



# Northumberland County Council

**Your ref:**

**Our ref:**

**Enquiries to:** Lesley Little

**Email:** Lesley.Little@northumberland.gov.uk

**Tel direct:** 01670 622614

**Date:** Thursday 4, May 2023

Dear Sir or Madam,

Your attendance is requested at a meeting of the **CASTLE MORPETH LOCAL AREA COUNCIL** to be held in the **COUNCIL CHAMBER - COUNTY HALL** on **MONDAY, 15 MAY 2023** at **4.00 PM**.

Yours faithfully

Dr Helen Paterson  
Chief Executive

**To Castle Morpeth Local Area Council members as follows:-**

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



**Dr Helen Paterson, Chief Executive**  
County Hall, Morpeth, Northumberland, NE61 2EF  
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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 TO BE FOLLOWED AT PLANNING MEETINGS** (Pages 1 - 2)

2. **APOLOGIES FOR ABSENCE**

3. **MINUTES** (Pages 3 - 10)

Minutes of the meeting of the Castle Morpeth Local Area Council held on Monday 13 March 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](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.

5. **THE NORTHUMBERLAND COUNTY COUNCIL (LAND AT HEBRON HILL FARM HEBRON, MORPETH, NORTHUMBERLAND) TREE PRESERVATION ORDER 2023 (NO 01 OF 2023)** (Pages 11 - 74)

The purpose of this report is to seek a decision from the Local Area Council as to whether or not they wish the County Council to confirm the provisional Northumberland County Council (Land at Hebron Hill Farm Hebron, Morpeth, Northumberland) Tree Preservation Order 2023 (No 01 of 2023).

6. **DETERMINATION OF PLANNING APPLICATIONS** (Pages 75 - 78)

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 not circulated with the agenda but are available on the Council's website at <http://www.northumberland.gov.uk/Planning.aspx>***

7. **22/00369/FUL** (Pages 79 - 98)  
**Redevelopment of existing land and buildings and the erection of 6No dwellings**  
**Katerdene , Fulbeck, Morpeth, NE61 3JX**

8. **22/04724/FUL** (Pages 99 - 112)  
**Part conversion of existing public house to form three additional guest bedrooms to rear and retain public house at smaller scale (Amended Description).**  
**Beresford Arms, South Side, Whalton NE61 3UZ**

9. **22/04586/VARYCO** (Pages 113 - 120)  
**Variation of Condition 2 (Approved Plans) in order to reduce the scope of the scheme by omitting the extension and one yard and be amending the layout of another yard on approved application**  
**22/01227/FUL**  
**Kyloe House, Netherton Park, Stannington, Morpeth**  
**Northumberland**  
**NE61 6EF**

## 10. APPEALS UPDATE

(Pages  
121 -  
134)

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.

## 11. PUBLIC QUESTION TIME

To reply to any questions received from members of the public which have been submitted in writing in advance of the meeting. Questions can be asked about issues for which the Council has a responsibility. (Public question times take place on a bimonthly basis at Local Area Council meetings: in January, March, May, July, September and November each year.)

As agreed by the County Council in February 2012, the management of local public question times is at the discretion of the chair of the committee.

Please note however that a question may possibly be rejected if it requires the disclosure of any categories of confidential or exempt information, namely information:

1. relating to any individual;
2. which is likely to reveal the identity of an individual;
3. relating to the financial or business affairs of any particular person
4. relating to any labour relations matters/negotiations;
5. restricted to legal proceedings
6. about enforcement/enacting legal orders
7. relating to the prevention, investigation of prosecution of crime.

And/or:

- is defamatory, frivolous or offensive;
- it is substantially the same as a question which has been put at a meeting of this or another County Council committee in the past six months;
- the request repeats an identical or very similar question from the same person;
- the cost of providing an answer is disproportionate;
- it is being separately addressed through the Council's complaints process;
- it is not about a matter for which the Council has a responsibility or which affects the county;
- it relates to planning, licensing and/or other regulatory applications
- it is a question that town/parish councils would normally be expected to raise through other channels.

If the Chair is of the opinion that a question is one which for whatever reason, cannot properly be asked in an area meeting, he/she will disallow it and inform the resident of his/her decision.

Copies of any written answers (without individuals' personal contact details) will be provided for members after the meeting and also be publicly available.

Democratic Services will confirm the status of the progress on any previously requested written answers and follow up any related actions requested by the Local Area Council.

## 12. PETITIONS

(Pages  
135 -  
140)

This item is to receive any new petitions. The lead petitioner handing in a petition at the meeting is entitled to briefly introduce their petition, and a response to any petitions received will then be organised for a future meeting;

**(a) Receive any new petitions:** No new petitions have been received.

**(b) Consider reports on petitions previously received:**

Island outside Blossom Park, Pegswood

The attached report is in relation to a petition received in respect of the perceived on-going highways safety issues related to the traffic island introduced as part of the off-site highway works associated with the new development named Blossom Park, Pegswood.

**(c) Receive any updates on petitions for which a report was previously considered:**

Petition Against On-Going Planning Issues And Environmental Destruction On Land To The South Of St Mary's Park, Stannington

A report had been brought to the Castle Morpeth Committee on 10th October 2022 in respect of a petition that had been received from residents of St Mary's Park, Stannington. The petition was in respect of on-going planning issues within the site. The attached report outlines an update of progress since October.

## 13. LOCAL SERVICES ISSUES

To receive a verbal update from the Area Managers from Technical Services and Neighbourhood Services in attendance about any key recent, ongoing and/or future planned Local Services work for the attention of members of the Local Area Council, who will also then have the opportunity to raise issues with the Area Managers.

The Area Managers have principal responsibility for highway services and environmental services, such as refuse collection, street cleansing and grounds maintenance, within the geographic boundaries of the Local Area Council.

**14. DATE OF NEXT MEETING**

The next meeting will be held **on Monday 12 June 2023** (subject to the diary of meetings being agreed at Annual Council on 17 May) and will be Planning only.

**15. URGENT BUSINESS**

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

**IF YOU HAVE AN INTEREST AT THIS MEETING, PLEASE:**

- Declare it and give details of its nature before the matter is 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.

## 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
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
<b>Sponsorship</b>	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.
<b>Contracts</b>	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.
<b>Land and Property</b>	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.
<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
<b>Corporate tenancies</b>	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.
<b>Securities</b>	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"> <li>i. the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</li> <li>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.</li> </ul>
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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)

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## Northumberland County Council

### PROCEDURE AT PLANNING COMMITTEE

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#### A Welcome from Chairman to members and Members of the public present

Welcome to also include reference to

- (i) All Mobile phones should be switched to silent and should not be used during the meeting.
- (ii) Members are asked to keep microphones on mute unless speaking
- (iii) If any Member leaves and then returns to the room during consideration of an application then they may not take any further part in that application.

#### B Record attendance of members

- (i) Democratic Services Officer (DSO) to announce and record any apologies received.

#### C Minutes of previous meeting and Disclosure of Members' Interests

#### D Development Control

##### APPLICATION

##### Chair

Introduces application

Site Visit Video (previously circulated) - invite members questions

##### Planning Officer

Updates – Changes to recommendations – present report

##### Public Speaking

Objector(s) (up to 5 mins)

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

Applicant/Supporter (up to 5 mins)

NO QUESTIONS IN RELATION TO WRITTEN REPRESENTATIONS OR OF/BY LOCAL COUNCILLOR

**Committee members' questions to Planning Officers**

Chairman to respond to raised hands of members as to whether they have any questions of the Planning Officers

**Debate (Rules)**

Proposal

Seconded

DEBATE

Again Chairman to respond to raised hand of members as to whether they wish to participate in the debate

- No speeches until proposal seconded
- Speech may not exceed 6 minutes
- Amendments to Motions
- Approve/Refuse/Defer

**Vote(by majority or Chair's casting vote)**

- (i) Planning Officer confirms and reads out wording of resolution
- (ii) Legal officer should then record the vote FOR/AGAINST/ABSTAIN (reminding members that they should abstain where they have not heard all of the consideration of the application)

## NORTHUMBERLAND COUNTY COUNCIL

### CASTLE MORPETH LOCAL AREA COUNCIL

At the meeting of the **Castle Morpeth Local Area Council** held at Council Chamber - County Hall on Monday, 13 March 2023 at 4.00 pm.

#### PRESENT

J Beynon (Chair) (in the Chair)

#### MEMBERS

D Bawn	L Darwin
R Dodd	L Dunn
J Foster	V Jones
M Murphy	G Sanderson
D Towns	R Wearmouth

#### OFFICERS

J Blenkinsopp	Solicitor
R Laughton	Senior Planning Officer
L Little	Senior Democratic Services Officer
P Lowes	Neighbourhood Services Area Manager
S McMillan	Service Director
E Sinnamon	Development Service Manager
N Snowdon	Principal Programme Officer (Highways Improvement)

Around 2 members of the press and public were present.

#### 92      **PROCEDURE TO BE FOLLOWED AT PLANNING MEETINGS**

Councillor J Foster, Vice-Chair Planning in the Chair advised of the procedure to be followed during the planning part of the meeting.

#### 93      **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Dickinson.

#### 94      **MINUTES**

**RESOLVED** that the minutes of the meeting of the Castle Morpeth Local Area Council held on Monday 13 February 2023, as circulated, be confirmed as a true record and be signed by the Chair.

95 **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.

96 **20/01585/OUT**  
**Outline permission for the erection of up to 9 no. residential units (C3 use)**  
**(All Matters Reserved)**  
**Butley Ben, North Lane End, Morpeth, Northumberland, NE61 2JR**

An introduction to the report was provided by R Laughton, Senior Planning Officer with the aid of a power point presentation.

Councillor A Byard addressed the Committee speaking on behalf of Morpeth Town Council (MTC). Her comments included the following:-

- The Morpeth Neighbourhood Plan highlighted that the approaches to Morpeth were open and green, with development largely screened from the roads right into the heart of the built-up area.
- The Neighbourhood Plan Landscape Corridor policy, amongst others, sought to retain the character of those approaches within the Settlement Boundary. It was not thought necessary to extend that principle beyond the Settlement Boundary into open countryside.
- MTC's objection was mainly an attempt to preserve the openness of these approaches and avoid development which made this part of the road network feel as though it was in a built-up area. Otherwise, this land seemed to be largely unprotected by planning policy as Neighbourhood Planning relating to development inside the settlement boundary (supporting the character of the town) did not apply and nor did the Open Countryside policy.
- The other main concern was that this outline permission would establish the principle of building, but with such comprehensive reserved matters, that the end product could not be effectively controlled by planning policy (including factors such as the final number of houses and character of development).
- MTC would be prepared to withdraw their objection if several aspects were removed from reserved matters and conditioned in the outline permission, namely:
  - A firm limit on the total number of houses.
  - A layout screening the development from the road which at least met the requirements of the NP landscape corridor policy.



- A layout which recognised the Wildlife Corridor along the edge of the site, and that the area was also a “wildlife reservoir” which feeds and supports the town wildlife corridors. The NP Wildlife Corridor policy was relevant.
- The character of the development reflected the character of Morpeth. The town had suffered from housing planning consents granted before the Neighbourhood Plan or Local Plan were made, which had led to developments that eroded the character of the town and it was hoped to halt this trend if possible.

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

- This application would establish the principle of development and everything else would be considered at the reserved matters stage.
- The application was for up to 9 properties, anything over this number would require a new planning application to be made.
- Previously this site had been within the Green Belt which was the reason an appeal had been refused. However following the adoption of the Local Plan the site was no longer within the Green Belt, nor were any of the other edges of the roundabout. In relation to the sense of arrival into Morpeth, design codes could be requested as a condition on this application and a conversation could be held with the applicant in relation to the landscaping, design and materials to be used.
- Consultation had been undertaken with the Housing Enabling Officer in relation to affordable housing who had advised that a commuted sum would be acceptable for this scheme. Unfortunately it was not possible to advise on why it was acceptable for housing to be delivered this way.

Councillor Towns proposed acceptance of the recommendation to approve the application subject to the conditions in the report along with an additional condition seeking compliance with a design code in relation to screening/ approach and materials with the exact wording of the condition to be delegated to the Director of Planning in consultation with the Chair of Planning Committee. This was seconded by Councillor Wearmouth. A vote was taken on the proposal and it was unanimously:

**RESOLVED** that the application be **GRANTED** for the reasons and with the conditions as outlined in the report with an additional condition seeking compliance with a design code in relation to screening/ approach and materials with the exact wording of the condition to be delegated to the Director of Planning in consultation with the Chair of Planning Committee.

