourhood Plan Policy Inf1-deals with Flooding and Sustainable Drainage and Castle Morpeth District Local Plan Policy RE5.

20. During the construction periods, there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside the hours: Monday - Friday - 0800 - 1800, Saturday 0800-1300. Any repeatedly noisy activity at any time may render the developer liable to complaints which could result in an investigation as to whether a statutory nuisance is being caused  
Reason: To safeguard the amenity of neighbouring residential properties. In accordance with Local Plan Policy H15.

21. The emergency contact telephone numbers in the event of a dust complaint being received and the scheme specifying (Dust Management Plan) and the provision to control/mitigate dust emanating from the site, shall be implemented in accordance with the details approved under 21/01442/DISCON on 15<sup>th</sup> June 2021, in full and maintained until the construction process has been completed.  
(Guidance on the assessment of dust from demolition and construction can be found at the following: [www.iaqm.co.uk](http://www.iaqm.co.uk)).  
Reason: To Safeguard the amenity of neighbouring residential properties. In accordance with Local Plan Policy H15.

22. No flood lighting shall be installed unless details have first been submitted to and approved in writing by the Local Planning Authority. The floodlighting shall thereafter be installed and operated fully in accordance with the approved scheme.  
Reason: To retain control over floodlighting in the interests of visual amenity. In accordance with Local Plan Policy H15.

23. The development hereby permitted shall be carried out in accordance with the method statement detailing the remediation requirements to deal with any contamination of land or pollution of controlled waters as approved under 21/01442/DISCON on 15<sup>th</sup> June 2021.

Reason: To ensure that any contaminants within the site are dealt with in

an appropriate manner to afford protection to the public, the buildings and the environment. In accordance with Local Plan Policy RE8.

24. If during development, contamination not previously considered is identified, then an additional method statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the 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].

Reason: To ensure that any contaminants not previously considered within the site are dealt with in an appropriate manner to afford protection to the end user. In accordance with Local Plan Policy RE8.

25. The development shall be carried out in accordance with the report detailing the protective measures to prevent the ingress of ground gases, as approved in writing by the Local Planning Authority under 21/01442/DISCON on 15<sup>th</sup> June 2021.

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. In accordance with Local Plan Policy RE8.

26. The development shall not be brought into use until the applicant has submitted a validation and verification report to the approved methodology in Condition 25, which has been approved in writing by the LPA.

Reason: In order to prevent any accumulation of ground gases, which may potentially be prejudicial to the health of future occupiers. In accordance with Local Plan Policy RE8.

27. 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 are safe and secure, and they do not cause preferential pathways for contaminant movement. In accordance with Local Plan Policy RE8.

28. The development shall be carried out in accordance with the details of the Interim Priority Junction arrangement with the B1337 Dark Lane / St George's Access Road, in broad accordance with Figure 1 of the approved Technical Note (Reference Technical Note 3, September 2020), together with details of carriageway and footway and footway/cycleway construction works, kerbs, traffic signage, road markings, street lighting, traffic signal works, drainage and utilities and associated works, that were submitted to and approved in writing by the Local Planning Authority, under 22/02620/discon on 28/7/22.

Thereafter, no more than 46 dwellings shall be occupied until these works have been constructed in accordance with the approved plans.

Reasons: In the interests of pedestrian and highways safety, amenity and

encouraging sustainable travel modes, in accordance with the National Planning Policy Framework.

29. The development shall be carried out in accordance with the details of the Full Signalisation Junction arrangement with the B1337 Dark Lane / St George's Access Road, in broad accordance with Figure 2 of the approved Technical Note (Reference Technical Note 3, September 2020), together with details of carriageway and footway and footway/cycleway construction works, kerbs, traffic signage, road markings, street lighting, traffic signal works, drainage and utilities and associated works, that were submitted to and approved in writing by the Local Planning Authority, under 22/02620/discon on 28/7/22.

Thereafter, no more than 108 dwellings shall be occupied until these works have been constructed in accordance with the approved plans.

Reasons: In the interests of pedestrian and highways safety, amenity and encouraging sustainable travel modes, in accordance with the National Planning Policy Framework.

30. The development shall be carried out in accordance with the details of the improvements to the St Georges Access Road between the B1337 Dark Lane junction and its junction with Palmerston Avenue (Phase 1A Access Road), that were submitted to and approved in writing by the Local Planning Authority, under 22/02620/discon on 28/7/22.

No dwelling shall be occupied until the improvements have been completed in accordance with the approved plans.

Reasons: In the interests of pedestrian and highways safety, amenity and encouraging sustainable travel modes, in accordance with the National Planning Policy Framework.

