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Northumberland County Council

Your ref:

Our ref:

Enquiries to: Lesley Little

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Tel direct: 01670 622614

Date: Thursday 26 January 2023

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, 7 FEBRUARY 2023** 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



Rick O'Farrell, Interim Chief Executive
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AGENDA

PART I

It is expected that the matters included in this part of the agenda will be dealt with in public.

1. **PROCEDURE AT PLANNING COMMITTEES** (Pages 1 - 2)

2. **APOLOGIES FOR ABSENCE**

3. **MINUTES OF PREVIOUS MEETINGS** (Pages 3 - 14)

The Minutes of the Strategic Planning Committee held on Tuesday 6 December 2023, as circulated, to be confirmed as a true record and signed by the Chair.

4. **DISCLOSURE OF MEMBERS' INTERESTS**

Unless already entered in the Council's Register of Members' interests, members are required 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. 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.

5. DETERMINATION OF PLANNING APPLICATIONS

(Pages
15 - 18)

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

Please note that printed letters of objection/support are no longer circulated with the agenda but are available on the Council's website at <http://www.northumberland.gov.uk/Planning.aspx>

6. 22/03402/VARCCD

(Pages
19 - 26)

Variation of Condition 22 (Trees and Hedgerows) pursuant to planning permission 17/03729/CCD to allow removal of trees subject to ecological reports and arboricultural assessments Ponteland Leisure Centre, Callerton Lane, Ponteland, Northumberland NE20 9EG

7. APPEALS UPDATE

(Pages
27 - 38)

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
39 - 42)

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 2 months

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.

Name:		Date of meeting:	
Meeting:			
Item to which your interest relates:			
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):			
Are you intending to withdraw from the meeting?		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.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body

	<p>where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <ul style="list-style-type: none"> i. the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* ‘director’ includes a member of the committee of management of an industrial and provident society.

* ‘securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - i. exercising functions of a public nature
 - ii. any body directed to charitable purposes or
 - iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)



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 able to be viewed on a live stream through You Tube Northumberland TV and a recording will be available after the meeting
- (ii) Members are asked to keep microphones on mute unless speaking
- (iii) To switch all mobile phones off

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, 6 December 2022 at 4.00 pm.

PRESENT

T Thorne (Chair) (in the Chair)

MEMBERS

C Ball
G Hill
J Lang
G Renner-Thompson
G Stewart
A Watson

B Flux
JI Hutchinson
J Reid
M Robinson
M Swinbank

OTHER COUNCILLORS

E Chicken

OFFICERS

S Aviston
M Bulman
R Laughton
L Little
R Murfin

M Patrick

K Tipple

Head of School Organisation and Resources
Solicitor
Planning Officer
Senior Democratic Services Officer
Interim Executive Director of Planning &
Local Services
Principal Highways Development
Management Officer
Senior Planner

Around 17 members of the press and public were present.

41 **PROCEDURE AT PLANNING COMMITTEES**

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

RESOLVED that the information be noted.

42 **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors R Dodd, J Foster and A Wallace.

43 **MINUTES OF PREVIOUS MEETINGS**

The Minutes of the Strategic Planning Committee held on 1 November 2022, as circulated, were agreed as a true record and were signed by the Chair.

44 **DISCLOSURE OF MEMBERS' INTERESTS**

Councillor G Renner-Thompson advised that he had a prejudicial interest in application 22/02627/CCD and would leave the Chamber whilst the application was discussed.

Councillor B Flux advised that he had been approached as the Local Ward Councillor in relation to application 21/02505/CCMEIA however he had not pre-determined the application, had kept an open mind and would therefore take part in its determination.

45 **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.

The Chair advised that application 22/01051/FUL had been withdrawn from the agenda. It had also been agreed that the agenda be reordered and application 22/02627/CCD would be the first application considered.

RESOLVED that the information be noted.

Councillor Renner-Thompson left the Chamber at this point

46 **22/02627/CCD**

Construction of new school buildings, sports centre, external sports pitches, landscaping, parking and access at Land North of The Avenue, Seaton Delaval and parking and access at former Whytrig Middle School Site, Western Avenue, Seaton Delaval (amendment to red line boundary 27.20.2022)

Land East Of Allenheads/Former Whytrig Middle School, The Avenue, Seaton Delaval, Northumberland

R Laughton, Senior Planning Officer provided an introduction to the application. An addendum report had been circulated to Members in advance of the meeting which provided details of a revised recommendation, information received from the County Ecologist following the submission of additional information and additional conditions to be attached to any permission given. The recommendation was now:

“That Members grant planning permission subject to referral to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2021 and the conditions listed in the main report and those listed in the addendum report. “

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

- The Design and Access statement which formed the basis of the planning application considered access to the school from The Avenue with all parking on site. It rejected that proposal and stated that access from Prospect Avenue was acceptable with an off-site car park. That was not a fair and valid comparison as access through Prospect Avenue would not be viable if all parking was on site, but access from The Avenue would be viable with an off-site car park. A true and fair appraisal of the two options should have been done with each having the same parking arrangements.
- School children walking towards the entrance at Prospect Avenue would be at risk from residents driving to work out of blind junctions; delivery vehicles accessing both the glaziers and the residential properties; parents using Manners Gardens as a drop-off point; glaziers loading glass panels onto their vans across a footpath used by the children; and vehicles entering and leaving the school.
- The double yellow lines proposed along Prospect Avenue would not stop the loading and unloading of vans and lorries and the proposed waiting restrictions did not guarantee a clear access for a coach.
- The funeral directors prepared a 3 limousine funeral cortege directly outside their premises several times each week and restrictions should not be imposed outside these premises.
- There was no alternative parking for the 16 or so vehicles belonging to residents which would be displaced by the parking restrictions.
- It would be unrealistic to think that parents would detour onto Western Avenue to the car park as they would just drop children off wherever they could.
- Access from The Avenue with full parking on site could be provided without the need for a mass tree felling operation. Most of the cars entering the school would be those belonging to staff and parents and therefore specific arrival intervals could be allocated with the flow of traffic managed and the flow of vehicles out of the site could be managed by traffic lights or a barrier control.
- The Department for Transport road traffic statistics for 2020 clearly illustrated the difference in the volume of daily traffic on the two different roads with The Avenue having 6,539 vehicles and Astley Road 14,505 vehicles.

Councillor G Eastwood addressed the Committee speaking on behalf of Seaton Valley Council. His comments included the following:-

- Whilst Seaton Valley Council (SVC) supported the principle of the development, it had concerns that the application had not been informed by sufficiently robust information and assessments. The main concerns related to issues of highway and pedestrian safety, impact on residential

amenity, impact on the significance of the Seton Delaval Conservation Area and its setting as well as the character of the landscape. SVC had provided detailed comments on those issues which did not appear to have been considered through the assessment.