A request was made by the Vice-Chair (Planning) that the Housing Enabling Officer attend a future meeting to give advice in relation to affordable housing.

## 97 APPEALS UPDATE

**RESOLVED** that the information be noted.

A short break was held at this point in order to allow officers to leave/join the meeting. Councillor Jones joined the meeting at this point.

98 **PUBLIC QUESTION TIME**

No questions had been submitted.

99 **PETITIONS**

**(a) Receive New Petitions** – A petition had been received regarding the Island outside Blossom Park, Pegswood with details provided for Members information.

**RESOLVED** that the petition be accepted and that a report would be provided at the meeting on Monday 15 May 2023.

**(b) Petitions Previously Received – Margaret Street Road Repair and One Way System**

A petition with 129 signatories had been received requesting road repairs and a one-way system to be provided at Margaret Street, Widdrington Station. The petition recognised the efforts of Councillor Dickinson in trying to resolve the issues regarding road condition but residents had felt that they had no option but to petition for this work to be carried out. An introduction to the report was provided by N Snowdon, Principal Programme Officer. The requests for road repairs and a one-way system would be considered for inclusion in a future Local Transport Plan (LTP) programme and assessed and further prioritised alongside similar requests across Northumberland.

**RESOLVED** that the contents of the report be noted and that the proposed actions be supported.

**(c) Updates on Petitions previously received** – No updates were provided.

100 **LOCAL SERVICES ISSUES**

P Lowes, Neighbourhood Services Area Manager provided an update as follows:-

- Winter works were drawing to a close and on target to complete all scheduled winter works tasks. Members were asked to report any work they believed had not been completed.
- Grounds staff were still working reduced hours but they would change to summer hours in a few weeks.
- Preparations had been finalised for the upcoming grass cutting season with all grass cutting equipment serviced and ready to go. All routes had been reviewed with only very minor changes made in the Castle Morpeth area.
- Interviews had been undertaken for seasonal grounds maintenance staff and the pre-appointment process was being worked through. It was hoped

to have everything in place to get the seasonal staff started at the beginning of April.

- Weed control activities would be undertaken in-house again this year and blue dye would again be used.
- Street sweeping had been affected by the recent cold weather with staff deployed to support gritting activities.
- Garden waste collections started on 6th March. In order to keep up with the demands of the service, the Morpeth depot had deployed an additional collection vehicle this season. Routes were thoroughly reviewed over the winter and collection areas taken from other depots in order to best utilise the new resource and deal with new housing and increased demand for the service. Initial take up for the service was high and the scheme remained popular.

It was asked if delaying the first grass cut of the season had been considered following environmental charities advising that this would help with bee populations. In response it was advised that this had not been considered, however, to do that would have a knock on effect on the cutting programme and it would take additional time for the cuts to make areas look acceptable. Four native areas had been introduced last season in the Castle Morpeth area and all but one of these would go ahead again this year following feedback from residents.

There was no representative from Highways present to provide an update. Councillor Dodd advised that he had a number of queries which he had hoped to have been able to raise including fly tipping and again requested that directional lines be provided on the roundabout used to join the A69. It was expected that officers would attend future meetings and any queries should also be emailed to the Central Highways Inbox for a response.

**RESOLVED** that the information be noted.

Councillor Dunn left the meeting at this point and Councillor Sanderson joined during the next item.

## 101 **DEVOLUTION CONSULTATION**

G Sanderson, Leader of the Council and S McMillan, Service Director provided a presentation on the North East Devolution Consultation. A copy of the presentation had been circulated with the papers, uploaded to the website and a copy filed with the signed minutes. It was explained that a number of consultation events had been undertaken across the County involving Members, stakeholders, residents and businesses, and consultations were also ongoing across all the involved authorities in the North East. The deal which was being put forward would see both NECA (North East Combined Authority) and NTCA (North of Tyne Combined Authority) cease to operate with a new combined authority formed to cover the seven local areas of County Durham, Gateshead, Newcastle, North Tyneside, Northumberland, South Tyneside and Sunderland and would be headed up by a Metro Mayor. The deal would bring significantly more power and money with a potential £4.2bn of investment into the region over 30 years, made up of a number of different elements which were outlined. It was clarified that

devolution would not impact on the way Northumberland County Council operated and it would continue to provide the services it did at present.

Public consultation would continue until 23 March following which feedback would be reviewed and individual Councils would decide if they wished to proceed. If all agreed then a summary of the consultations would be prepared and once approved by all Cabinets it would be submitted to the Secretary of State for Levelling Up, Housing and Communities, who would decide if the statutory criteria had been met before making the statutory order to create a new MCA (Mayoral Combined Authority). If successful, it would be likely that a new MCA would be created and an election held in May 2024 to appoint a Mayor.

In light of the size of the proposed MCA, it was queried whether a specific Cabinet role would need to be created with responsibility for the MCA and if there would need to be a rethink of how the Council operated. The Leader clarified that the Council would be responsible for making its own decisions and that there was currently a good and respectful relationship between the different authorities which had been shown to work well and it was expected that this would continue allowing all to move forward in a positive way. As the MCA would operate on a wider geographical footprint than the current NTCA it would have louder voice in Government and would have more power to do more than at present. The consultation being carried out followed the Government's requirements to ensure that the Secretary of State could be assured that the process had been undertaken correctly and those taking part had been given the opportunity to include their own views and suggested ideas. An analysis of the responses from across the whole region would be undertaken by a team at North Tyneside Council which would then be fed back to individual Councils in order for them to make their decision on whether to proceed.

In response to a question on whether rural Northumberland would have a voice or be overtaken by the larger urban areas, it was expected that the successful partnership working already demonstrated through the NTCA would continue and the relationship would be built upon. Northumberland had benefited from investment and had proactively influenced the strategic approach to reflect our priorities and this would continue. It was clarified that under the DEFRA definition for rural the majority of the County was classed as rural.

The Chair thanked S McMillan and Councillor Sanderson for the presentation and answers.

**RESOLVED** that the information be noted.

## 102 LOCAL AREA COUNCIL WORK PROGRAMME

**RESOLVED** that the information be noted.

103 **DATE OF NEXT MEETING**

The meeting of the Local Area Council was scheduled for 4.00 pm on Tuesday 11 April, however consideration was currently being given to changing the date due to the Easter holidays. Members would be advised accordingly.

**CHAIR**.....

**DATE**.....

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# Northumberland County Council

Castle Morpeth Local Area Committee 15<sup>th</sup> May 2023

The Northumberland County Council (Land at Hebron Hill Farm  
Hebron, Morpeth, Northumberland) Tree Preservation Order 2023  
(No 01 of 2023)



## 1.0 Introduction

1.1 The purpose of this report is to seek a decision from the Local Area Council as to whether or not they wish the County Council to confirm the provisional Northumberland County Council (Land at Hebron Hill Farm Hebron, Morpeth, Northumberland) Tree Preservation Order 2023 (No 01 of 2023).

**1.2** This provisional Tree Preservation Order (TPO) is **recommended to be confirmed** at Committee. Members will note that 1 no objection has been received in respect of the 2023 TPO which is appended to this report. The 2023 TPO follows a previous TPO from 2022 which was 'not confirmed' under delegated powers. An objection to the 2022 TPO was received from Hebron Hill Management Company and contained 14 signatures. That objection has been carried forward for consideration to the 2023 TPO in addition to any new objections. The 2022 TPO objection is therefore appended and Members are asked to consider this.

1.3 It should be noted that the consultation period to submit representations for the 2023 TPO was extended by a further 21 days at the request of one of the residents of Hebron Hill.

#### *Background to 2022 TPO*

1.4 Notification was received by the Planning Department that works to remove a number of trees within the Woodland surrounding Hebron Hill were to be undertaken imminently. Concerns were raised as to the impact this would have on the woodland and on what appeared to be healthy mature trees. The request was to have the trees assessed to consider if they were worthy of protection to enable any works to be carried out in the future to be controlled through the planning application process.

1.5 In response to this, the Planning Department instructed an independent Arboricultural Consultant to carry out an assessment of the woodland and garden areas of the residential properties to obtain an expert opinion on the merit of the trees. The Consultant's findings were that the trees did merit protection and a provisional TPO was compiled and served on Hebron Hill Management Company on 12<sup>th</sup> July 2022. The 2022 TPO protected 3 groups of trees. The area of woodland to the west of Hebron Hill recorded as W1, the area of woodland to the north of Hebron Hill including the trees within the rear gardens of Woodlands, Oaklands, The Sycamore and The Firs recorded as W2, and 1 group of trees adjacent to The Farm House recorded as G1.

1.6 At the time of the Consultant's assessment, the exact details of species and numbers of trees within the residential garden areas had not been fully established, therefore, they were listed as G2 but were incorporated into the W2 woodland until the numbers and species had been verified at a later date. At that point, the TPO would be amended to separate G2 from the woodland to be identified as its own group.

1.7 An objection to the 2022 TPO was received from Hebron Hill Management Company (appended). Having taken this into consideration, and based on some of the points raised, it was considered that an appropriate way forward to address these was to recommend that the 2022 TPO should not be confirmed and instead replaced by a new (2023) TPO. Under the 2023 TPO, the protection of the woodland to the west of the dwellings remains the same. The woodland to the north has been reduced in size in order to separate the woodland from the trees within the rear gardens of the aforementioned 4 properties. Four new groups have been created to incorporate these meaning each residential property independently holds its own group of protected trees. In doing this, it will enable the residents to address



any issues of felling, pruning etc of the trees their own gardens without impacting the other groups of trees listed within the 2023 TPO.

1.8 Authorisation was sought from the Chairman of the Castle Morpeth Local Area Committee and the Director of Planning to allow officers not to confirm the 2022 TPO under delegated powers and simultaneously compile the 2023 TPO. The Chairman and Director granted authorisation subject to the 2023 TPO being put before Members of the Castle Morpeth Committee for consideration.

### *Site History*

**11/01543/FUL** - Conversion of redundant farm buildings to form 4no dwellings including new garaging; Demolition of existing bungalow and construction of replacement dwelling and new garage; Construction of new access road and vehicular access; And new treatment plant. (Re-validation of and amended plans relating to CM/20110170) - Approved

**16/03717/FUL** - Erection of one general purpose agricultural building and the erection of one livestock building – Approved

**18/00646/FUL** - Erection of a rural workers dwelling – Approved

**22/02495/FDN** - Felling, removal, reduction and remedial works to mixture of trees - Beech, Elm, Sycamore, Birch and Scots Pine - due to proximity to buildings, disease, structural collapse, structural integrity and them being dead or storm damaged – No objection

**22/02662/FDN** - Felling, removal, reduction and remedial works to mixture of trees - Beech, Elm, Sycamore, Birch and Scots Pine - due to proximity to buildings, disease, structural collapse, structural integrity and them being dead or storm damaged – No objection

**22/04251/FDN** - Mixture of Beech, Sycamore, Birch and Scots Pine trees have structural faults and are in close proximity to buildings and residents – Refused, trees did not warrant immediate felling. Applicant was advised to submit request through a planning application to fell the protected trees

**22/04329/FELTPO** - Tree Preservation Order Application: G3 Birch - Fell, W3 Sycamores - Crown Balance, T13 Sycamore - Pollard, T14 Sycamore - Coppice, T21, T23, T25 ScotsPine - Fell, T24 Birch - Fell and T27 Beech – Fell – Part consent, part refusal. Some trees were not considered to be at immediate risk of falling

**23/01224/FDN** - 5 Day Notice to request to fell Birch Tree. Arboricultural Report states Structurally severely compromised with two clearly visible cracks to base of stem, significant decay from 9-25cm. Due to size and location of tree it is considered to pose a significant hazard - Granted

## **2.0 Appraisal**

2.1 The land to which the 2023 TPO applies is the woodland areas located to the north and west of the dwellings at Hebron Hill. The 2023 TPO also protects trees within the rear gardens of four of the dwellings – Woodside, Oaklands, The Sycamore and The Firs, and a group of trees located to the west of The Farm House. This follows the earlier findings of the Arboricultural Consultant (on behalf of NCC) who undertook a full assessment of the area. The Council's Tree and Woodlands Officer made a subsequent visit to the site to verify the numbers and species of trees within the rear gardens of the 4 residential properties for accuracy.