31. The external lighting of the building(s) and external area(s) shall be implemented in complete accordance with the details approved under 21/03578/DISCON on 21/1/22 before the development is occupied and retained as such thereafter.

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

32. 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.

33. The development shall be carried out in accordance with the Estate Street Phasing and Completion Plan details submitted to and approved in writing by the Local Planning Authority under 21/03578/DISCON on 21/1/22.

Reason: To ensure estate streets serving the development are completed in the interests of residential amenity and highway safety, in accordance with the

National Planning Policy Framework.

34. The development shall be carried out in accordance with the details of proposed arrangements for future management and maintenance of the proposed streets within the site as submitted to and approved in writing by the Local Planning Authority under 21/04550/discon on 15/6/22.

Following occupation of the first dwelling on the site, the streets shall be maintained in accordance with the approved management and maintenance details.

Reasons: To ensure estate streets serving the development are completed in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework.

35. The development shall be carried out in accordance with the full engineering, drainage, street lighting and constructional details of the streets proposed for adoption details submitted to and approved in writing by the Local Planning Authority under 21/03578/DISCON on 21/1/22, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the amenities of the locality and users of the highway in accordance with the National Planning Policy Framework.

36. 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.

37. The development shall be carried out in accordance with the details of surface water drainage to manage run off from private land, as submitted to and approved in writing by the Local Planning Authority under 21/04550/discon on 15/6/22.

The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is occupied and thereafter maintained in accordance with the approved Details.

Reason: In order to prevent surface water run off in the interests of the amenity of the area and to ensure suitable drainage has been investigated for the development and implemented, in accordance with the National Planning Policy Framework.

38. Twelve months after first occupation of the development details of a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. At all times thereafter the approved Full Travel Plan shall be implemented in accordance with the approved details. This Full Travel Plan must include:

i details of and results from an initial staff travel to work survey;

- ii clearly specified ongoing targets for staff travel mode shares;
- iii a plan for monitoring and reviewing the effectiveness of the Full Travel Plan;
- and
- iv a scheme providing for a biennial monitoring report to be submitted to the Local Planning Authority regarding the implementation of the Full Travel Plan.

Reason: In the interests of Sustainable Development, in accordance with the National Planning Policy Framework.

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

Reason: In the interests of the amenity of the surrounding area and highway safety, in accordance with the National Planning Policy Framework and saved Policies.

40. The approved Construction Method Statement, and accompanying plan(s) shall be adhered to throughout the Construction period.

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

**Date of Report:**

**Authorised by:**

**Date:**

**Background Papers:** Planning application file(s) 21/04941/VARYCO



# Northumberland County Council

## Appeal Update Report

Date: September 2022

---

### Planning Appeals

**Report of the Director of Planning**

**Cabinet Member:** Councillor CW Horncastle

---

#### **Purpose of report**

For Members' information to report the progress of planning appeals. This is a monthly report and relates to appeals throughout all 5 Local Area Council Planning Committee areas and covers appeals of Strategic Planning Committee.

#### **Recommendations**

To note the contents of the report in respect of the progress of planning appeals that have been submitted to and determined by the Planning Inspectorate.

#### **Link to Corporate Plan**

This report is relevant to all of the priorities included in the NCC Corporate Plan 2018-2021 where identified within individual planning applications and appeals.

#### **Key issues**

Each planning application and associated appeal has its own particular set of individual issues and considerations that have been taken into account in their determination, which are set out within the individual application reports and appeal decisions.

# Recent Planning Appeal Decisions

## Planning Appeals Allowed (permission granted)

Reference No	Proposal and main planning considerations	Award of costs?
21/02591/FUL	<p>Installation of a glass pane to former door entrance and installation of artwork panels – Town Hall Office, Fenkle Street, Alnwick</p> <p>Main issues: harm to the Grade I listed building with no justifiable public benefits to outweigh the harm.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
21/02592/LBC	<p>Listed building consent for installation of a glass pane to former door entrance and installation of artwork panels – Town Hall Office, Fenkle Street, Alnwick</p> <p>Main issues: harm to the Grade I listed building with no public benefits to outweigh the harm.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No