- In regard to highway and pedestrian safety SVC considered that the proposal did not meet the requirements of Northumberland Local Plan (NLP) policies TRA1 and TRA2. There were inadequate assessments regarding the impact of the development on key junctions, increased use of pedestrian crossings on traffic flow and impacts caused during poor weather when more children would be dropped off by car. SVC also believed that no consideration had been given to the impact of the development on local businesses, particularly as a result of the conflict with additional pedestrians and traffic. There were a lack of safe routes to school and lack of a safe crossing point at the top of The Avenue. There was also a need for a comprehensive parking management plan which should include additional parking restrictions, residents only parking scheme, the reduction of speed limits and the employment of school crossing patrol operatives.
- SVC expressed concerns about the noise generated from the sports pitches and the impact on residential amenity with the noise assessment suggesting that there would be a 10-15db increase in noise expected in the Manners Gardens/Allenheads areas. SVC had requested that consideration should be given to the installation of acoustic fencing, however this appeared not to have been assessed and as a result the proposal did not accord with the requirements of the NLP policies QOP3 and POL2.
- The development would impact on the significance of the conservation area.

Councillor E Chicken, addressed the Committee speaking as the Ward Councillor. Her comments included the following:-

- Whilst she supported the provision of a new school, she mirrored the concerns of SVC, and she supported the residents in their opposition to the proposed access.
- Astley Road was already backed up from about 2.30 pm and the increase in traffic that an additional 1,000 students would create could impact journey times on one of the main routes to the NSEC hospital.
- There was insufficient mitigation as to the risks for the residents and businesses in the area.
- If access from The Avenue was of sufficient size for delivery and refuse wagons then it should be of a sufficient size for buses and other traffic to access the site that way as the access off Astley Road through Prospect Avenue was not suitable. It was a small road between 2 houses.
- The provision of double yellow lines would impact residents with no alternative parking provision being provided. Whilst it was realised that there was no legal right to be able to park outside your property residents needed to be able to park somewhere.

J Patterson addressed the Committee speaking on behalf of the applicant in support of the application. Her comments included the following:-

- It had been identified by the Council's Education team that replacement schools in Seaton Delaval were essential to ensure that local children continued to receive the highest possible standard of education within appropriate facilities. The development would provide significantly enhanced education provision for Astley High and Whytrig Middle School as well as facilities for community use; this was supported in planning policy at national and local levels.
- Detailed consideration of the requirements for the new schools determined the existing site was undersized and did not meet Department for Education or Sport England requirements. This resulted in the requirement to identify a new site. Thorough consideration was given to alternative sites within the school catchment area but the selected site was found to be the most suitable and sequentially preferable.
- The principle issues the team had sought to address throughout design development and through the consideration of the planning application had related to impact on Green Belt and very special circumstances; design, scale and impact on heritage and landscape; highways; amenity; ecology and sustainability.
- In relation to the Green Belt location of the site and proximity to designated heritage assets, the proposals were designed to ensure minimal impact on the surrounding landscape. The buildings were well designed and limited to two-storey in height. The site was lower than The Avenue, allowing the buildings to sit below the tree line, reducing visibility and impact. The need for the new schools and the provision of new teaching facilities together with the provision of the high-quality sporting facilities available for the local community to use amounted to very special circumstances and outweighed harm to the Green Belt.
- In relation to amenity and highways impacts, the school buildings were over 100m from the nearest housing and the proposals included landscaped mounds and planting to provide screening and a natural buffer between the properties and the site. Public protection had no objection in relation to noise.
- The application was supported by a robust transport assessment and travel plan, both prepared in consultation with the schools and with the Council's Officers, who had confirmed the proposals were acceptable. Measures to minimise impacts, include traffic regulations in the form of single and double yellow lines; time limited waiting restrictions; changes to the speed limits along key roads in and around the site access points; a new signal controlled crossing at the Astley Road/Prospect Avenue junction; school coach access via Prospect Avenue; onsite staff parking spaces, gated and controlled via an intercom system; an offsite car park, for drop-off/pick-up and for the park and stride and a car park management plan would be put in place to control the onsite and offsite parking. Separate refuse collection and service delivery access would be via The Avenue.
- Close working with the Council's Ecologist would ensure that the proposals provided appropriate mitigation for Great Crested Newts and to secure biodiversity net gains on site.
- The buildings had been designed to achieve net zero carbon in operation. This would enable the council to lead the way in sustainability, and presented opportunities to educate pupils about sustainability and climate change.
- The new school proposals would deliver significantly enhanced educational

and community facilities and contribute to all three dimensions of sustainable development and she respectfully asked members of planning committee to vote in favour of the officer recommendation to approve the planning application.

J Barnes, Headteacher of Astley High School addressed the Committee speaking in support of the application. His comments included the following:-

- The current state of the buildings were shambolic and pupils deserved better. The cost of repairs to these buildings was significant with money being spent on these that should be spent on education.
- The children of Seaton Valley Federation deserved the proposed wonderful new facilities, far too many other areas have had chances before them and he now wanted this new building for the children and the community.
- Staff deserved an opportunity to teach in the very best environments and these new buildings would able them to not just teach but inspire the children.
- New facilities would be provided for the community, which could not be offered at the current time. The new building would allow everybody to access the facilities.
- This was a once in a lifetime opportunity not just for the children, staff and community but also for those children who weren't born yet. He strongly recommended the new building and hoped that the Committee would agree to approve the application.

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

- It was proposed that 20mph zone be created and flashing signs be installed as a reminder during peak school drop off/pick up times. The Travel Plan Co-ordinator had liaised with the applicant to assess where the pupils would be travelling from and these most used routes had been used to assess where pedestrian crossings were required. There was currently a pedestrian crossing near the proposed off-site car park and another was to be provided at Prospect Avenue. An amendment to the condition requiring a School Travel Plan (STP) to be submitted could be made to ensure that it was kept under review and any further requirements assessed as natural desire lines for accessing the school evolved.
- The car park on the school site would provide drop off facilities for SEND pupils arriving by taxi, accessible parking and some staff parking, all other parking provision was provided at the off-site facility. No parents would be able to access the school site to drop off children. As part of the Council's school transport responsibilities, a bus was also to be provided for SEND pupils. The STP would promote sustainable travel such as walking or cycling.
- Condition 33 required details of traffic management to be provided. It was proposed that a TRO would be agreed which would include the use of double yellow lines, single yellow lines, weight restrictions etc. All relevant parties would be consulted as part of the TRO process. There was no compelling evidence that the new railway station would either increase or decrease vehicular movements around the area and the information submitted did not flag any issues that could not be met by a TRO or design

of the scheme. Enforcement of parental behaviour would be required as part of the STP and the use of the Council's mobile parking enforcement van could also be used to monitor behaviour.