2.2 It was considered by both the Arboricultural Consultant along with the views of Planning Officers who visited the site that the trees merited protection by a Tree Preservation Order. Local planning authorities can make a Tree Preservation Order if it appears to them to be expedient in the interests of amenity to make the provision for the preservation of trees or woodlands in their area.

2.3 The residents of Hebron Hill were informed of the making of the provisional 2023 TPO on 10th January 2023. Following the receipt of the objection to this and the 2022 TPO objection, the 2023 TPO must now be determined by the Local Area Committee.

2.4 Members will note that the objections (attached) raise a significant number of points which are very generally summarised below:

- The local planning authority do not have the power to make the tree preservation order, as there is no demonstrable expedience
- Validity of TPO as unsuitable in law on amenity grounds
- HHMC, as management company, exhibits exceptional arboricultural management and a TPO is unnecessary and superfluous ruling
- TPO is discriminatory and prejudicial
- Expedience is not documented in the reasons for making the order therefore the grounds of amenity are not sufficient to make an order
- HHMC object to the trees being cited as a predominant feature
- HHMC disagrees that the visibility of the trees is a contributing factor of the amenity value
- The authority has not exercised judgement or shown such judgement in their decisions
- Significant negative impact or the degree of enjoyment by the public is not documented in reasons for making the order. The modification of these documents to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order

- NCC have not proven or detailed significant negative impact to the local environment
- The authority has failed to show” that protection would bring a reasonable degree of public benefit in the present or future
- The vast majority of Hebron Hill trees cannot be seen by the public, due to the density of the perimeter trees obstructing the view to the middle and inner trees
- Accessibility of trees is not documented in reasons for making the order
- Size and form are not documented as rational in reasons for making the order
- Future potential as an amenity is not documented as rational in reasons for making the order
- The majority of the Hebron Hill trees are approx. 80 years old. The amenity value of these trees is therefore currently at a maximum and future amenity value will only be diminishing
- Rarity, cultural or historic value is not documented as rational in reasons for making the order
- Hebron Hill has no cultural or historical value. If either of these were a factor, they would have been raised and considered during the recent development phase of Hebron Hill
- Importance to nature conservation is not documented in the reasons for making the order
- Response to climate change is not documented in the reasons for making the order
- Authority tree strategy or existing registers of merit are not documented in the reasons for making the order
- It can be proven that Hebron Hill trees are under consistent, good arboricultural management
- All maintenance works to Hebron Hill trees have been based on expert recommendation and conducted by qualified technician. HHMC believes the TPO is actually impacting the safety to residents, buildings and local environment.
- The drawn up and served order does not provide sufficient detail of Hebron Hill Trees
- The Tree Preservation Order is inaccurate

- Unlawful access obtained by NCC officers
- The TPO will cause significant risk and disruption to HHMC residents

2.5 During the assessment of the site carried out by the Planning Officers and the Arborist employed by NCC, the protected groups of trees as a whole were considered to make a strong contribution to the visual amenity of the immediate and wider landscape. Hebron Hill Farm sits prominently within the landscape and the trees make a strong contribution to the setting of the converted farm steading both for the benefit of the amenity of residents at Hebron Hill Farm and extended views from the village of Hebron and the Church of St Cuthbert. The risk of their removal would have a significant negative impact on the local environment and the wider enjoyment by the public travelling along the local road network to Hebron Village from the A1.

2.6 Officers consider that it is expedient to make an Order given that the requestor of the Tree Preservation Order and a member of the public who has asked for their identity to remain anonymous had reason to believe that there was a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area.

2.7 Members of the Committee are requested to make a decision about the 2023 TPO as a result of the objections mentioned earlier within 6 months of the date of the provisional Order i.e. 10<sup>th</sup> July 2023. There are 3 outcomes to the 2023 TPO that Members can make, which are listed below:

- To confirm the 2023 TPO without modification
- To confirm the 2023 TPO with modifications
- Not to confirm the 2023 TPO

### **3.0 Conclusion**

3.1 The view of the Council's Arboricultural Consultant and Planning Officers is that it is expedient for the reasons above that the trees in question merit protection with a Tree Preservation Order following an assessment on the trees and their visual amenity. The trees are in good condition, of good visual amenity and make a positive contribution to their surroundings, not only within Hebron Hill, but from further afield. The imposition of the 2023 TPO would not prevent works from taking place, but it would allow the council to monitor works and secure replanting if necessary following any submitted applications for works or felling. It is therefore considered that the 2023 TPO should be confirmed for the reasons given above.

#### *Other Matters*

#### **EIR/FOI**

Members should note that EIR requests have been received in relation to the Hebron Hill TPO. These have requested information and questioned the practice of NCC in the 2022 and 2023 TPO process. These have all been responded to, however, the requestor challenged the response and referred matters to the Information Governance Specialist (IGS). The IGS found that the EIR request was handled

correctly and that exceptions were thoroughly considered. It concluded that the Council has complied with the obligations under the Environmental Protection Regulations.

A stage 1 and stage 2 complaint has also been submitted, both of which have been responded to with an outcome of no fault found by the Council. The requestor has referred the case to the Social Ombudsman and the outcome is awaited.

#### 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:

This proposal has 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.

### **3.0 Recommendation**

That the Northumberland County Council (Land at Hebron Hill Farm, Hebron, Morpeth, Northumberland) Tree Preservation Order 2023 (No 01 of 2023) be confirmed without modifications.

The Northumberland County Council  
(Land at Hebron Hill Farm, Morpeth, Northumberland)  
Tree Preservation Order 2022  
(no. 06 of 2022)  
Hebron Hill Management Company Objection

The Hebron Hill Management Company, in exercise of the powers conferred by section 199 of the Town and Country Planning Act 1990 make the following objection and representations document:

1. The objection and representations to the order may be cited as the Northumberland County Council (Land at Hebron Hill Farm, Morpeth, Northumberland) Tree Preservation Order 2022 (no.6 of 2022), Hebron Hill Management Company Objection.
2. Hebron Hill Management submit objection and representations in reference to The Northumberland County Council (Land at Hebron Hill Farm, Hebron, Morpeth, Northumberland) Tree Preservation Order 2022 (no.6 of 2022) Town & Country Planning Act 1990 Town and Country Planning (Tree Preservation) (England) regulations 2012.
3. As per Regulation 6 of Town and Country Planning (Tree Preservation) (England) Regulations 2012, Hebron Hill Management Company formally submit in writing their objections and representations, delivering on the 19<sup>th</sup> day of August 2022 to:

Linda Jackson  
Legal Officer  
Regulation Team  
County Hall  
Morpeth  
Northumberland  
NE61 2EF

4. The objections and representations of this document, state the reasons for the objection and reference the particular trees, groups of trees or woodlands (as the case may be) in respect of each objection and representation, as made.
5. As outlined by paragraph 37 of the TPO guidance, Hebron Hill Management Company request a meeting with Northumberland County Council to consider their duly made objections and representations with respect to the order.

Signed

.....

William Sharp

Chair

Hebron Hill Management Committee

Dated

.....

## GLOSSARY OF TERMS

GLOSSARY OF TERMS	
TPO	Tree Preservation Order (TPO)
HHMC	Hebron Hill Management Company (HHMC)
NCC	Northumberland County Council (NCC)
Tilia	Tilia Consultancy Services (Tilia)
TEMPO	Tilia Tree Evaluation Method for Preservation Orders (TEMPO) Report

## SUMMARY

SUMMARY	Summary of Objections for Order
REFERENCE	W1, W2, G1
CONTEXT	Town and Country Planning Act Section 198 Gov.Uk TPO Regulation 3 Notice Regulation 5 Notice Tilia TEMPO Survey Detailed Objections 1-15
REASONS FOR THE OBJECTION	<ul style="list-style-type: none"> <li>-The local planning authority do not have the power to make the tree preservation order, as there is no expedience.</li> <li>-TPO lacks judgement and execution.</li> <li>-The served order has not considered the use of land or the people affected.</li> <li>-The served Order has no required evidence to “show” public benefit or “demonstrate” decision process.</li> <li>-Applied order (Regulation 5) lacks required accuracy and detail (Reasons for making order insufficient).</li> <li>-Authority acting without strategy.</li> <li>-Amenity is limited, ambiguous and not shown, proven or found.</li> <li>-Expediency is not stated, proven or found.</li> <li>-Applied order (regulation 3 notice) lacks required accuracy and detail.</li> <li>-Detail of Woodlands is not enforceable.</li> <li>-Boundaries incorrectly applied.</li> <li>-Woodlands incorrectly applied.</li> <li>-Tilia TEMPO Survey access was unlawful.</li> <li>-Tilia TEMPO Survey, misleading, inaccurate and bias.</li> <li>-Changes required to the Order, would be deemed as substantial change and are not permitted.</li> <li>-Concerns regarding impact of TPO and removal of rights as owners.</li> <li>-Concerns regarding NCC ability regarding TPOs.</li> <li>-Concerns of property value and resale.</li> </ul>
RECOMMENDATION	<p>HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.</p> <p>If NCC remain adamant and disregard legally valid objections, HHMC recommends that the TPO affected area be heavily reduced. (APPENDIX F: Proposed TPO Modification Options).</p>



<b>SUMMARY W1</b>	<b>Summary of Objections for W1 Designation</b>
REFERENCE	W1
CONTEXT	Town and Country Planning Act Section 198 Gov.Uk TPO Regulation 3 Notice Regulation 5 Notice Tilia TEMPO Survey Detailed Objections 1-15
REASONS FOR THE OBJECTION	<ul style="list-style-type: none"> <li>-The local planning authority do not have the power to make the tree preservation order, as there is no expedience.</li> <li>-Authority acting without strategy.</li> <li>-Tilia TEMPO Survey access was unlawful.</li> <li>-Tilia TEMPO Survey, misleading, inaccurate and bias.</li> <li>-The served order has not considered the use of land or the people affected.</li> <li>-The served order has no required evidence to “show” public benefit or “demonstrate” decision process.</li> <li>-Applied order (Regulation 5) lacks required accuracy and detail (Reasons for making order insufficient).</li> <li>-Applied order (regulation 3 notice) lacks required accuracy and detail.</li> <li>-Boundaries incorrectly applied.</li> <li>-Woodlands boundaries applied close to buildings, conflicting with trees and buildings proximity guidelines.</li> <li>-Amenity In Practice: Not stated, shown, proven or found.</li> <li>-Amenity Public Benefit: Ambiguous, not shown, proven or found.</li> <li>-Amenity Visibility: Ambiguous, overstated and Inaccurate. Visibility alone is not sufficient for an Order. HHMC prove lack of visibility and value.</li> <li>-Amenity Visibility by Accessibility: Not stated, proven or found. HHMC prove lack of accessibility.</li> <li>-Amenity Form of Tree: Survey misleading, Inaccuracy and Incompetency.</li> <li>-Amenity Future Potential: Not stated, proven or found.</li> <li>-Amenity Rarity: Not stated, proven or found.</li> <li>-Amenity Cultural: Not stated, proven or found.</li> <li>-Amenity Historical: Not stated, proven or found.</li> <li>-Amenity relationship: Ambiguous, overstated and Inaccurate. HHMC prove lack of relationship.</li> <li>-Amenity Conservation: Not stated, proven or found.</li> <li>-Amenity Nature: Not stated, proven or found.</li> <li>-Amenity Climate Change: Not stated, proven or found.</li> <li>-Expedience In Practice: Not stated, proven or found.</li> <li>-Expedience Arboricultural Management: Can be proven by HHMC, which should terminate necessity for an Order.</li> <li>-Expedience Risk: Not stated, proven or found. Tilia TEMPO survey quotes hearsay which is inadmissible.</li> <li>-Expedience Development: Not stated, proven or found.</li> <li>-Expedience Property Ownership: Can be proven by HHMC, which should terminate necessity for an Order.</li> </ul>
RECOMMENDATION	<p>HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.</p> <p>If NCC remain adamant and disregard legally valid objections, HHMC recommends that the TPO affected area be heavily reduced. (APPENDIX F: Proposed TPO Modification Options).</p>