## Planning Appeals Split Decision

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

## Planning Appeals Dismissed (permission refused)

Reference No	Proposal and main planning considerations	Award of costs?
21/03400/OUT	<p>Outline with all matters reserved for the construction of eight dwellings consisting of 8 x Dormer Bungalows – land east of Ashcroft Guest House, Lantys Lonnen, Haltwhistle</p> <p>Main issues: development on protected open space, harm to designated and non-designated heritage assets and currently objections and insufficient information to assess noise, highway safety, flood risk and drainage and ecological impacts.</p> <p>Appeal against non-determination</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
20/03389/FUL	<p>Proposed residential development of four dwellings (as amended 21.12.2020) - land south of Centurion Way, Heddon-on-the-Wall</p> <p>Main issues: development would appear as an incongruous and over dominant addition to the street scene resulting in significant harm to the visual amenity of the locality.</p>	<p>4 January 2022</p> <p>Committee Decision - Officer Recommendation: Approve</p>
20/01457/CLEXIS	<p>As amended: Use of land to the west of School House Farm, Kiln Pit Hill (as outlined in red on amended location plan received 16/9/21) as a Motocross Track with associated visitor parking, catering van, portable toilet, security gates and sign in shed. Operating times throughout the year (excluding every Tuesday together with Christmas Day, Boxing Day and New Years Day when it is closed) are 8am-5pm (bikes allowed on tracks from 10am-4pm only) with additional opening hours of 4pm-7pm on Monday, Wednesday and Friday during the months of May, June, July, August and September (amended 29/9/21) - Motorcycle track west of School House Farm, Kiln Pit Hill</p> <p>Main issues: the submitted evidence fails to demonstrate that the lawful use is as described in the application.</p>	<p>9 February 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/04982/FUL	<p>Resubmission: Erection of 5no. custom self build homes, with associated garages, car parking and landscaping – land north of 30 Longhirst Village, Longhirst</p> <p>Main issues: development in the open</p>	<p>7 April 2022</p> <p>Delegated Decision - Officer Recommendation:</p>

	<p>countryside; inappropriate development in the Green Belt; detrimental impact on the rural character of the site and wider landscape; harm to the setting and significance of the Conservation Area; insufficient information to assess archaeological impacts; insufficient information to assess impacts on protected species; and fails to address disposal of surface water.</p>	<p>Refuse</p>
21/01668/LBC	<p>Listed Building Consent for replacement of sash windows throughout and replacement of front door – Brockburn, Monkshouse, Seahouses</p> <p>Main issues: harm to the listed building with no public benefits to outweigh the harm</p>	<p>20 April 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/04426/CLEXIS	<p>Certificate of lawful development of existing vehicular access from the B6318 – land on Hadrian's Wall remains south of Black Pasture Cottage, Brunton Bank, Wall</p> <p>Main issues: lack of information and evidence as submitted to grant certificate.</p>	<p>28 April 2022</p> <p>Appeal against non-determination</p>
19/01687/FUL	<p>Change of use of land for the siting of up to 60 static caravans, along with associated infrastructure and hard and soft landscaping. Archaeological report received 09.2.2021 and amended site location plan received 26.02.21 - land north west of Springwood, Coast View, Swarland</p> <p>Main issues: obtrusive development in the rural landscape that would adversely affect the rural setting and visual relationship between Swarland and wider countryside setting.</p>	<p>1 June 2022</p> <p>Committee Decision - Officer Recommendation: Refuse</p>
21/03297/FUL	<p>Change of use: Retail to holiday accommodation on first floor with associated internal and external alterations to the building – Amberley House, Stocksfield Post Office, Main Road, Stocksfield</p> <p>Main issues: lack of information to assess noise from air conditioning units and impacts on residential amenity; lack of information to assess impacts on bats or nesting birds; and lack of information to demonstrate adequate car parking provision can be achieved.</p>	<p>14 June 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/01188/FUL	<p>Two-storey extension at the front of the house – 13 Church Avenue, West Sleekburn</p> <p>Main issues: unduly prominent and incongruous addition to the property.</p>	<p>17 June 2022</p> <p>Delegated Decision - Officer</p>