- No details had been provided in relation to any charges to be imposed at the off-site car park.
- A Community Use Agreement as required by Sport England would be provided detailing information on the times and costs for use of the sports facilities and this also included the use of indoor facilities.
- The referral to the Secretary of State was not in relation to whether the site was acceptable, it was to seek agreement that it was right that the Council made a decision. If this agreement was not provided, then the application would need to be referred to the Planning Inspectorate for a decision.
- The proposal for an off-site car park would minimise the intrusion into the Green Belt and minimise impact on the nearby Heritage Asset of Seaton Delaval Hall with the benefit that there would be fewer vehicles on the school site.

Councillor Flux proposed acceptance of the revised recommendation as outlined in the addendum report and above with an amendment to condition 38 point 3 to include an analysis of pedestrian movements with the precise wording to be delegated to the Director of Planning and Chair of the Strategic Planning Committee. This was seconded by Councillor Hutchinson.

Members expressed their support for the fantastic investment into education within Seaton Valley which would help children reach their full potential. Whilst most were in support of the application, some still had reservations in relation to the off-site car park, the increase in traffic on Astley Road, the main access to the school being via a small street between houses and effect that indiscriminate parking by parents dropping off their children would have. It was acknowledged that all the potential sites had problems, however this site on balance was preferred for its location within Seaton Delaval itself.

A vote was taken on the proposal to approve the application as outlined above as follows:- FOR 10; AGAINST 1; ABSTAIN 0.

RESOLVED that the application be **GRANTED** subject to referral to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2021 and with the conditions listed in the main report and those listed in the addendum report and amendment to Condition 38 point 3 to include an analysis of pedestrian movements with the precise wording to be delegated to the Director of Planning and Chair of the Strategic Planning Committee.

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21/02505/CCMEIA

**Extraction and processing of 5.8 million tonnes of sand and gravel and the phased restoration of the site to a lake and associated wetlands
Land North East of Anick Grange Haugh, Anick Road, Hexham**

The Interim Executive Director advised that as Members were aware this item had been considered and approved at the Strategic Planning Committee in November however the S106 Agreement had not yet been signed and therefore the permission had not been issued. Following the previous Committee the Council received a representation from a member of the public who had not been

present at the meeting, who advised that in their opinion the Council had not considered unequivocally the issue of Green Belt and the factors which would justify, if needed, the position that Very Special Circumstances ('VSC') were reasonably concluded in relation to the proposal. The Interim Executive Director felt that all the issues had been sufficiently covered, however given that the representation was part of a suggested pre-action to a Judicial Review, it was felt that for transparency purposes the application be brought back to Committee to talk Members through the logic in the report and the VSC to allow development in the Green Belt. Members were reminded that this had previously happened at some Local Area Council meetings when the issue of VSC had not been considered at the outset and Members had subsequently reversed their original decisions. A copy of the representation was handed out to Members and time allowed for them to read this, it had also been uploaded to the Planning Portal. A synopsis of the representation was also provided by the Interim Executive Director.

K Tipple, Senior Planning Officer then provided an introduction to the addendum report which gave the reasons why the application had been brought back and a very detailed and comprehensive introduction to the updated Committee report which provided additional clarification regarding the Green Belt, in order to assist Members in making a new decision. A power point presentation was also provided. This included details of the processed site compound area and the processing equipment that would be located within that area of the proposed development.

The Interim Executive Director stated the objection was that the ancillary processing of the sand/gravel did not have to be carried out on site and therefore there were no VSC for the processing plant involved in this process to be situated within the Green Belt. He explained that to grant planning permission for inappropriate development in the Green Belt there must be identification and evaluation of (a) harm of any sort (b) positive and possibly countervailing factors, and a subsequent judgement that the factors at (b) clearly outweighed the harm in (a). When identifying harm the following must be considered and recorded:

- Harm by inappropriateness itself
- Purpose of the Green Belt
- Harm to openness itself

Members must consider not just if the processing plant equipment was ancillary to the winning and restoration of the site but what harm would be caused by it being within the site compound and what would any positives of its siting at that location be. Members must also consider the harm to the openness. The Interim Executive Director clarified that a range of development took place at operation quarries, that was to a greater or lesser degree "ancillary". He added that this included certain elements, such as weighbridges and welfare facilities had more operational link with winning stone, than say the cutting of shaping of stone or the processing of restoration materials brought onto the site.

The effect of the ancillary development on openness was discussed. It was made clear that this site was next to existing industrial uses and the processing of the sand/gravel for export and welfare facilities could be justified as functional requirements of the site. The reduction of the number of HGV movements by processing on site would assist with the climate change agenda by minimising the distance and tonnage being travelled of finished product, this was given as an

example of a wider demonstrable benefit.

K Wood, addressed the meeting speaking in support of the application. Her comments included the following:-

- Members had previously considered the Officer's very thorough report and recommendation in November which you resolved to grant planning permission for the extraction of sand and gravel at Anick Grange.
- For the avoidance of doubt, the scheme for consideration today was exactly the same as the scheme which had been considered last month and which you had determined to approve. Further there had been no material change in any relevant factor and the substance of the Officer's advice had not changed.
- The only comments she would make today were in relation to the Green Belt issue that had been raised by a third party, and these had been prepared based on legal advice on this issue obtained by the applicants from Mr Stephen Morgan, Planning Barrister at Landmark Chambers. She trusted that these would reassure Members that the advice of Officers was correct and that the correct decision was made in November.
- National guidance confirmed mineral extraction was not inappropriate development in the Green Belt provided it preserved the openness of the Green Belt and did not conflict with the purposes of including the land within it. This was confirmed in paragraph 150 of the NPPF. The principle of mineral extraction in the Green Belt at Anick was not in question and its acceptability in principle was reflected in the Local Plan allocation. The crux of the question which had arisen since last month was whether the Officer was correct in considering that the processing plant which was a normal feature of a mineral extraction operation could also be viewed as falling under the definition of "mineral extraction" and therefore not inappropriate development. Your Officers remained of the view that it could and we would agree with that conclusion. In our view the processing plant in this scheme was ancillary to and necessary for the mineral extraction operation, it might be a large piece of machinery but it simply processed and separated out the mineral for sale.
- They disagreed with the objector's statement that the view taken by Officers was against well-established planning precedent, it was not. On that basis the processing plant did fall under the definition of mineral extraction in the NPPF. It therefore did not, in principle, constitute inappropriate development.
- Members were reminded that even if they determined that the mineral processing plant was inappropriate development, or even the entire development was inappropriate development in the Green Belt then there were very special circumstances present to outweigh any harm, as required by paragraph 148 of the NPPF. Very special circumstances did not have to be something unusual or unique to a development. The very special circumstances in this instance were, in particular, the allocation of the site in the NLP, the need for the mineral as set out in the Local Aggregate Assessments and the biodiversity benefits that would result from the creation of the lake.
- Members must also consider the development on openness and the purposes of including the land in the Green Belt. The visual and spatial aspects of the openness of the Green Belt were addressed in the Officer's

report and addendum. The purposes of including the land in the Green Belt was also covered and it was clear that the purpose of including the land in the Green Belt was not offended. This development in the long term would also create a lake on the haugh land which would ensure that this area of land was kept permanently open from built development in a manner that would provide an open and biodiverse landscape for ever therefore permanently protecting the openness of the Green Belt.