SUMMARY W2	Summary of Objections for W2 Designation
REFERENCE	W2
CONTEXT	<p>Town and Country Planning Act Section 198  Gov.Uk TPO  Regulation 3 Notice  Regulation 5 Notice  Tilia TEMPO Survey  Detailed Objections 1-15</p>
REASONS FOR THE OBJECTION	<ul style="list-style-type: none"> <li>-The local planning authority do not have the power to make the tree preservation order, as there is no expedience.</li> <li>-Authority acting without strategy.</li> <li>-Tilia TEMPO Survey access was unlawful.</li> <li>-Tilia TEMPO Survey, misleading, inaccurate and bias.</li> <li>-The served order has not considered the use of land or the people affected.</li> <li>-The served order has no required evidence to “show” public benefit or “demonstrate” decision process.</li> <li>-Applied order (Regulation 5) lacks required accuracy and detail (Reasons for making order insufficient).</li> <li>-Applied order (regulation 3 notice) lacks required accuracy and detail.</li> <li>-Boundaries incorrectly applied.</li> <li>-Woodlands incorrectly applied to residential gardens.</li> <li>-Woodlands boundaries applied close to buildings, conflicting with trees and buildings proximity guidelines.</li> <li>-Amenity In Practice: Not stated, shown, proven or found.</li> <li>-Amenity Public Benefit: Ambiguous, not shown, proven or found.</li> <li>-Amenity Visibility: Ambiguous, overstated and Inaccurate. Visibility alone is not sufficient for an Order. HHMC prove lack of visibility and value.</li> <li>-Amenity Visibility by Accessibility: Not stated, proven or found. HHMC prove lack of accessibility.</li> <li>-Amenity Form of Tree: Survey misleading, Inaccuracy and Incompetency.</li> <li>-Amenity Future Potential: Not stated, proven or found.</li> <li>-Amenity Rarity: Not stated, proven or found.</li> <li>-Amenity Cultural: Not stated, proven or found.</li> <li>-Amenity Historical: Not stated, proven or found.</li> <li>-Amenity relationship: Ambiguous, overstated and Inaccurate. HHMC prove lack of relationship.</li> <li>-Amenity Conservation: Not stated, proven or found.</li> <li>-Amenity Nature: Not stated, proven or found.</li> <li>-Amenity Climate Change: Not stated, proven or found.</li> <li>-Expedience In Practice: Not stated, proven or found.</li> <li>-Expedience Arboricultural Management: Can be proven by HHMC, which should terminate necessity for an Order.</li> <li>-Expedience Risk: Not stated, proven or found. Tilia TEMPO survey quotes hearsay which is inadmissible.</li> <li>-Expedience Development: Not stated, proven or found.</li> <li>-Expedience Property Ownership: Can be proven by HHMC, which should terminate necessity for an Order.</li> </ul>
RECOMMENDATION	<p>HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.</p> <p>If NCC remain adamant and disregard legally valid objections, HHMC recommends that the TPO affected area be heavily reduced. (APPENDIX F: Proposed TPO Modification Options).</p>

<b>SUMMARY G1</b>	<b>Summary of Objections for G1 Designation</b>
REFERENCE	G1
CONTEXT	Town and Country Planning Act Section 198 Gov.Uk TPO Regulation 3 Notice Regulation 5 Notice Tilia TEMPO Survey Detailed Objections 1-15
REASONS FOR THE OBJECTION	<ul style="list-style-type: none"> <li>-The local planning authority do not have the power to make the tree preservation order, as there is no expedience.</li> <li>-Authority acting without strategy.</li> <li>-Tilia TEMPO Survey access was unlawful.</li> <li>-Tilia TEMPO Survey, misleading, inaccurate and bias.</li> <li>-The served order has not considered the use of land or the people affected.</li> <li>-The served order has no required evidence to “show” public benefit or “demonstrate” decision process.</li> <li>-Applied order (Regulation 5) lacks required accuracy and detail (Reasons for making order insufficient).</li> <li>-Amenity In Practice: Not stated, shown, proven or found.</li> <li>-Amenity Public Benefit: Ambiguous, not shown, proven or found.</li> <li>-Amenity Visibility: Ambiguous, overstated and Inaccurate. Visibility alone is not sufficient for an Order. HHMC prove lack of visibility and value.</li> <li>-Amenity Visibility by Accessibility: Not stated, proven or found. HHMC prove lack of accessibility.</li> <li>-Amenity Form of Tree: Survey misleading, Inaccuracy and Incompetency.</li> <li>-Amenity Future Potential: Not stated, proven or found.</li> <li>-Amenity Rarity: Not stated, proven or found.</li> <li>-Amenity Cultural: Not stated, proven or found.</li> <li>-Amenity Historical: Not stated, proven or found.</li> <li>-Amenity relationship: Ambiguous, overstated and Inaccurate. HHMC prove lack of relationship.</li> <li>-Amenity Conservation: Not stated, proven or found.</li> <li>-Amenity Nature: Not stated, proven or found.</li> <li>-Amenity Climate Change: Not stated, proven or found.</li> <li>-Expedience In Practice: Not stated, proven or found.</li> <li>-Expedience Arboricultural Management: Can be proven by HHMC, which should terminate necessity for an Order.</li> <li>-Expedience Risk: Not stated, proven or found. Tilia TEMPO survey quotes hearsay which is inadmissible.</li> <li>-Expedience Development: Not stated, proven or found.</li> <li>-Expedience Property Ownership: Can be proven by HHMC, which should terminate necessity for an Order.</li> </ul>
RECOMMENDATION	<p>HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.</p> <p>If NCC remain adamant and disregard legally valid objections, HHMC recommends that the TPO affected area be heavily reduced. (APPENDIX F: Proposed TPO Modification Options).</p>

## DETAILED OBJECTIONS

<b>OBJECTION 1</b>	<b>Section 198 Powers to Make an Order</b>
REFERENCE	W1, W2, G1
CONTEXT	<p>Section 198 1)</p> <p>If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.</p> <p>Gov.uk TPO Paragraph 40: Nor should the authority confirm an Order if it has made substantial changes to it.</p>
REASONS FOR THE OBJECTION	<p>HHMC object, expedient is not documented in the reasons for making the order, this absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40.</p> <p>HHMC Object, there are no grounds for expedient as per objection 10.</p> <p>HHMC Object, the grounds of amenity are not sufficient to make an order as per objection 3, 4, 5 and 6.</p>
RECOMMENDATION	<p>The term expedience is not referenced in the served regulation 3 and regulation 5 documents. HHMC understands via Section 198 of town and country planning act 1990, that the planning authority have no power to make the tree preservation order if it is not proven to be expedient.</p> <p>HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.</p> <p>HHMC would recognize that modifying the reasons for making the order would constitute as substantial change to the TPO and therefore any modifications would also prevent confirmation of the order, as per Gov.uk TPO paragraph 40.</p>

<b>OBJECTION 2</b>	<b>Regulation 5 Notice – Reasons for Making the Order</b>
REFERENCE	W1, W2, G1
CONTEXT	<p>Regulation 5 Notice: Reasons for making the order:  The council has made the Order because the trees are predominant features within the surrounding landscape and valuable assets to the location contributing to the visual amenity of the area.</p> <p>Gov.uk TPO Paragraph 8:  Public visibility alone will not be sufficient to warrant an Order.</p> <p>Gov.uk TPO Paragraph 40:  Nor should the authority confirm an Order if it has made substantial changes to it.</p>
REASONS FOR THE OBJECTION	<p><u>Trees are predominant features within the surrounding landscape:</u>  HHMC object, “Predominant feature” is not a defined term or factor in the assessment of amenity value as per Gov.uk TPO Paragraph 8. HHMC therefore do not recognize this as a contributing factor justified for making the order.  If NCC are adamant that the term “predominant feature” is a factor for the amenity value (despite the absence of the term in gov.uk TPO paragraph 8), HHMC object and disagree with the assessment; we believe that the Hebron Hill trees are in fact minority features in the surround landscape. (APPENDIX B: Topographical Survey).</p> <p><u>Valuable assets to the location contributing to the visual amenity:</u>  HHMC object, we disagree that the visibility is a contributing factor of the amenity value (Please see Objection 3&amp;4 Amenity Value &amp; Amenity Visibility).  HHMC object, we recognize NCC exclusively reside on the term visual amenity for rational of making the order. As per Gov.uk TPO Paragraph 8, “visibility alone will not be sufficient to warrant an order”, the provisional TPO does not comply as achieving sufficient grounds for serving the TPO and should be removed with immediate effect.</p>
RECOMMENDATION	<p>HHMC believes the reasons for making the order do not comply as sufficient grounds for a TPO, as per Gov.uk TPO paragraph 8.  HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.  HHMC would recognize that modifying the reasons for making the order would constitute as substantial change to the TPO and therefore any modifications would also prevent confirmation of the order, as per Gov.uk TPO paragraph 40.</p>

OBJECTION 3	Gov.uk TPO Paragraph 7: Amenity in Practice
REFERENCE	W1, W2, G1
CONTEXT	<p>Gov.uk TPO Paragraph 7:  ‘Amenity’ is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order.  Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.</p> <p>Gov.uk TPO Paragraph 40:  Nor should the authority confirm an Order if it has made substantial changes to it.</p>
REASONS FOR THE OBJECTION	<p><u>Authorities need to exercise judgment when deciding whether it is within their powers to make an Order:</u>  NCC have made and served TPO to HHMC and residents.  HHMC object, stating the authority has not “exercised judgement” or shown such “judgement” in their decisions. This absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing or supporting evidence would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40.</p> <p><u>Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public:</u>  HHMC object, significant negative impact or the degree of enjoyment by the public is not documented in reasons for making the order, this absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40.</p> <p>HHMC object, the term “significant” would imply a major impact. NCC have not proven or detailed “significant negative impact” to the local environment. HHMC further state the environmental impact will be minimal; Hebron Hill trees have a minor relationship with the surrounding environment (APPENDIX B: Topographical Survey).</p> <p>HHMC Object, HHMC question; what degree of public enjoyment can be achieved from Hebron Hill trees if the land they reside on is not accessible to the public? The only plausible enjoyment would be defined as minor, via the limited visibility of the perimeter Hebron Hill trees from nearby roads.</p> <p><u>Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future:</u>  HHMC object, stating the authority has failed to “show” that protection would bring a reasonable degree of public benefit in the present or future. This absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing or evidence would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40.</p> <p>HHMC Object, HHMC question, what degree of public benefit can be achieved from Hebron Hill trees if the land they reside on is not accessible to the public? The only plausible benefit would be defined as minor, via the limited visibility of the perimeter Hebron Hill trees from nearby roads.</p>

RECOMMENDATION	<p>HHMC believes the reasons for making the order do not comply as sufficient grounds for a TPO, as per Gov.uk TPO paragraph 7 and paragraph 8.</p> <p>HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.</p> <p>HHMC would recognize that modifying the reasons for making the order would constitute as substantial change to the TPO and therefore any modifications to this sentence would also prevent confirmation of the order, as per paragraph 40.</p>
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<b>OBJECTION 4</b>	<b>Gov.uk TPO Paragraph 8: Amenity Value - Visibility</b>
REFERENCE	W1, W2, G1
CONTEXT	<p>Gov.uk TPO Paragraph 8:          Visibility: The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.          Public visibility alone will not be sufficient to warrant an Order.</p> <p>Gov.uk TPO Paragraph 40:          Nor should the authority confirm an Order if it has made substantial changes to it.</p>
REASONS FOR THE OBJECTION	<p><u>Visibility of Trees:</u>          HHMC object, we believe the value from the visibility of Hebron Hill trees is limited. Hebron Hill is 350m East of the A1 road and 485m North of A1 link road (there are no public footpaths on these roads). The western and southern perimeter trees of Hebron Hill can be intermittently seen from these public roads, when highway hedging and closer anomaly trees or buildings are not obstructing view. (APPENDIX C: Photographic Survey - Public Visibility).          HHMC Object, the vast majority of Hebron Hill trees cannot be seen by the public, due to the density of the perimeter trees obstructing the view to the middle and inner trees.          It should further be noted, whilst driving, focus should be on the road and other vehicles. The intermittent observation of trees a minimum 400m in the distance is not going to provide any substantial amenity value to these members of the public.</p> <p><u>Accessibility of Trees:</u>          HHMC object, accessibility of trees is not documented in reasons for making the order, this absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40.          HHMC Object, Hebron Hill is private land owned and managed by HHMC. The public have no right of access to these lands, therefore amenity value of the trees in terms of accessibility should be considered to be zero.</p>
RECOMMENDATION	<p>HHMC believe that visibility is not a contributing factor in determining amenity value.          HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.          If NCC remain adamant that visibility is a contributing factor, HHMC recommends that the TPO affected area be heavily reduced (APPENDIX F: Proposed TPO Modification Options).</p>