		Recommendation: Refuse
21/04527/FUL	Construction of 3 bungalows – land south of Leylen House, Main Street, Red Row  Main issues: unacceptable in principle due to development in the open countryside beyond the settlement boundary and affecting protected open space.	22 June 2022  Appeal against non-determination
21/04587/FUL	Proposed construction of a first floor dormer extension to the rear elevation and installation of rooflights to the front and rear elevations – 29 Leazes Street, Amble  Main issues: incongruous and inappropriate form of development that would be out of scale and character with the existing property and would have a harmful impact upon the character and appearance of the site and surrounding Conservation Area.	24 June 2022  Delegated Decision - Officer Recommendation: Refuse
22/00078/FUL	Construction of a single storey detached garage – Shield Law, Bellingham  Main issues: appeal against imposition of condition 6 on the grant of permission that removes permitted development rights for further outbuildings.	29 June 2022  Delegated Decision - Officer Recommendation: Approve
21/04673/FUL	Resubmission: Single-storey, flat-roofed, garage to rear of back garden (revised to now be 3 metres high) - 7 First Avenue, Blyth  Main issues: incongruous addition to the rear garden of the property, represent an addition that is neither subordinate nor well related to the subject property and would have a negative impact on visual amenity.	7 July 2022  Delegated Decision - Officer Recommendation: Refuse
22/01946/AGRGO	Prior notification for the siting of a 10ft shipping container to store equipment and tools for forestry purposes – land to the rear of 19 Sycamore Grove, Prudhoe  Main issues: the proposed development would not be permitted development.	19 July 2022  Delegated Decision - Officer Recommendation: Refuse
22/01503/FUL	Upwards extension of existing first floor bedroom, with removal of low level tiled pitched roof and replaced with proposed high level tiled pitched roof, including proposed Juliet balcony to west elevation – 25 Fontside, Mitford  Main issues: the extension would not be subordinate to the original dwelling and does not represent good design.	27 July 2022

## Recent Enforcement Appeal Decisions

### Enforcement Appeals Allowed

Reference No	Description and address	Award of costs?
19/00170/ENDEVT	Construction of an access track – School House Farm, Kiln Pit Hill, Consett	No

### 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
20/01383/ENDEVT	Material change of use of the land from use for agriculture to a vehicle parking area – School House Farm, Kiln Pit Hill, Consett  Appeal against Enforcement Notice and linked with appeal submitted against refusal of 20/01457/CLEXIS (see above).	9 February 2022
22/00022/NOTICE	Unauthorised dwelling – Horsley Banks Farm, Horsley	6 April 2022  Hearing date to be confirmed.
22/00023/NOTICE	Unauthorised stable buildings – Horsley Banks Farm, Horsley	6 April 2022  Hearing date to be confirmed.

18/01525/ENDEVT	Change of use of the land for the stationing of 2 caravans including a linking structure for residential purposes - School House Farm, Kiln Pit Hill, Consett	29 April 2022
18/01525/ENDEVT	Erection of a building used to house parrots and other animals; the erection of a corrugated steel barn; the erection of 2 timber structures to accommodate birds; and the construction of a hardstanding area - School House Farm, Kiln Pit Hill, Consett	29 April 2022
19/01230/ENDEVT	Material change of use of the land from agricultural use for the siting of a shepherd's hut for use as holiday let accommodation - land south east of Closehead, Otterburn	29 June 2022

## Inquiry and Hearing Dates

Reference No	Description and address	Inquiry/hearing date and decision level
20/04423/OUT	<p>Outline application seeking approval for access for construction of two storey 58 bed care home and associated but physically separate single storey 12 bedroom specialist unit with associated parking and hard and soft landscaping – Essendene, Kenilworth Road, Ashington</p> <p>Main issues: would prevent the reintroduction of facilities in connection to the passenger rail services on the Ashington Northumberland Line; and lack of information concerning off-site highway works, manoeuvrability within the site, parking provision and conflict between all modes of transport and pedestrians.</p>	<p>Hearing: 8 September 2022</p> <p>Committee Decision - Officer Recommendation: Refuse</p>

# Implications

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

Elizabeth Sinnamon  
 Development Service Manager  
 01670 625542  
 Elizabeth.Sinnamon@northumberland.gov.uk



# Northumberland

## County Council

# S106 Agreements Update Report

## May June and July 2022

---

**Report of the Executive Director of Regeneration, Commercial and Economy**

**Cabinet Member:** Councillor Colin Horncastle

---

### **Purpose of report**

For Members' information to report the agreement monitoring and collection of s106 contributions in the planning process. This is a monthly report and relates to agreements throughout Northumberland during the previous monthly period.

### **Recommendations**

To note the contents of the report in respect of agreement monitoring and collection of s106 contributions.

### **Link to Corporate Plan**

This report is relevant to all the priorities included in the NCC (Northumberland County Council) Corporate Plan 2021-2024.

### **Key issues**

This month's report provides details on new S106 agreements and unilateral undertakings completed during the months of May, June and July 2022 and payments received for these months.