- It was important for the Committee to make any planning decision in accordance with the NLP. The site was allocated for mineral extraction in the Plan and was done with full regard to its location in the Green Belt. The report assessed all material considerations relating to the application and whilst it was right for Officers to make you aware of the further considerations relating to Green Belt in the light of third party comments, it was clear that this had not altered their overall assessment of the application.
- Members were asked to again support the Officer's recommendations.

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

- The sand/gravel did need to be processed and whilst the amount of silt removed would be variable it would be expected to be a significant quantity of the non-marketable material was factored into the restoration of the land. This reduced to a minimum the amount of material that would be needed to be taken to the site, as well as reducing the volume/weight of material exported via HGV
- Confirmation that, outside the climate change benefit of on-site processing, the issue of HGV traffic had been an area of concern in the original debate on the application, and that reducing the number HGVs was desirable to address these concerns
- If the S106 agreement had been signed and the decision notice issued then the application would not have been able to brought back to Committee, however as this had not happened it was felt that it was appropriate to bring the application back in light of the representation received.
- As the third party had advised of the intention to issue Judicial Review proceedings and the considerable costs involved it was thought that the most transparent, open and correct way of dealing with this was to bring it back to the Committee.
- The site was allocated in the NLP in the Green Belt and whilst the Inspector had made the conscious decision it was appropriate and the original report to Committee had stated that the very special circumstances had been met, Members were now being asked if they were satisfied that the very special circumstances had been unequivocally met if they needed to be.
- The S106 was currently being negotiated and would be to either provide land or a financial contribution as the cycleway had not yet been agreed. The wording was being agreed and progressed with Legal for drafting.

Councillor Hutchinson proposed that the application be approved in line with the recommendation in the report subject to an amendment to increase the number electric vehicle charging points to be provided on site as had been requested at

the last meeting and this was seconded by Councillor Flux. A vote was taken as follows:- FOR 9; AGAINST 2; ABSTAIN 0.

RESOLVED that the application be **GRANTED** for the reasons and subject to the conditions as set out in the report an amendment to increase the number of electric vehicle charging points on the site and a Section 106 agreement to secure the financial contribution towards the establishment of the Hexham to Corbridge multi-user route or land offered in perpetuity/long term lease for a section or directly connected loop to the Hexham to Corbridge multi-user cycle route.

48 **21/01041/FUL**

**Mixed use development comprising demolition of existing buildings, extension to existing garden centre and warehouse and the provision of charity head office, training facility and business centre
Azure Garden Centre, Station Road, Cramlington, Northumberland
NE23 8BJ**

R Laughton, Senior Planning Officer provided an introduction to the report with the aid of a power point presentation. In response to questions from Members the following information was provided:-

- An increase in the number of electric vehicle charging points could be discussed with the applicant.
- The existing access/exit was a suitable functioning junction and the inclusion of the pedestrian island would assist in directing traffic onto the dual carriageway and was an improvement on what was currently there.

Councillor Flux proposed acceptance of the recommendation to approve the application as outlined in the report with it delegated to the Director of Planning to discuss the provision of additional electric vehicle charging points with the applicant. This was seconded by Councillor Reed.

Members were supportive of the application, recognising that the garden centre was an asset to the Community and the proposals would allow the facilities to be updated. A vote was taken on the proposal to approve the application as above and it was unanimously

RESOLVED that the application be **GRANTED** for the reasons and with the conditions as outlined in the report with delegated authority provided to the Director of Planning to discuss the provision of additional electric vehicle charging points with the applicant.

49 **APPEALS UPDATE**

RESOLVED that the information be noted.

CHAIR.....

DATE.....



Northumberland County Council

STRATEGIC PLANNING COMMITTEE

DATE: 7 FEBRUARY 2023

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
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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.

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BACKGROUND PAPERS

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

Implications

Policy	Procedures and individual recommendations are in line with policy unless otherwise stated
Finance and value for money	None unless stated
Legal	None unless stated
Procurement	None
Human Resources	None
Property	None
Equalities (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
Risk Assessment	None
Crime & Disorder	As set out in the individual reports
Customer Consideration	None
Carbon reduction	Each application will have an impact on the local environment and it has been assessed accordingly
Wards	All