OBJECTION 5	<b>Gov.uk TPO Paragraph 8: Amenity Value – Individual, Collective and Wider Impact</b>
REFERENCE	W1, W2, G1
CONTEXT	<p>Gov.uk TPO Paragraph 8: The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:</p> <ul style="list-style-type: none"> <li>-size and form;</li> <li>-future potential as an amenity;</li> <li>-rarity, cultural or historic value;</li> <li>-contribution to, and relationship with, the landscape; and</li> <li>-contribution to the character or appearance of a conservation area.</li> </ul> <p>Gov.uk TPO Paragraph 40: Nor should the authority confirm an Order if it has made substantial changes to it.</p>
REASONS FOR THE OBJECTION	<p><u>Size and form:</u> HHMC Object, Size and form is not documented as rational in reasons for making the order, this absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40. HHMC Object, the trees at Hebron Hill, until recently, have remained wild and unmaintained. The form of many trees has required Immediate Needs maintenance to ensure safety to the new residents and their housing (Appendix E: Immediate Needs Assessment Survey). To assess form and health of the woodland requires a very substantial survey. HHMC have a detailed survey scheduled for September 2022, this will provide individual tree structural stability and health assessments, as well as proposing a comprehensive maintenance plan for the future of the trees at Hebron Hill. It has been unofficially communicated that Hebron Hill trees density has caused some uncontrolled and accelerated growth; this may constitute that the form of these trees are deemed unsafe/unsatisfactory. NCC without such detailed survey cannot reasonably define the form and health of the trees and therefore cannot responsibly deem which trees should form part of the order.</p> <p><u>Future potential as an amenity:</u> HHMC object, future potential as an amenity is not documented as rational in reasons for making the order, this absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40. HHMC object, Hebron Hill trees are on land owned by HHMC. Due to these lands being privately owned and HHMC having no motive to sell or provide access, public will continue to have no accessibility in the future. The amenity potential value will therefore not increase in the future. HHMC further object, stating the majority of the Hebron Hill trees are approx. 80 years old. The amenity value of these trees is therefore currently at a maximum and future amenity value will only be diminishing. This item is not a contributing factor to the amenity value.</p> <p><u>Rarity, cultural or historic value:</u> HHMC Object, rarity, cultural or historic value is not documented as rational in reasons for making the order, this absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to</p>

	<p>include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40.</p> <p>HHMC Object, Hebron Hill trees consist of species: sycamore, beech, elm, scots pine and silver birch. These species are not considered to be rare.</p> <p>HHMC object, Hebron Hill has no cultural or historical value. If either of these were a factor, they would have been raised and considered during the recent development phase of Hebron Hill.</p> <p>This item is not a contributing factor to the amenity value.</p> <p><u>Contribution to, and relationship with, the landscape:</u></p> <p>HHMC Object, contribution to, and relationship with, the landscape is not detailed or explained in the reasons for making the order, this absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40.</p> <p>HHMC Object, we believe that the Hebron Hill trees have a minor contribution and relationship with the landscape. (APPENDIX B: Topographical Survey).</p> <p>HHMC further state that only the perimeter trees would constitute as having this minor contribution and relationship with the landscape and therefore if applicable it would only be these perimeter trees that should warrant TPO.</p> <p>This item is not a contributing factor to the amenity value.</p> <p><u>Contribution to the character or appearance of a conservation area:</u></p> <p>HHMC object, contribution to the character or appearance of a conservation area is not documented in the reasons for making the order, this absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40.</p> <p>HHMC object, Hebron Hill is not part of a conservation area.</p> <p>This item is not a contributing factor to the amenity value.</p>
RECOMMENDATION	<p>HHMC believes the individual, collective and wider Impact characteristics are not a contributing factors in determining amenity value.</p> <p>HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.</p> <p>If NCC remain adamant that individual, collective and wider Impact characteristics are a contributing factor, HHMC recommends that the TPO affected area be heavily reduced (APPENDIX F: Proposed TPO Modification Options).</p>

<b>OBJECTION 6</b>	<b>Gov.uk TPO Paragraph 8: Amenity Value – Other Factors</b>
REFERENCE	W1, W2, G1
CONTEXT	Gov.uk TPO Paragraph 8: Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order. Gov.uk TPO Paragraph 40: Nor should the authority confirm an Order if it has made substantial changes to it.
REASONS FOR THE OBJECTION	<u>Importance to nature conservation:</u> HHMC object, importance to nature conservation is not documented in the reasons for making the order, this absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40. HHMC Object, Hebron Hill is not part of a nature conservation area. This item is not a contributing factor to the amenity value. <u>Response to climate change:</u> HHMC Object, Response to climate change is not documented in the reasons for making the order, this absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40. HHMC Object, Hebron Hill trees are not part or a response to climate change. This item is not a contributing factor to the amenity value.
RECOMMENDATION	HHMC believes the other factors are not a contributing factors in determining amenity value. HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.

<b>OBJECTION 7</b>	<b>Gov.uk TPO Paragraph 9: Tree Strategy</b>
REFERENCE	W1, W2, G1
CONTEXT	<p>Gov.uk TPO Paragraph 9: An authority's tree strategy may identify localities or populations of trees as priorities for the making or reviewing of Orders. Authorities may also refer to existing registers, recording trees of particular merit, to assist in their selection of trees suitable for inclusion in an Order.</p> <p>Gov.uk TPO Paragraph 40: Nor should the authority confirm an Order if it has made substantial changes to it.</p>
REASONS FOR THE OBJECTION	<p><u>Tree Strategy &amp; Existing TPO Register:</u> HHMC object, Authority tree strategy or existing registers of merit are not documented in the reasons for making the order, this absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40.</p> <p>HHMC Object, NCC have no such documents in existence. The authority tree strategy and existing TPO registers were requested on 14<sup>th</sup> July 2022, this information has still not been received. These documents should be readily accessible by the public, the fact they are not accessible or even available for supply after a request is concerning. It must be assumed NCC are acting without strategy or judgement when making TPO.</p>
RECOMMENDATION	<p>HHMC believes without strategy documentation, NCC cannot display clear judgement.</p> <p>HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.</p>

OBJECTION 8	Gov.uk TPO Paragraph 10: Expedient in Practice
REFERENCE	W1, W2, G1
CONTEXT	<p>Gov.uk TPO Paragraph 10:  Although some trees or woodlands may merit protection on amenity grounds it may not be expedient to make them the subject of an Order. For example, it is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management.</p> <p>It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.</p> <p>Gov.uk TPO Paragraph 40:  Nor should the authority confirm an Order if it has made substantial changes to it.</p>
REASONS FOR THE OBJECTION	<p><u>Expedient in Practice:</u>  HHMC object, expedient is not documented in the reasons for making the order, this absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40.</p> <p><u>It is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural:</u>  HHMC object, its can be proven that Hebron Hill trees are under consistent, good arboricultural management. HHMC value our environment, we take our ownership and maintenance of our lands and assets extremely seriously. HHMC only procures and appoints qualified arboricultural experts for tree assessment and work execution to Hebron Hill trees. HHMC introduced protocol to utilize separate experts for survey and work execution; this removes any potential bias during survey. These actions demonstrate HHMC values to responsibly maintain our assets and environment. The HHMC appointment of externally qualified experts and implemented protocol to remove bias, is proof that the Hebron Hill trees are under good arboricultural management. (APPENDIX D: HHMC Tracker).  This item is not a contributing factor to the expedient.</p> <p><u>If the authority believes there is a risk of trees being felled, pruned or damaged:</u>  HHMC object, expedient and risk to Hebron Hill trees is not documented in the reasons for making the order, this absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40.  HHMC Object, as stated HHMC only appoint qualified arboricultural experts for assessment and work execution. All maintenance works to Hebron Hill trees have been based on expert recommendation and conducted by qualified technician. HHMC believe the TPO is actually impacting the safety to residents, buildings and local environment. Expert recommended Immediate Needs works have been delayed due to the untimely served provisional TPO, this has imposed unnecessary and continued risk to the residents, their dwellings and the local environment. (APPENDIX E: Immediate Needs Assessment Survey).</p>

	<p><u>Risk as a result of development pressures:</u>  HHMC object, there are no development pressures. Development of the community has already been completed in recent years. HHMC would like to formally note and question; that a TPO was not deemed to be necessary during development of Hebron Hill dwellings, yet without evidence, documentation or due process a TPO is seemingly deemed as being necessary now?  This item is not a contributing factor to the expedient.</p> <p><u>Changes in property ownership</u>  HHMC object, HHMC is a democratic management company, formed by the nine households at Hebron Hill. A change in ownership of a household would not impact the democratic process. HHMC also utilize external qualified experts for consultation and recommendations, this ensures HHMC make informed and correct decisions. Any work execution, HHMC appoints qualified arboricultural expert further ensuring safe work practices.  This item is not a contributing factor to the expedient.</p>
RECOMMENDATION	<p>HHMC believes there are no grounds for expedient in the rational of the TPO. Furthermore, HHMC can prove good arboricultural management which as per Gov.uk TPO Paragraph 10 states a TPO is unlikely to be required.  HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.  If NCC remain adamant and disregard legally valid objections, HHMC recommends that the TPO affected area be heavily reduced. (APPENDIX F: Proposed TPO Modification Options).</p>

<b>OBJECTION 9</b>	<b>Gov.uk TPO Flowchart 1: Making a Tree Preservation Order</b>
REFERENCE	W1, W2, G1
CONTEXT	Request from local planning authority or public Gov.uk TPO Paragraph 10 It is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management. Gov.uk TPO Paragraph 40: Nor should the authority confirm an Order if it has made substantial changes to it.
REASONS FOR THE OBJECTION	HHMC are aware that Andy Kelcher requested the TPO. Andy has stated that he understood residents were going to be “cutting down the Trees”. HHMC are currently unaware how this information was received by Andy Kelcher. HHMC can confirm that this information is incorrect and believe it to be malicious hearsay. HHMC are pleased that NCC must have agreed that there is no validity of expedience and understand the allegation as hearsay, as such NCC have deliberately not mentioned expedience in the served regulation 3 and regulation 5 notices. The modification of these documents to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40. HHMC reference our history of good arboricultural management protocol and processes as per Objection 7. Due to originating TPO request being on false information, HHMC believe the entirety of the subsequent TPO should be disregarded.
RECOMMENDATION	HHMC states the request for a TPO was motivated by false information. Expedience would in any fact be hearsay and inadmissible. HHMC protocols and process prevent improper conduct and action; there is no expedience. Furthermore HHMC can prove a history of good arboricultural management, therefore it is not necessary to make an order. HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect. If NCC remain adamant and disregard legally valid objections, HHMC recommends that the TPO affected area be heavily reduced. (APPENDIX F: Proposed TPO Modification Options).