## New Agreements

May	June	July	New Agreements completed and added to Database
21/03453/FUL			Land at 22 Front Street, Newbiggin-by-the-Sea, NE64 6PJ
21/03628/AGTRE			Land at North East of Field House Cottages, Hepscott
21/03733/FUL			Land at 1 - 4 The Square Guide Post Choppington
21/04938/PA			Land: 23 Station Road, Ashington, NE63 9UZ
21/02261/FUL			Land: Land North of the Old Vicarage, Northumberland Street, Alnwick
21/01747/FUL			Land Croft Ellington
21/02363/FUL			Land: 3 Liddles Street, Bedlington, Northumberland, NE22 7JS
21/02364/FUL			Land: 9 Paikes Street Alnwick NE66 1HX
21/04591/FUL			Land: 12 East Ord Gardens East Ord Berwick-Upon-Tweed
21/04451/VARYC			Land at Rosebank Cottage, Cemetery Lane, Tweedmouth,
21/04577/AGTRE			Land: North East of Field House Hepscot
21/01693/FUL			Land: North of Larch Drive Lionheart Enterprise Park
22/00660/FUL			Land: Morwick Hall, Acklington,
22/00879/FUL			Land at Blyth Power Station, Northumberland
20/03962/FUL			Ellingham Hall
21/01602/FUL			Castle Hills Farm
21/00368/FUL			Land North East Bradshawgate Cottages Bradshawgate Cottages Swinhoe
21/04267/FUL			45 North Street Seahouses
21/03594/FUL			Land South East of Unthank Farm Tweedmouth

## Contributions Received

Development	Type of Contribution	Amounts Received
21/02261/ful land North of Old Vicarage	Coastal mitigation	£615
21/01602/ful Castle Hills Farm TD15 1PB	Coastal mitigation	£345
18/01045 70 Harbour Road Beadnell	Coastal mitigation	£600
21/02507/ful Rosling House	Coastal mitigation	£600
21/04144/ful Old rectory Howick	Coastal mitigation	£600
21/01992/varyco Land East of Quarry Dene Spittal	Coastal mitigation	£600
21/00787/ful Yearle House Wooler	Coastal Mitigation	£615
19/04296/ful land at Willowburn trading Est Alnwick	Coastal Mitigation	£11,592
Berwick Morrisons	Town Centre Contributions	£20,000
Land North of Blenkinsopp Castle	Affordable Housing	£6178.50
East Sleekburn	Affordable Housing	£100,000



Stannington	Childrens Trust	£946,578
Amble treatment Work	Education	£173,250
Blyth Golf Club	Education	£169,318
Persimmon Homes Crofton Grange	Sport	£44,000
Gleesons Widdrington	Healthcare	£105,336
Gleesons Widdrington	Community facilities	£70000
Miller Blyth	Sport	£36309
Liddles Street Bedlington	Coastal Mitigation	£615

## Awards and Payments Made

Awards Paid Out	Project	Amount Paid
Humshaugh Children's Playing Field Trust	Play Area	£19,810
Newbrough and Warden	Mower	£20,835

### Case Study - Affordable Housing Contribution

#### S106 Agreement - East of Barrington Park, East Sleekburn 15/02628/ful

Viability assessments were submitted as part of the above planning application when it was submitted back in 2015. It was found that the development was not able to meet the Affordable Housing requirements based on current prices and expected profit rates.

The Council required a S106 agreement for an 'off- site affordable housing contribution' as an overage payment **in the event** that house prices increased, and level of profit changed.

The Council have been monitoring the site throughout the build and the developer has supplied Quarterly updates on the plots sold together with full details of the actual final selling price.

These reports have been checked by an external and independent consultant and their findings have agreed that an overage payment of the maximum amount set at £100,000 was payable.

There is to be a second overage payment assessment following the sale of the final house.

106 team - Any queries please email: [s106@northumberland.gov.uk](mailto:s106@northumberland.gov.uk)

# Implications

<b>Policy</b>	Section 106 obligations are in line with policy unless other stated in individual applications.
<b>Finance and value for money</b>	As stated on individual applications
<b>Legal</b>	Legal Services will be instructed to assist with the preparation and monitoring of the obligations
<b>Procurement</b>	None
<b>Human resources</b>	None
<b>Property</b>	None
<b>Equalities (Impact Assessment attached?)</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/a	Each application will have regard to the Equality Act 2010
<b>Risk assessment</b>	None
<b>Crime and disorder</b>	As set out in individual reports and decisions
<b>Customer consideration</b>	None
<b>Carbon reduction</b>	As set out in individual reports and decisions
<b>Wards</b>	All

## Background papers

Planning applications and 106 Agreements

## Report author and contact details

Elizabeth Sinnamon  
 Senior Planning Manager - Development Management  
 01670 625542  
 Elizabeth.Sinnamon@northumberland.gov.uk

This page is intentionally left blank