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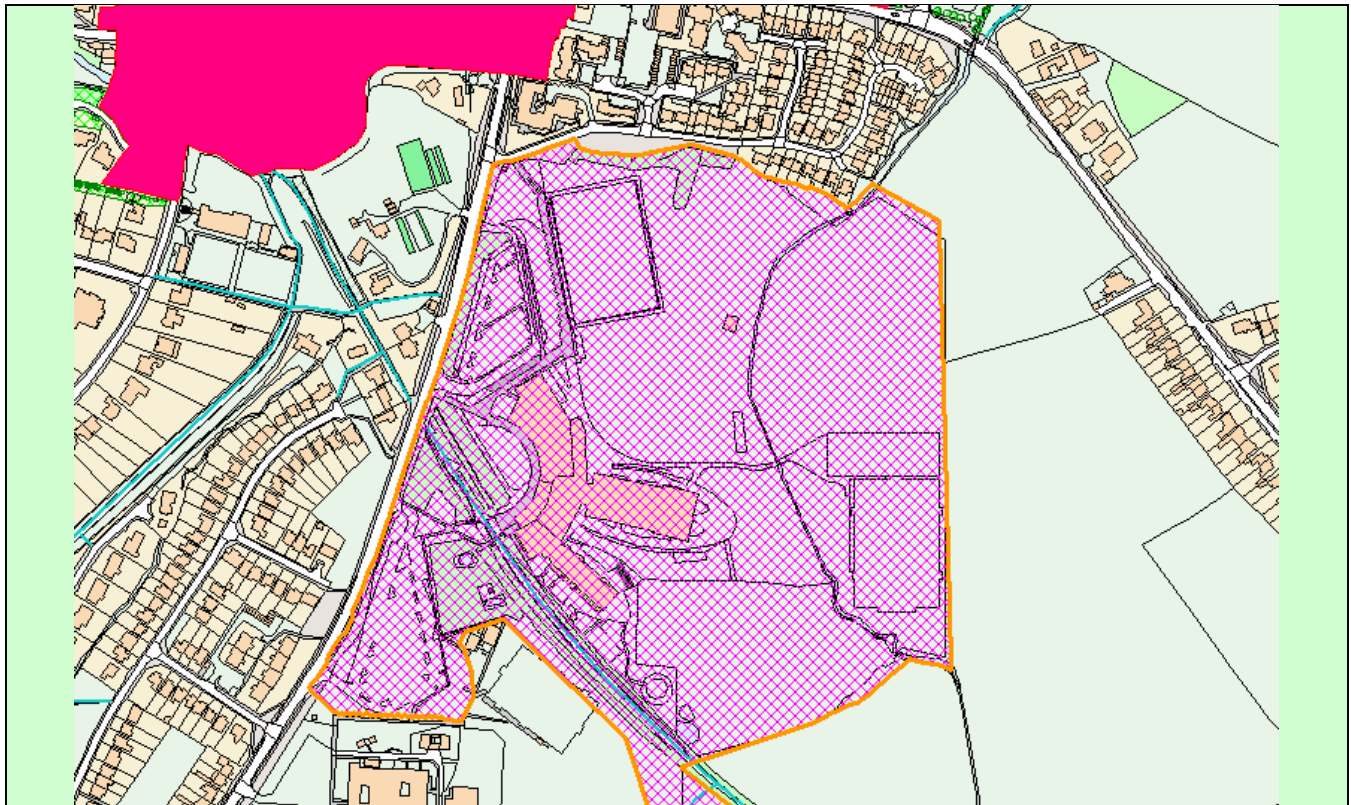
Strategic Planning Committee, 7th February 2023

Northumberland

County Council

Application No:	22/03402/VARCCD		
Proposal:	Variation of Condition 22 (Trees and Hedgerows) pursuant to planning permission 17/03729/CCD to allow removal of trees subject to ecological reports and arboricultural assessments		
Site Address	Ponteland Leisure Centre, Callerton Lane, Ponteland, Northumberland NE20 9EG		
Applicant:	Mr Richard McGlashan 7 Trevone Place, Seghill, NE23 7TY,	Agent:	Mr Paul Ely 11 Tudor Court, Darras Hall, Ponteland, NE20 9PJ
Ward	Ponteland East And Stannington	Parish	Ponteland
Valid Date:	30 September 2022	Expiry Date:	8 February 2023
Case Officer Details:	Name: Mr Ryan Soulsby Job Title: Planning Officer Email: Ryan.Soulsby@northumberland.gov.uk		

Recommendation: That this application be REFUSED permission



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1. Introduction

- 1.1 Following significant public interest during the consultation period of the application, the file was referred to the director of planning and the chairs of

the committee. It was confirmed within their response that the application shall be determined at strategic planning committee.

2. Description of the Proposals

- 2.1 An amendment is sought to planning application 17/03729/CCD at Ponteland Leisure Centre, Callerton Lane, Ponteland.
- 2.2 The submitted details indicate the removal of 12no trees from the application site. The trees are not protected by a Tree Preservation Order (TPO) or located within a Conservation Area (CA) but were afforded protection via a planning condition attached to the previous planning permission for the wider site, ref no. 17/03729/CCD
- 2.3 The 12no trees consist of 9no sycamore trees and 3no crack willow trees. The proposed removal is to facilitate a possible future clubhouse development upon the site by Ponteland Sporting Club. No extant consent exists for a clubhouse structure within this location nor has a planning application been submitted to the local planning authority for assessment.

3. Planning History

Reference Number: 16/04576/CCD

Description: Outline planning application with all matters reserved for the demolition of the existing leisure centre and replacement with a new leisure centre, library, Primary school and Secondary school

Status: Withdrawn

Reference Number: 17/03154/SCREEN

Description: Request for a screening opinion in respect of a detailed planning application for a new leisure centre, library, primary school and secondary school at the South East Ponteland Community Campus site.

Status: EIA not required

Reference Number: 17/03729/CCD

Description: Proposal for the demolition of the existing leisure centre and construction of new build primary school, secondary school and leisure centre with associated parking, infrastructure and playing fields

Status: Permitted

Reference Number: 19/00888/NONMAT

Description: Non-Material Amendment in relation to 17/03729/CCD - amendments to condition 3 (construction method statement commentary)

Status: Permitted

Reference Number: 19/03654/NONMAT

Description: Non-material amendments to ground floor elevations related to planning approval 17/03729/CCD

Status: Permitted

Reference Number: 19/04130/DISCON

Description: Discharge of conditions : 47 (Burn easement) related to planning approval 17/03729/CCD

Status: Withdrawn

Reference Number: 20/00611/CCD

Description: Erection of Bridge spanning the Fairney Burn to access southern sports field approved under application 17/03729/CCD

Status: Permitted

Reference Number: 20/02889/ADE

Description: Advertisement Consent: Permanent placement of two flagpoles

Status: Permitted

Reference Number: 22/01000/VARYCO

Description: Variation of condition 22 (Trees) on approved application 17/03729/CCD in order to enable the removal of trees

Status: Refused

4. Consultee Responses

Ponteland Town Council	<p>The planning committee support this application. The result will provide an excellent amenity for the Rugby and Football teams in Ponteland. It will enable the teams to qualify for higher leagues, therefore attracting residents to remain with their local teams rather than travel to teams with better facilities and prospects. It will ensure the continuity of our sporting provisions in Ponteland.</p> <p>However, Ponteland Town Council Planning Committee are concerned about the loss of the 16 trees in this area and would like a condition in place that all 16 trees be replaced one for one within the site area</p>
Open Spaces South East Area	No response received.
County Ecologist	Objection – The development is contrary to the Northumberland Local Plan policy QOP 4, ENV 2 and the NPPF and the mitigation strategy and condition 22 of the development 17/03729/CCD
Building Conservation	No comment.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	734
Number of Objections	23
Number of Support	399
Number of General Comments	1

Notices

Departure & PROW, 14th October 2022

Northumberland Gazette, 13th October 2022

Summary of Responses:

399no support comments were received, outlining their support for the application proposals. Comments noted –

- Benefits to local sporting clubs;
- Biodiversity net gain;
- Compliance with local and national planning policy;
- Replacement of trees.

23no objections were received against the application from neighbouring and local residents. Concerns were raised regarding –

- Loss of trees;
- Biodiversity implications;
- Residential amenity concerns.