OBJECTION 10	Gov.uk TPO Paragraph 22: Evidence of Survey
REFERENCE	W1, W2, G1
CONTEXT	<p>Gov.uk TPO Paragraph 22:  Where a Tree Preservation Order may be justified, the officer should gather sufficient information to enable an accurate Order to be drawn up. The officer should record the number and species (or at least the genus) of the individual trees or groups of trees to be included in the Order and their location. A general description of genera should be sufficient for areas of trees or woodlands. It is, however, important to gather enough information to be able to accurately map their boundaries.</p> <p>The officer should also record other information that may be essential or helpful in the future. This may include:</p> <ul style="list-style-type: none"> <li>-information on any people with a legal interest in the land affected by the Order (further guidance can be found in paragraph 32 and paragraph 33;</li> <li>-the present use of the land;</li> <li>-the tree's or trees' importance as a wildlife habitat; and/or</li> <li>-trees which are not to be included in the Order.</li> </ul> <p>Gov.uk TPO Paragraph 40:  Nor should the authority confirm an Order if it has made substantial changes to it.</p>
REASONS FOR THE OBJECTION	<p><u>A general description of genera should be sufficient:</u>  HHMC Object, the "drawn up" and served order does not provide sufficient detail of Hebron Hill Trees. There is no description of size, form, density or health of trees. Without this information the TPO has no enforcement and therefore its legality should be questioned. The modification of the served order to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40.</p> <p><u>Accurately map their boundaries</u>  HHMC object, the boundaries are inaccurate, with some plots over estimated by up to 3m. The inaccuracy of the order must be questioned and as such its very existence.</p> <p><u>Information on any people with a legal interest in the land affected by the Order</u>  HHMC object, the order does not define all parties with legal interest. The inaccuracy of the order must be questioned and as such its very existence.</p> <p><u>The present use of the land;</u>  HHMC object, the present use of the land is not clearly stated in the served order. HHMC believes that the present use of the land has not been considered during judgement of the order.</p> <p>The order affects HHMC lands and residential lands. Residents have made significant financial investment to move, purchase property and live at Hebron Hill. A TPO represents a major change to ownership life of all Hebron Hill residents. Residents may not have chosen to purchase these properties if a TPO was already applied, and therefore we believe that retrospectively applying a TPO is grounds for claim and compensation, It should be noted that a TPO can reduce property value by up to 25% and NCC should be held liable.</p> <p><u>The tree's or trees' importance as a wildlife habitat</u>  HHMC Object, the trees or trees importance as a wildlife habitat is not documented as rational in reasons for making the order, this absence from served regulation 3 and regulation 5 notices is considered to be deliberate. The modification of these documents to include such phrasing would be deemed as a substantial change to the TPO and prevent confirmation of the order, as per Gov.uk TPO paragraph 40. HHMC further state the wildlife impact would be</p>



	<p>minimal, due to the current absence of local wildlife; this is due to neighboring farming operations routinely culling species.</p> <p><u>Trees which are not to be included in the Order</u></p> <p>HHMC Object, despite clear indication that many trees are of poor health or form these have not been excluded from the order. HHMC has Immediate Needs Assessment Survey (APPENDIX E: Immediate Needs Assessment Survey).</p> <p>The fact that the TPO survey did not identify these trees is concerning, it is assumed either NCC were incompetent in survey and the order should be questioned for validity or that NCC deliberately included dangerous trees into the order.</p>
RECOMMENDATION	<p>HHMC is deeply concerned by the TPO survey and form of the order. The competence of the order is questioned and as such its very existence.</p> <p>HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.</p>

<b>OBJECTION 11</b>	<b>TPO Survey – Assessment Factors and Rating Index</b>
REFERENCE	W1, W2, G1
CONTEXT	Gov.uk TPO paragraph 8 Amenity Value Gov.uk TPO Paragraph 10 Expedient in Practice Tilia Tree Evaluation Method for Preservation Orders (TEMPO) Report:
REASONS FOR THE OBJECTION	<p>NCC have a duty to act in an even-handed and open manner. HHMC question whether an STO form of contract is suitable for the appointment of Tilia Services for the TPO survey. HHMC also raise question if Tilia services have stated past relationship with HHMC (Tilia were considered for services by HHMC, but ultimately HHMC selected alternative consultancy services).</p> <p>HHMC object to the assessment factors of Tilia TEMPO Report. HHMC do not see alignment with Tilia TEMPO report and Gov.Uk TPO Paragraph 8 Amenity Value and Paragraph 10 Expediency requirements.</p> <p>HHMC state that the assessment factors are inaccurate, misleading and provide heavy bias to make a TPO.</p> <p>HHMC are deeply concerned by the index scoring system, this is generalized and introduces heavy bias to make a TPO.</p> <p>HHMC make particular note:</p> <ul style="list-style-type: none"> <li>-Many assessment metrics are missing from Tilia TEMPO report.</li> <li>-Visibility metric and index is extremely misleading and inaccurately assessed for Hebron Hill trees.</li> <li>-Other factors metric and index is misleading and bias to a degree that HHMC regarded this as overall score manipulation.</li> <li>-Expediency Index score is inaccurate and entirely based on hearsay, this cannot form part of a formal document and should be dismissed. As per gov.uk TPO paragraph 10 without expediency it is unlikely to require an Order.</li> </ul>
RECOMMENDATION	<p>HHMC condemn the TEMPO report. Its inadequacy and deviation from gov.uk TPO guidelines enables a misleading report which serves as severe bias to make a TPO. The survey report should be deemed inadmissible and any subsequently drafted documents which have utilized the survey report should be withdrawn.</p> <p>HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.</p>

<b>OBJECTION 12</b>	<b>Gov.uk TPO Paragraph 23: Site Visit Rights of Access</b>
REFERENCE	W1, W2, G1
CONTEXT	Any person duly authorized in writing by the authority may enter land for the purpose of surveying it in connection with making or confirming an Order if there are reasonable grounds for entering for that purpose.
REASONS FOR THE OBJECTION	<p>HHMC object, we believe the TPO survey to be unlawful access of HHMC lands. A TPO is based on terms: amenity “value to the public” and expedient “risk or danger to the trees”.</p> <p>Amenity Value as per gov.uk TPO paragraph 8 and Expedient assessment as per Gov.uk TPO paragraph 10 can both be conducted without the need to access HHMC private land. HHMC further state amenity assessment is to determine the public value, therefore to prevent bias in the survey, the amenity assessment should be exclusively performed from public accessible land. Any amenity assessment conducted on private land is amenity value that cannot benefit the public and therefore should not form part of the order.</p>
RECOMMENDATION	<p>HHMC see no reasonable grounds for entering the HHMC land. The TPO survey can be conducted remotely or without bias from public lands. HHMC state that the TPO survey and information was illegal obtained and should be inadmissible. All subsequent drafted documents which have utilized the TPO survey information, directly or indirectly, would also be deemed to be inadmissible.</p> <p>HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.</p>

<b>OBJECTION 13</b>	<b>Gov.uk TPO Paragraph 24: Form of the Order</b>
REFERENCE	W1, W2, G1
CONTEXT	<p>Gov.uk TPO Paragraph 24: Form of the Order.</p> <p>Gov.uk TPO Paragraph 7: Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.</p> <p>Gov.uk TPO Paragraph 37: Authorities should bear in mind that, since they are responsible for making and confirming Orders, they are in effect both proposer and judge. They should therefore consider how best to demonstrate that they have made their decisions at this stage in an even-handed and open manner.</p>
REASONS FOR THE OBJECTION	<p>HHMC object, the act is contradictory and ambiguous. HHMC question the legality and validity of the TPO act.</p> <p>Paragraph 24 details the required contents of the served Order.</p> <p>Paragraph 7 states that the Authority should be able to “show the degree of public benefit”</p> <p>Paragraph 37 states authorities should “demonstrate that they have made their decisions at this stage in an even-handed and open manner”.</p> <p>HHMC observe that the served Order as per paragraph 24, contradicts requirements in paragraphs 7 and 37; the served order does not contain information to show degree of public value or provide evidence of an even-handed and open manner decision process. The absence of these important documents provide opportunity for poor protocol and bias during process and decision to make the TPO.</p>
RECOMMENDATION	HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.

<b>OBJECTION 14</b>	<b>Gov.uk TPO Paragraph 27: Groups</b>
REFERENCE	G1
CONTEXT	<p>Gov.uk TPO Paragraph 27: The group category should be used to protect groups of trees where the individual category would not be appropriate and the group's overall impact and quality merits protection.</p> <p>Regulation 3 Notice: 11 Sycamores, land lying to the east of Hebron Hill Farm and directly west of "The Farm House".</p>
REASONS FOR THE OBJECTION	<p>HHMC Object, a TPO applied to G1 will cause significant risk and disruption to HHMC residents, especially the entrance to HHMC and the "The Farm House".</p> <ul style="list-style-type: none"> <li>-G1 Sycamores have limited amenity.</li> <li>-G1 Sycamores are not readily visible from public accessible land.</li> <li>-Sycamore species is not rare.</li> <li>-G1 Sycamores structural condition and form cannot be assessed due to ivy cover, it is irresponsible to protect trees without knowing the condition and health of the tree. HHMC have been removing ivy and structural detailed survey is scheduled for September 2022. (Appendix E: Immediate Needs Assessment Survey).</li> <li>-G1 Sycamores have no expediency.</li> <li>-Sycamores are advised to be a minimum 17m proximity from nearby buildings. The G1 sycamores are within this proximity and therefore require a lot of close attention to minimize risks to the residents.</li> <li>-Sycamores are not advised near housing, they have dense canopies and restrict light to housing. Sycamores also grow approx. 1.75m per year. This is a particular concern to "The Farm House" residents. These trees require regular maintenance to maintain their structure and form, preventing encroachment, impacting residents safety and right for light in their property.</li> <li>-HHMC values the G1 sycamores, however HHMC recognizes that these trees require regular and routine maintenance to maintain safety and amenity to HHMC and residents.</li> <li>-HHMC do not believe a TPO on the G1 sycamores will meet their requirements.</li> <li>-NCC have to date; shown poor communication and incompetent with regards to immediate needs work in W1 and W2 areas. HHMC has no confidence that NCC has capacity or skillset to meet their requirements.</li> <li>-HHMC display good arboricultural management and these trees will be maintained.</li> </ul> <p>There is no requirement for G1 sycamores to have a TPO.</p>
RECOMMENDATION	<p>HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.</p> <p>IF NCC remain adamant and disregard legally valid objections, HHMC recommends that the TPO affected area be heavily reduced. (APPENDIX F: Proposed TPO Modification Options).</p>

<b>OBJECTION 15</b>	<b>Gov.uk TPO Paragraph 28: Woodlands</b>
REFERENCE	W1, W2
CONTEXT	<p>Gov.uk TPO Paragraph 28:  The woodland category’s purpose is to safeguard a woodland as a whole. So it follows that, while some trees may lack individual merit, all trees within a woodland that merits protection are protected and made subject to the same provisions and exemptions. In addition, trees and saplings which grow naturally or are planted within the woodland area after the Order is made are also protected by the Order.</p> <p>It is unlikely to be appropriate to use the woodland classification in gardens. The woodland category should not hinder beneficial woodland management. Whether or not they make an Order, authorities can consider encouraging landowners to bring their woodlands into proper management under the grant schemes run by the Forestry Commission. If a woodland subject to an Order is not brought into such a scheme, authorities can still encourage applications to manage the trees in ways that would benefit the woodland without making a serious impact on local amenity, for example by making a single application for regularly repeated operations.</p> <p>Regulation 3 Notice:  W1: Mixed woodland consisting of sycamore, beech and winch elm, land lying the the west of Hebron Hill Farm directly west of “The Willows”  W2: Mixed woodland consisting of sycamore, Beech, Wych Elm, Scots Pine and Silver Birch, land lying to the north east of Hebron Hill Farm and directly north and to the rear of “Woodside and also to the rear of “Oaklands”, “The Sycamore” and “The Firs”.</p>
REASONS FOR THE OBJECTION	<p>HHMC Object, a TPO applied to woodlands W1 and W2, these will cause significant risk and disruption to HHMC residents, especially “willows”, “woodside”, “Oaklands” “The Sycamore” and “The Firs”.</p> <ul style="list-style-type: none"> <li>-W1 has limited amenity.</li> <li>-W2 has no amenity.</li> <li>-W1 is not readily visible from public accessible land.</li> <li>-W2 is not visible from public accessible land.</li> <li>-Species in W1 and W2 are not rare.</li> <li>-Tree structural condition and form cannot be assessed due to ivy cover, it is irresponsible to protect trees without knowing the condition and health of the tree. HHMC have been removing ivy and structural detailed survey is scheduled for September 2022. (Appendix E: Immediate Needs Assessment Survey).</li> <li>-Hebron Hill is exposed to weather, recent winter storms caused damage to some trees in the W1 and W2 areas. The effects of this damage are not yet fully understood to the remaining trees. A TPO acting on these areas is currently irresponsible. Immediate Needs works have been heavily delayed due to the provisional TPO, this has needlessly prolonged risk to HHMC and its residents safety. HHMC will be conducting a detailed survey in September 2022, this will provide long term maintenance plan for the Hebron Hill trees. Any works required will have a short duration to act before winter weather returns.</li> <li>-HHMC do not believe a TPO on the W1 or W2 areas will meet their requirements.</li> <li>-NCC have to date; shown poor communication and incompetency with regards to immediate needs work in W1 and W2 areas. HHMC has no confidence that NCC has capacity or skillset to meet their requirements.</li> <li>-W1 and W2 have no expediency.</li> <li>-Sycamores are advised to be a minimum 17m proximity from nearby buildings.</li> <li>-Beech are advised to be a minimum 15m proximity from nearby buildings.</li> </ul>