1no representation was received which raised significant concerns regarding the removal of trees. It placed the onus on the County Council to come up with an appropriate solution for the site.

Material planning considerations will be assessed within the below appraisal.

The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RIAPAVQSJOY00>

6. Planning Policy

6.1 Development Plan Policy

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

Policy STP 1 - Spatial strategy (Strategic Policy)

Policy STP 2 - Presumption in favour of sustainable development (Strategic Policy)

Policy STP 3 - Principles of sustainable development (Strategic Policy)

Policy STP 4 – Climate change mitigation and adaption (Strategic Policy)

Policy STP 5 - Health and wellbeing (Strategic Policy)

Policy QOP 1 - Design principles (Strategic Policy)

Policy QOP 2 - Good design and amenity

Policy QOP 4 - Landscaping and trees

Policy QOP 6 - Delivering well-designed places

Policy ENV 2 - Biodiversity and geodiversity

Policy ENV 3 - Landscape

4.2 National Planning Policy

National Planning Policy Framework (2021) (NPPF)

National Planning Practice Guidance (2022) (NPPG)

6.3 Neighbourhood Planning Policy

Ponteland Neighbourhood Plan Made Version (2017) (PNP)

Ponteland NP Policy PNP 1: Sustainable development principles

7. Appraisal

7.1 As the principle of development upon this site has already been established through the granting of the previous planning permission, the main considerations within this application assessment relate to:

- Landscaping and ecological impacts.

Preamble

7.2 Planning application reference no. 17/03729/CCD was granted by the LPA in April 2018 for the demolition of the existing leisure centre and construction of a new build primary school, secondary school and leisure centre with associated parking, infrastructure and playing fields. As part of the approval, a significant number of trees were identified for removal and have since been removed from site following the undertaking and completion of works. A condition was recommended by the local authority's ecologist that all trees marked for retention were retained on site and appropriately protected during the construction phase. The tree protection plan was "*fundamental to conserving the biodiversity of the site*" and the reason for the condition was to "*maintain and protect the existing landscaping and biodiversity value of the site*".

7.3 In November 2021, the applicant submitted a pre-application enquiry to the LPA for the removal of trees on site and the siting of a clubhouse to serve existing sporting clubs. A face to face meeting was held at the site in December 2021 which consisted of a discussion between the parties and a site walkaround. The LPA advised the applicant at the time that a variation application would need to be submitted to address this condition but consultation with the local authority's ecologist would be critical in determining whether the application could be supported.

7.4 An application to vary this condition was initially submitted in March 2022 and was refused by the LPA in September 2022 for the following reason "*The proposed development fails to address potential impacts upon protected species and their habitats, as well as the biodiversity value of the application site. Furthermore, no biodiversity enhancements have been provided as part of the submission thus conflicting with policies QOP 4 and ENV 2 of the Northumberland Local Plan and the National Planning Policy Framework*".

7.5 Following refusal of this planning application, the applicant resubmitted the proposal with additional information. The LPA have therefore assessed this additional information within the below appraisal.

Landscaping and ecological impacts

7.6 Policy QOP 4 of the NLP states that "*Development proposals should ensure that existing features which contribute towards the character of the area, or amenity, are retained wherever possible and sympathetically incorporated into*

the overall design of the scheme". The policy also outlines that *"Trees, and other spaces and features that provide green and blue infrastructure, are preserved, enhanced and introduced into the landscaping scheme wherever possible"*. Development proposals should also ensure *"There is no loss of existing trees which are valuable in terms of amenity, biodiversity or the landscape, except where this would be unavoidable and:*

- i. considerations in favour of the development would outweigh any harm resulting from the loss of trees; and*
- ii. the loss can be adequately mitigated through measures such as replacement planting where possible"*.

7.7 Policy ENV 2 of the NLP is also relevant within this assessment outlining that *"Development proposals affecting biodiversity and geodiversity, including designated sites, protected species, and habitats and species of principal importance in England (also called priority habitats and species), will:*

- a. Minimise their impact, avoiding significant harm through location and/ or design. Where significant harm cannot be avoided, applicants will be required to demonstrate that adverse impacts will be adequately mitigated or, as a last resort compensated for;*
- b. Secure a net gain for biodiversity as calculated, to reflect latest Government policy and advice, through planning conditions or planning obligations"*.

7.8 Policies within the Ponteland Neighbourhood Plan (PNP) are also given full weight within this assessment, with policy PNP 11 detailing that *"Development proposals should maintain and where appropriate enhance landscape character. In meeting this requirement, applicants should demonstrate how they have addressed and sought to maintain or enhance the condition and strengths of the Neighbourhood Plan Area's landscape as defined in the Ponteland Parish Landscape Character Assessment"*.

7.9 Policy PNP 13 of the PNP notes *"All development proposals should conserve the biodiversity value of land, species, buildings and habitats, and maximise opportunities for creation, restoration, enhancement and management of biodiversity"*. These provisions set out within the NLP and PNP are mirrored within the National Planning Policy Framework (NPPF).

7.10 As part of the application submission, an ecological impact assessment (EIA) and bat survey was provided. The EIA sets out mitigation methods that can be incorporated upon site as well as enhancement measures to ensure accordance with both local and national planning policy. Various site photographs have been included within the report, recognising the condition of the 12no trees proposed for removal.

7.11 Consultation was undertaken with the local authority's ecologist as part of the application assessment who raised an objection to the proposals, citing concerns regarding the mitigation on site and the impact upon existing landscaping secured via previous planning conditions. Whilst some mitigation is proposed within the submitted EIA, the trees were retained as part of the agreed landscape strategy for the wider site. Incremental reduction of existing landscaping will further undermine the ecology and landscape of the site. It is

noted that as part of the ecologist's comments for the original development, major concerns were raised regarding the loss of trees and habitats upon the site. Whilst further tree planting has been proposed within the submission, there will be a extensive period before this can be considered to provide effective mitigation.

- 7.12 As there is no extant planning permission for a clubhouse facility on the land, nor has an application been submitted to the local planning authority for assessment, the removal of 12no trees is not linked to any development within this area. If the LPA were to permit removal of the trees, the tree work could be undertaken without a future application being successful or coming to fruition. Furthermore, the LPA could not include an additional condition upon this permission that would restrict the removal of the trees as it would be dependent on a wholly separate application from a different applicant.
- 7.13 Removal of the trees, including mature trees, will result in a loss of biodiversity on site for an extended period whilst also reducing the previously agreed soft landscaping strategy for the wider site. The proposed development is therefore considered to conflict with policies QOP 4 and ENV 2 of the Northumberland Local Plan, policies PNP 11 and PNP 13 of the Ponteland Neighbourhood Plan and the National Planning Policy Framework.

Equality Duty

- 7.14 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

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

Human Rights Act Implications

- 7.16 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 7.17 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is

any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

- 7.18 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

- 8.1 For the reasons set out within the above appraisal, the LPA cannot support the removal of 12no trees from the application site as part of this application submission. The application is therefore recommended for refusal.

9. Recommendation

That this application be REFUSED permission subject to the following:

Conditions/Reason

- 1) The proposals would result in the loss of 12no trees from the application site that provide biodiversity and landscape value. No mitigation or enhancement measures have been identified that would outweigh the level of harm, therefore the development conflicts with policies QOP 4 and ENV 2 of the Northumberland Local Plan, policies PNP 11 and PNP 13 of the Ponteland Neighbourhood Plan and the National Planning Policy Framework.



Northumberland County Council

Appeal Update Report

Date: February 2023

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?
None		

Planning Appeals Split Decision

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

Planning Appeals Dismissed (permission refused)

Reference No	Proposal and main planning considerations	Award of costs?
20/03389/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>Committee Decision - Officer Recommendation: Approve</p>	No
21/02377/FUL	<p>Retrospective: Construction of carport in existing car park to provide cover for three car parking spaces and provide shelter for diners during COVID – Feathers Inn, Hedley, Stocksfield</p> <p>Main issues: inappropriate development in the Green Belt; and the design and materials adversely impact on the character of the site and its surroundings.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
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>	No

	<p>Main issues: development in the open 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>Delegated Decision - Officer Recommendation: Refuse</p>	
20/02026/COU	<p>Change of use of 8no. Holiday cottages to residential dwellings – 1 - 4 Bamburgh Cottages and 5 - 8 Craster Cottages, Northumbrian Hills, Burgham Park, Felton</p> <p>Main issues: unnecessary and unjustified residential development in the open countryside.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
22/00042/LBC	<p>Listed building consent to replace 6 windows with similar casement windows with wooden rather than plastic dividers – Broomhaugh Farm, Broomhaugh, Riding Mill</p> <p>Main issues: would result in loss of historic fabric and fail to preserve the special historic interest of the building, and would cause less than substantial harm to the listed building.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No

Planning Casework Unit Referrals

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

Planning Appeals Received

Appeals Received

Reference No	Description and address	Appeal start date and decision level
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>
21/03532/FUL	<p>Restore and re-build existing derelict dwellings to create single dwelling house with attached holiday-let and erection of ancillary workshop/agricultural storage building – land south west of Woodbine Cottage, Carrshield</p> <p>Main issues: significant works required to existing structure therefore conversion is unacceptable as a matter of principle; design would not respect historic character of the building and would affect the character of the North Pennines AONB; new outbuilding would be inappropriate in size and scale in the open countryside with impacts on the landscape and the AONB; insufficient information to assess ecological impacts of the proposals; and insufficient information to assess archaeological impacts.</p>	<p>16 August 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/02094/FUL	<p>Remove green keepers compound and erection of 48 dwellings (including 10 affordable houses) plus upgrade of access road, electric substation, SUDs, domestic package treatment works and domestic gas storage.- Amended description – land north</p>	<p>17 August 2022</p> <p>Committee Decision - Officer Recommendation:</p>

	<p>west of Burgham Park Golf Club, Felton</p> <p>Main issues: inappropriate development in the Green Belt; unnecessary and unjustified development in the open countryside and unsustainable location; and lack of completed S106 Agreement in respect of affordable housing, education, health and a Habitat Maintenance and Management Plan</p>	Approve
22/01413/FUL	<p>Dormer window to roof slope on principal (south) elevation – 3 Dene Park, Darras Hall, Ponteland</p> <p>Main issues: design, scale and massing would not be subordinate to the dwelling and would be out of character in the street scene.</p>	<p>27 September 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/04687/OUT	<p>Outline permission for development for up to 43 residential dwellings (Use Class C3), demolition, infrastructure, access, open space and landscaping (All matters reserved except for access) - land north of Eilansgate, Hexham</p> <p>Main issues: inappropriate development in the Green Belt; lack of information in relation to ecological impacts; loss of woodland and larger trees would impact the setting of the Conservation Area; lack of information in relation to drainage and flood risk; and the application does not secure necessary planning obligations in respect of affordable housing, healthcare and education.</p>	<p>27 September 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/01100/FUL	<p>Timber shed for storage of tools and equipment required to maintain the woods and culverts. (Retrospective application) - Ochre Wood, Corbridge</p> <p>Main issues: inappropriate development within the open countryside and Green Belt; and insufficient information on access and car parking arrangements.</p>	<p>31 October 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/01112/FUL	<p>Replacement of existing store and smoking shelter within the rear car park with a shipping container to provide outdoor food and drink service ancillary to Beadnell Towers Hotel – Beadnell Towers Hotel, The Wynding, Beadnell</p> <p>Main issues: harm to the setting of the listed building and Conservation Area; and fails to conserve or enhance the Northumberland Coast AONB.</p>	<p>31 October 2022</p> <p>Committee Decision - Officer Recommendation: Refuse</p>

21/04958/FUL	<p>Resubmission - Retrospective application for outdoor dining facilities within car parking area to front. Material amendment to roof covering and part timber cladding – Percy Arms, Chatton</p> <p>Main issues: development results in harm to the character and appearance of the Conservation Area; and substandard access to rear car park.</p>	<p>1 November 2022</p> <p>Committee Decision - Officer Recommendation: Approve</p>
21/03396/FUL	<p>Construction of 3no. residential cottages with associated garages, access, car parking and landscaping and demolition of existing outbuilding(s) and extension(s) to 4 & 5 Front Street with replacement extension(s) and internal alterations - 4 and 5 Front Street, Capheaton</p> <p>Main issues: proposals are not commensurate with the size of the settlement and encroach into the open countryside, adversely impacting on the setting and appearance of the settlement and surrounding countryside; proposals result in harm to the heritage assets and their setting without clear and convincing justification of this harm or public benefits to outweigh the harm; layout, scale and design as well as pattern of development would be detrimental to local vernacular and character; lack of information on car parking, access arrangements, refuse, drainage and opportunities to promote walking, cycling and public transport; and proposals result in biodiversity net loss.</p>	<p>2 November 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/03397/LBC	<p>Listed Building Consent for demolition of existing outbuilding(s) and extension(s) to 4 & 5 Front Street with replacement extension(s), internal alterations and alterations to boundary walls – 4 and 5 Front Street, Capheaton</p> <p>Main issues: proposals result in harm to the heritage assets without clear and convincing justification of this harm or public benefits to outweigh the harm.</p>	<p>2 November 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/00393/FUL	<p>Siting of 'Timber Living Trailer' - land south of Jubilee Cottages, West Woodburn</p> <p>Main issues: site is in the open countryside and not in a sustainable or accessible location; and adverse impacts on the open countryside and landscape.</p>	<p>3 November 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