	<p>-Wych Elm are advised to be a minimum 30m proximity from nearby buildings.</p> <p>-Scots Pine are advised to be a minimum 8m proximity from nearby buildings.</p> <p>-Silver Birch are advised to be a minimum 10m proximity from nearby buildings</p> <p>Trees within W1 and W2 are within this proximity and therefore require a lot of close attention to minimize risks to the residents.</p> <p>-The nature of a Woodlands designation applied in close proximity to housing is irresponsible. W1 and W2 are woodland designation, this protects natural new growth saplings and trees. W1 and W2 boundaries are very close to existing buildings. It is strongly advised to avoid planting trees within the proximity of housing, however the W1 and W2 woodland designation and boundaries will subject HHMC to new 'naturally planted' trees in this proximity zone and furthermore actually protect these trees. This will cause many issues to HHMC residents, impacting property and safety.</p> <p>-W2 designation has applied woodlands category to residential gardens in direct conflict to the TPO act guidelines. NCC judgment and consideration has failed the residents and community of HHMC in this regard. The W2 boundaries are also overstated and encroach on proximity guidelines for housing and trees. HHMC note that "Woodside" and "Oaklands" have over 50% of their land now designated as Woodlands. This represents a significant change in homeownership and lifestyle. HHMC struggle to comprehend how such law can be retrospectively applied, without consideration of the effect to the homeowners. Reports state that TPOs affecting properties can impact value by 25% and can restrict the market for selling. HHMC believe NCC must show responsibility and/or be held liable.</p> <p>-HHMC remain concerned that woodlands category being utilized on communal HHMC lands will also affect the property value and resale potential. As residents our houses represent the largest investment of our lives and this therefore must become a major consideration. Upon purchase of these properties there was no land restrictions, to have TPO restrictions retrospectively applied is deeply concerning. Residents want to utilize these spaces as natural environments, a woodland TPO category will restrict residents due to potential liability, this space will therefore grow wild and resident amenity value will suffer. Residents may not have opted to purchase such properties or paid the value at the time of purchase, if the TPO been applied during development stages.</p> <p>HHMC notes that some residents will highly consider moving from their properties if the TPO is confirmed and will hold NCC accountant and liable for damages.</p> <p>-All species listed in W1 and W2 have rapid yearly growth. This is a particular concern to "willows", "woodside", "Oaklands" "The Sycamore" and "The Firs" residents. These trees require regular maintenance to maintain their structure and form, preventing encroachment, impacting residents safety and right for light in their property.</p> <p>-HHMC values the trees designated in W1 and W2 areas, however HHMC recognizes that these trees require regular and routine maintenance to maintain safety and amenity to HHMC and residents.</p> <p>-HHMC do not believe a TPO on the W1 and W2 areas will meet their requirements.</p> <p>-HHMC display good arboricultural management and these trees will be maintained with legal practice.</p> <p>There is no requirement for W1 and W2 areas to have a TPO.</p>
RECOMMENDATION	<p>HHMC condemn the use of Woodlands on the gardens of HHMC residents, this shows poor judgement and consideration by NCC.</p> <p>HHMC recommend that W2 be greatly reduced to remove the gardens. HHMC further comment that a change of category for the gardens would not be</p>

	<p>permitted, this modification would constitute as substantial change to the TPO and therefore would prevent confirmation of the order, as per paragraph 40. HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect.</p> <p>If NCC remain adamant and disregard legally valid objections, HHMC recommends that the TPO affected area be heavily reduced. (APPENDIX F: Proposed TPO Modification Options).</p>
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<b>OBJECTION 16</b>	<b>Gov.uk TPO Paragraph 33: Regulation 5 Objections</b>
REFERENCE	W1, W2, G1
CONTEXT	Gov.uk TPO Paragraph 33: Explain that objections or representations about any of the trees, groups of trees or woodlands covered by the Order may be made to the authority in accordance with Regulation 6; Contain a copy of Regulation 6; and specify a date (at least 28 days after the date of the notice) by which any objection or representation must be received by the authority.
REASONS FOR THE OBJECTION	NCC have provided HHMC a deadline to object by 22 <sup>nd</sup> August 2022. However, since the order has been served, NCC availability, communication, timely response and quality of response to questions and requests for public information has been extremely poor. HHMC notes that NCC actions during the objection window has highly impacted their response, reducing HHMC objection window by approx. 50%. HHMC subsequently, reserved the right to raise objections. HHMC is deeply concerned by the objection process. HHMC believe their rights are diminished and that bias is favorable with the implementing authority. We request formal meeting to discuss the TPO and our objections.
RECOMMENDATION	HHMC recommends that the provisional TPO not be confirmed and should be removed with immediate effect. If NCC remain adamant and disregard legally valid objections, HHMC recommends that the TPO affected area be heavily reduced. (APPENDIX F: Proposed TPO Modification Options).

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Linda Jackson  
Legal officer  
Regulation Team  
County Hall  
Morpeth  
Northumberland  
NE61 2EF

William Sharp  
[REDACTED]  
Hebron Hill  
Morpeth  
Northumberland  
NE61 3DF

16<sup>th</sup> March 2023

Dear Linda,

**Re: Notice of making a Tree Preservation Order (No.01 2023).**

I am writing to submit objection, in accordance with Regulation 6 of Town and Country Planning (Tree Preservation) (England) Regulations 2012, with regards to your reference 020118, named: The Northumberland County Council (Land at Hebron Hill Farm, Hebron, Morpeth, Northumberland) Tree Preservation Order 2023 (No.01 of 2023) Town & Country Planning Act 1990, Town and Country Planning (Tree Preservation) (England) Regulations 2012, served dated 10<sup>th</sup> January 2023. The objection should be considered for the: TPO in its entirety, TPO categories, selected individual trees and any perceivable combination of parts. This objection should be considered in addition to a formerly submitted Hebron Hill Management Company (HHMC) objection.

The primary issue to consider is the validity of the Tree Preservation Order (TPO) at Hebron Hill (HH). The Council may make a TPO *“if it appears to them to be ‘expedient’ in the interests of ‘amenity’ to make provision for the preservation of trees or woodlands in their area’*. In the Reasons for Making the Order, the Council state that, *“The Council has made the Order because the Woodland areas and tree groups are prominent features within the surrounding landscape and valuable visual assets to the Farm and entire location, contributing to the visual amenity of the area”*. This statement holds error and does not constitute suitable grounds for Making an Order in accordance with the law on Tree Preservation Orders as in Part VIII of the Town and Country Planning Act. Whilst ‘Amenity’ is not defined in law, it is defined in TPO act *“authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, taking into account the following criteria”* the act proceeds to list and detail many parameters. The Council have identified two defined parameters of ‘amenity’ within their Reasons for Making the Order, stating the HH trees are *“prominent features within the surrounding landscape”* and *“visual assets”*. The HH trees constitute approximately 0.2% of the trees within a 2km radius, therefore it must be reasoned that HH trees are not prominent features with the surrounding landscape. I predict the Council are mistakenly considering the respective visibility of HH trees for their contribution to the landscape, however with this notion *“Are all trees on elevated land worthy of TPO?”* this is not a factor mentioned in the TPO act and I highly doubt this would be acceptable. Visibility has its own consideration and consequently cannot be factored twice for two independent parameters. That being the case, correctly excluding the statement ‘contribution to the surrounding landscape’ from the Reasons for Making the Order, leaves only the parameter of ‘visibility’, this itself will be discussed later in the objection. The law clearly states *“Public visibility alone will not be sufficient to warrant an Order”*, as there are no other recognized ‘amenity’ parameters stated within Reasons for Making the Order, the TPO is deemed unsuitable by law and therefore should be *“Not Confirmed”*.

Notwithstanding the fact the Council have failed to show grounds that legally achieve “amenity”, I would like to identify further discrepancy from the TPO act, which should be considered when assessing the validity of the TPO. The law states “*Although some trees or woodland may merit protection on amenity grounds it may not be expedient to make them the subject of an Order. For example, it is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management*”. HHMC and respective residents of HH, collectively own and are responsible for the trees subject to the Order. HHMC have and can clearly demonstrate exceptional arboricultural management. HH trees are subject to regular arboricultural survey, conducted by an expertly qualified arboriculturist. All recommended remedial works are conducted by an independent expertly qualified arborist, who ensure compliance to both forestry regulation and BS3998 (recommendations for tree works). Given the clear arboricultural management, the TPO is an unnecessary and superfluous ruling. *Unless the Council are questioning the ability and record of qualified industry experts?* Which I doubt to be the case, although some communications have expressed notion to this viewpoint. There has been no harm and no intention to cause harm to any HH trees; HHMC practices and procedure prevent any risk for future harm. In fact, HHMC and residents, wish to conduct native regeneration and have intentions to plant trees at HH; it is the natural environment that attracted many of the residents to purchase their houses at HH, and the residents are acutely aware it is the nurturing of the environment that will maintain the appeal of HH. It should be further noted that HH trees are protected by Forestry regulations in the UK; this would, by law, prevent harm to HH trees. The proven absence of “Expediency” in practice and significantly the absence of any ‘Expediency’ by the Council within their Reasons for Making the Order, further indicate the TPO lacks validity and is unsuitable by law, consequently the TPO should be “Not Confirmed”. It is prudent to further state there are many instances of case law, namely “*Gilman v Rutland County Council*”, where judge ruling stated, if there is no risk of felling, a TPO should be “Not Confirmed”. I believe HHMC and residents have clearly shown comparative circumstances and therefore applying this precedent, the TPO at HH should be “Not Confirmed”.

When accessing the ‘visual’ parameter to ‘amenity’, we must consider and review several factors in more detail. The TPO act defines ‘amenity’ for the “*enjoyment by the public*”. All ‘amenity’ parameters, specifically the ‘visual’ receptive, as this is the Councils only recognized and valid ‘amenity’ parameter within the Reasons for Making the Order, therefore it must be recorded from the public perspective at public accessible locations. However, the Council conducted their Tree Evaluation Method for Preservation Orders (TEMPO) survey on HH private land, which is obviously not accessible to the public. The TEMPO results are consequently inaccurate and have been a misleading source of information when making the TPO. The TEMPO survey should be revised and validated before admission and use by the Council. The use of TEMPO will be discussed further in subsequent section. The TPO act further details the Council “*should be able to show that protection would bring a reasonable degree of public benefit in the present or future*”. This statement clearly implies there must be a substantiated degree of public benefit. I must question “*can a ‘reasonable degree of enjoyment’ be achieved from only visibility*”? I would conclude the public would require interaction over and above mere ‘visibility’ or at least the ‘visibility amenity’ would need to be very considerable. HH is private land, surrounded by private farmland, and whilst HH is situated on elevated land that can be seen from a distance, it is fact, as distance increases ‘visibility’ quality decreases and therefore the ‘amenity’ value would also decrease. This would not achieve a ‘reasonable degree’. At closer locations accessible to the public, many viewpoints remain at a distance and have restricted views, hence the ‘amenity’ value continues to be impacted. There are many trees included in the TPO which are not visible to public at all, they offer no public ‘amenity’ and these are not principle trees without which HH trees would lose its cohesion. The inclusion of these trees in the TPO is highly questionable.

Considering these objections individually or as a whole, it is highly questionable if 'visibility' even plays a role towards the 'amenity', it is certain the 'visibility' which is present, does not achieve a 'reasonable degree' or could constitute as 'reasonable enjoyment' from a public perspective. Furthermore, it is questionable if 'visibility' should even be a parameter of 'amenity'. First recorded in 1610, it is a long-established principle in English law, that a landowner cannot protect the view that he has from that land. I am pleased to think HH trees may provide public 'amenity', however by law the public have no 'entitlement' to this 'amenity' as they similarly have no 'entitlement' to protect their view.