21/02696/S106A	<p>Variation of S106 Agreement relating to planning permission A/2004/0323 dated 3rd February 2005 – Hawkshaw, Old Swarland, Swarland</p> <p>Main issues: the S106 continues to serve a useful purpose and insufficient information has been submitted to demonstrate that there is no longer a requirement for discount market value accommodation for a local person(s) in the area.</p>	<p>7 November 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/00749/OUT	<p>Outline application for demolition of existing garage and stable block and construction of new dwellinghouse (all matters reserved) - building and land west of Roecliffe, Ladycutter Lane, Corbridge</p> <p>Main issues: appeal against imposition of a condition in the decision notice that limits the siting and scale of the new dwelling.</p>	<p>9 November 2022</p> <p>Delegated Decision - Officer Recommendation: Approve</p>
21/04002/FUL	<p>Proposed 6no. Yurts and associated structure for holiday and tourism – land south-east of Alnham House, Alnham Main Road, Alnham</p> <p>Main issues: the site is not in an accessible location; and results in incursion into the open countryside and fails to respect the intrinsic character and beauty of the area.</p>	<p>17 November 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/00913/FUL	<p>Resubmission of approval 18/03632/REM for the construction of two detached dwellings and associated works – land to north west of Blue House Farm Cottages, Blue House Farm Road, Netherton Colliery</p> <p>Maini issues: isolated residential development in the open countryside; and no planning obligation secured in respect of a contribution to the Coastal Mitigation Service or other alternative mitigation.</p>	<p>7 December 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/04208/FUL	<p>Proposal to erect a single self-build dwelling house – land south west of Hazeldene Cottage, Sinderhope</p> <p>Main issues: isolated development in the open countryside in an unsustainable location; fails to conserve and enhance the natural beauty and scenic qualities of the North Pennines AONB; visibility splays from the access are inadequate; insufficient information to assess ecological impacts; and insufficient information regarding foul water drainage.</p>	<p>7 December 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

22/00262/FUL	Demolition of existing extension and rebuilding an extension – 1 Sandridge, Newbiggin-by-the Sea Main issues: unacceptable design with detrimental loss and alteration of a historic building group with harm to the Conservation Area.	8 December 2022 Delegated Decision - Officer Recommendation: Refuse
22/01675/FUL	Erection of 1 no. Dwelling (C3 use) - land south of Old Smithy, Widdrington Village Main issues: development in the open countryside; harm to the setting of a Grade I listed building with no public benefits; and no unilateral undertaking has been completed to secure a contribution to the Coastal Mitigation Service.	19 December 2022 Delegated Decision - Officer Recommendation: Refuse
22/03313/AGTRES	Prior notification for change of use and conversion of agricultural building to single dwelling – The March Barn, Welton Main issues: the proposal involves significant building operations that go beyond what is reasonably necessary to convert the building and therefore it is not permitted development.	21 December 2022 Delegated Decision - Officer Recommendation: Refuse
21/01833/FUL	Development of 60 no. Pitches for holiday accommodation comprising touring caravan/campervan pitches and tents – land at Elwick Farm, Belford Main issues: unsustainable major tourism in the open countryside; lack of information in relation to impacts on wildlife; lack of information in respect of a nutrient calculation relating to the Lindisfarne SPA; and lack of information relating to surface water drainage and highways.	10 January 2023 Delegated Decision - Officer Recommendation: Refuse
22/00394/FUL	Retrospective: Construction of pergola and decking within existing beer garden – The Dyvels Hotel, Station Road, Corbridge Main issues: inappropriate development in the Green Belt with no demonstrated very special circumstances to outweigh the harm; and harm to the character and appearance of the building and the surrounding area.	13 January 2023 Delegated Decision - Officer Recommendation: Refuse

Recent Enforcement Appeal Decisions

Enforcement Appeals Allowed

Reference No	Description and address	Award of costs?
None		

Enforcement Appeals Dismissed

Reference No	Description and address	Award of costs?
None		

Enforcement Appeals Received

Appeals Received

Reference No	Description and address	Appeal start date
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 Inquiry date: 16 May 2023
22/00022/NOTICE	Unauthorised dwelling – Horsley Banks Farm, Horsley	6 April 2022 Hearing date: 22 November 2022
22/00023/NOTICE	Unauthorised stable buildings – Horsley Banks Farm, Horsley	6 April 2022 Hearing date: 22 November 2022
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
20/01457/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>Inquiry date: 16 May 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

Implications

Policy	Decisions on appeals may affect future interpretation of policy and influence policy reviews
Finance and value for money	There may be financial implications where costs are awarded by an Inspector or where Public Inquiries are arranged to determine appeals
Legal	It is expected that Legal Services will be instructed where Public Inquiries are arranged to determine appeals
Procurement	None
Human resources	None
Property	None
Equalities (Impact Assessment attached?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/a	Planning applications and appeals are considered having regard to the Equality Act 2010
Risk assessment	None
Crime and disorder	As set out in individual reports and decisions
Customer consideration	None
Carbon reduction	Each application/appeal may have an impact on the local environment and have been assessed accordingly
Wards	All where relevant to application site relating to the appeal

Background papers

Planning applications and appeal decisions as identified within the report.

Report author and contact details

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Northumberland

County Council

S106 Agreements Update Report

November and December 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 2 months

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 November and December and payments received for these months.



New Agreements

November and December	New Agreements completed and added to Database
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21/04835/AGTRES	Land East of Blacksmiths Cottage Shilbottle
21/02995/FUL	Land North of East Green Bowsden
22/03107/ful	Land west of Earsdon Widdrington
21/01137/FUL	Land North of Garden Cottage Ellington
22/02322/FUL	Yorkshire Trading, 32- 34 Bondgate Within, Alnwick,

Contributions Received

Development	Type of Contribution	Amounts Received
Land South of Island View Amble	Coastal Mitigation	£615
Seaton House Seaton House Cottage	Coastal Mitigation	£2460
Spindlestone Cottage, Belford	Coastal Mitigation	£1200
Land W of Earsdon East Forest, Widdrington	Coastal Mitigation	£345
The Crossing House, Longhirst,	Coastal Mitigation	£345

Awards and Payments Made

Awards Paid Out	Project	Amount Paid
Home Group RP	Affordable Homes in Amble 1st payment of Award	£164,940
NCC	Cambois Wader Mitigation	£6,790

106 team - Any queries please email: s106@northumberland.gov.uk

Implications

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

Background papers

Planning applications and 106 Agreements

Report author and contact details

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