The Council have adopted TEMPO survey as their method for assessing 'amenity'. TEMPO was developed by Julian Forbes-Laird (JFL) of FLAC associates, it is a working document which continues to be improved based on feedback. It is not a legally authorized or recognized tool but is one of several methods within the arboricultural industry. TEMPO is owned by JFL but is free to use, guidelines have been created for proper conduct, NCC are not an affiliate or a client of FLAC. *"TEMPO is designed as a field guide to decision-making"* it should not be adopted in exclusivity but may form as one of many tools in the determination of a TPO. This is a point noted in the guidelines *"Clearly, other reasons apply that might prevent/usually obviate the need for the making of a TPO"*. These *"other considerations are most suitably addressed as part of a desk study"*. The TEMPO report, which was incorrectly conducted from private land, is the only document that has been provided by the Council in their justification of the TPO. This point and the preceding facts stated in this objection, evidently show that 'other considerations' have not been considered. The TEMPO guidelines further caution, the method *"is supposed to function as a guide and not as a substitute for the surveyor's judgement"* and *"it should be stressed that the method is not prescriptive except in relation to zero scores: TEMPO merely recommends a course of action. Thus a tree scoring, say, 16, and so 'definitely meriting' a TPO, might not be included for protection for reasons unconnected with its attributes"*. Numerous qualified experts in the industry, have stated HH does not require a TPO (please see appendix statement from Jim Richardson BSc For. HND. Arb). Perhaps the TEMPO survey being a quick 'field guide' *"presented on a single side of A4"* has not enabled the surveyor to adequately assess HH trees, or perhaps the surveyor's judgement has not been subsequently considered in the making of the TPO, but there is a clear disparity between the Council and industry expert opinion. Personally, I question *"how a one hour TEMPO survey can compare with, a qualified experts, multiple day, Woodland Management report?"* I deduce that HHMC and their expert consultants have a far higher understanding of HH trees than the Council. The TPO act states the Council should record *"trees which are not to be included in the Order"*, a TPO should not protect: dead, dangerous, poor form or low life expectancy trees. TEMPO guidelines also reiterate this fact *"Dead, dying or dangerous trees should not be placed under a TPO"*. The Council have protected all HH trees, including many dying, dead, dangerous and diseased trees, this is a sign of error. TEMPO does include opportunity to score 'Expediency', this is questionable, as determining 'expediency' is a desk top study and not a field assessment. The Council have scored 'expediency' as a 'foreseeable threat' stating they are in receipt of 'representations'. I can confirm that HHMC, who govern HH trees, were not contacted by the Council at the time of TEMPO survey. The source and validity of these representations and consequently the 'expediency' scoring is particularly intriguing, perhaps it is based on hearsay or maybe it is further surveyor error. The absence of 'expediency' in the Reasons for Making the Order' show the Council have acted against their surveyor, questioning the TEMPO validity themselves. JFL has been provided with details that form this objection, he has stated he would be willing to conduct a desk-top review and offer preliminary advice under a consultancy service. It is worth noting JFL and FLAC will not take on *"appeals that cant – or shouldn't – succeed"*, their willingness to take HHMC and/or residents as a new client, shows substance of the objection.

Whilst it should be applauded that the Council seek to utilize a standardized method, it is clear this method is not without fault, it has been applied incorrectly, it has been utilized exclusively and it has disregarded expert qualified judgement.

The TPO act states *“Whether or not they make an Order, authorities can consider encouraging landowners to bring their woodlands into proper management”*, implying adequate woodland management offer suitable protection and a woodland TPO may not always be required. Of course, this objection has already proven HHMC woodland management and hence again it is recommended that the TPO be *“Not Confirmed”*. A woodland TPO is notoriously difficult to manage and to enforce, this is clear in multiple case law, its practicality in a residential setting such as HH would not usually be recommended. The council have utilized two large woodland categories across the site, the boundaries of the woodlands extend to within 3m of residential properties. The woodlands predominantly consist of Sycamore and Beech species, it is recommended that Sycamore and Beech should not be planted within a 15m proximity of buildings. A woodland category protects *“trees and saplings which grow naturally”*, if you would not plant a tree within a designated proximity to a building, it would seem irrational and irresponsible to protect a naturally planted tree within the same proximity. It is clear the boundaries of the ‘woodlands’ should be reduced away from residential properties. Furthermore, within the Councils ‘Growing Together: A strategy for the management of NCC trees and woodlands’ document, the *“regeneration of non-native tree species such as sycamore, beech”* is specifically noted as a threat to woodlands or as a problem causing poor woodland condition. I cannot comprehend why the Council would use a woodland TPO, directly conflicting their own management strategy document. If the council persist for a TPO, despite the numerous indicators throughout this objection, the woodlands should be re-categorized into several group categories. Group categories will better align with TEMPO which states to score *“those principle trees without which the group would lose its aerodynamic or visual cohesion”*, whilst also enabling improved woodland management, native regeneration and proactively protecting residential properties.

There has been no required intervention of the Council or need for a TPO throughout the history of HH. This extends from when HH was an operational and derelict farm, during change of ownership when the developer acquired land and gained planning permission, during the renovation and construction of HH residential properties, or since the latest change of ownership and the past 5 years of HHMC and residential governance. A TPO may have been applicable to previous ownership; the historical land use and development would have far higher likelihood of risk to HH trees. An arboricultural report did accompany development plans in 2011, upon significant change to the development in 2017, the Council approved plans without reconsidering or enforcing revision of the arboricultural report. It should be noted that properties now reside within arboricultural constraint zones identified in the 2011 report. The current ownership clearly demonstrates no risk and therefore Council intervention and a TPO at this stage is far from understood. As previously stated, the current ownership exhibits exceptional arboricultural management and a TPO is an unnecessary and superfluous ruling. In fact, it can be shown that the Council has no interest in Hebron; Local policy documents ‘Green Infrastructure Strategy’ does not recognize HH trees at all, (it does notably identify a large nearby ancient woodland, which is not TPO protected), whilst the ‘Northumberland Key Land Use Impact Study’ also fails to identify Hebron, it is included as a larger region and this region scores amongst the lowest for landscapes potentially requiring additional protection in Northumberland. Review of TPOs for the last 10 years show no TPOs within 2km radius of Hebron. Considering the above information, in collaboration with previously stated information relating the TPO validity, I consider the Order to be discriminatory and prejudicial. I refer to TPO no.03 of 2017, where

Northumberland Planning Committee set precedent by “Not Confirming” a TPO under similar circumstance and objections.

TPO no.01 of 2023 is not the first attempt to make a TPO at HH. Previously, TPO no.06 of 2022 was made and “Not Confirmed”. The TPO act recognizes the disproportionate allocation of power to the Council and therefore they must exhibit exceptional moral responsibility *“Authorities should bear in mind that, since they are responsible for making and confirming Orders, they are in effect both proposer and judge”*, in recognition, the law specifically cautions the Council to its process. *“They should therefore consider how best to demonstrate that they have made their decisions at this stage in an even-handed and open manner”*. TPO no.06 of 2022, did not comply with the TPO act; the decision process was not ‘demonstrated in an even-handed or open manner’, it was conducted by delegated authority within the planning department, away from council planning committee and consequently also breached Article 6 Civil Rights and Obligations, the right to *“a fair and public hearing from an independent and impartial tribunal”*. *“Many TPOs have been discussed at Planning Committee, why would the Council choose not to hold formal proceedings in this case?”* The formal response to TPO No.06 of 2022 did not provide any Information; merely informing the public the decision to “Not Confirm” was based on objections received. TPO no.06 of 2022 and TPO no.01 of 2023 do not contain any explanation or evidence to substantiate their validity, therefore several Freedom of Information (FOI) requests have been raised to obtain required information for understanding of the TPO. The Council have selectively provided information, including: TPO registers and records (notably omitting successful TPO objection no.03 of 2017 which they could not ‘find’, curiously I have since managed to easily find this in their online records), and they have provided the TEMPO survey for TPO no.06 of 2022. All other FOI requests are either; significantly outstanding beyond their legal limit or have been refused entirely. *“What tree information does the Council hold, which is too sensitive for disclosure to the public? especially when redaction can be utilized”*. I believe the action of the Council breach both FOI Environmental Information Regulations (EIR) and the TPO Act. The failure by the Council to disclose information and suitably prove or validate HH TPOs, is restricting the public ability to form competent objection or representation. The Council must therefore be held to equal standards; It is expected that both past actions and future action of the Council must be explained and must solely rely on disclosed public information. If the Council introduce, modify or rely on contained information, to explain past actions or future decisions, this would not be considered a ‘fair trial’ as the public opportunity and right to comment on this information has been withheld. *“Authorities cannot confirm an Order unless they have first considered any duly made objections or other representations”*. It is also noted that *“Authorities can confirm Orders, either without modification or with modification”*, due to the Council having no grounds for making a TPO, it is clear the existing TPO would require significant modification and likely additional undisclosed information for validation. In this case, it should be further noted *“The Authority should not confirm an Order it has modified by adding references to trees, groups of trees or woodlands in the Schedule to the order or the map to which the Order did not previously apply. Nor should the authority confirm an Order if it has made substantial changes to it”*. It would be considered a substantial change should the Council modify the Reasons for Making the Order or alter the category, references or map included within the Order. What was included in the TPO is considered to be deliberate and similarly, what was not included is also considered to be deliberate. It would be a substantial change if the Council introduce new undisclosed information, either to public record or to the form of the TPO, and rely on this information for validity.

This TPO objection clearly identifies that a TPO should be “Not Confirmed”. The Objection is not comprehensive; there are many other discrepancies of the TPO act which are not stated. The Council

has been encouraged by HHMC and myself to engage in formal meeting, to discuss all objections and representations, as per TPO guidelines *“Discussion between the LPA and any person who makes an objection is encouraged. Discussion can lead to a greater mutual understanding of each side's point of view. This in turn can help clarify the main issues which will have to be considered by the LPA before they decide whether to confirm the TPO”*. To date this proposal, disappointingly, continues to be rejected by the Council. There are concerning: process, procedural and conduct issues from the public and Council officers which have not been referenced in this Objection. It should be noted, Social Ombudsman do see potential malpractice and have elected to conduct formal investigation. The Council have not extended the TPO objection deadline to accommodate the resolution of outstanding information, appeals and formal investigations. This is against the wishes of planning councilors and the regional MP, who recognize that these are contributing factors and upon their resolution, the public should have opportunity to comment in their objection or representation. This objection has consequently been restricted, and this is another factor which should be considered in the determination of the TPO.



APPENDIX: Jim Richardson Email

**From:** [REDACTED] >  
**Sent:** 15 March 2023 16:00  
**To:** [REDACTED] >  
**Subject:** [EXTERNAL]: RE: TEMPO

Dear [REDACTED],

Further to previous correspondence regarding the TPO at Hebron Hill, I can confirm that Woodsman has been engaged by the Hebron Hill Management Company to assist with tree management operations across the site.

We have provided an immediate needs assessment report in February 2022, following storm damage across the site and a more comprehensive Woodland Management report in October of 2022 with works recommendations relating to both risk management and long-term management of trees across the site. We will continue consultancy and survey on an ongoing annual basis. Underplanting and an increase in species diversity are clear objectives of the future management. The retention of the trees for shelter, wildlife value and amenity are all unquestioned. HHMC have been exemplary in following recommendations.

With regards to the application of a TPO to the Hebron Hill trees I have the following observations.

- The trees under management of the Hebron Hill Management Company (Woodland Groups W1&W2, and Group G1) are protected by the Forestry Act. Any significant works to these trees would require a felling licence at the discretion of the Forestry Commission, this offers these woodland groups considerable protection. Further to this, the nature and structure of the management committee also offers tree protection. These woodlands and groups are clearly not under threat and are being responsibly managed.
- The most significant threat to the sites trees was during the re-development of the site.
- For trees in private gardens (Groups G2-G5) there may be some case for TPO protection. These trees are not protected by the co-operative of the management company. Woodsman services do survey all private gardens and owners have followed all consultancy recommendations. These groups are not under threat and are being responsibly managed.

Please feel free to use this email in any representations you make as an appeal to the TPO in its current form.

Kind Regards,

Jim Richardson. BSc For. HND.Arb.

[REDACTED]

Please note all provisional survey schedules are subject to change.

[www.woodsman-arb.co.uk](http://www.woodsman-arb.co.uk)

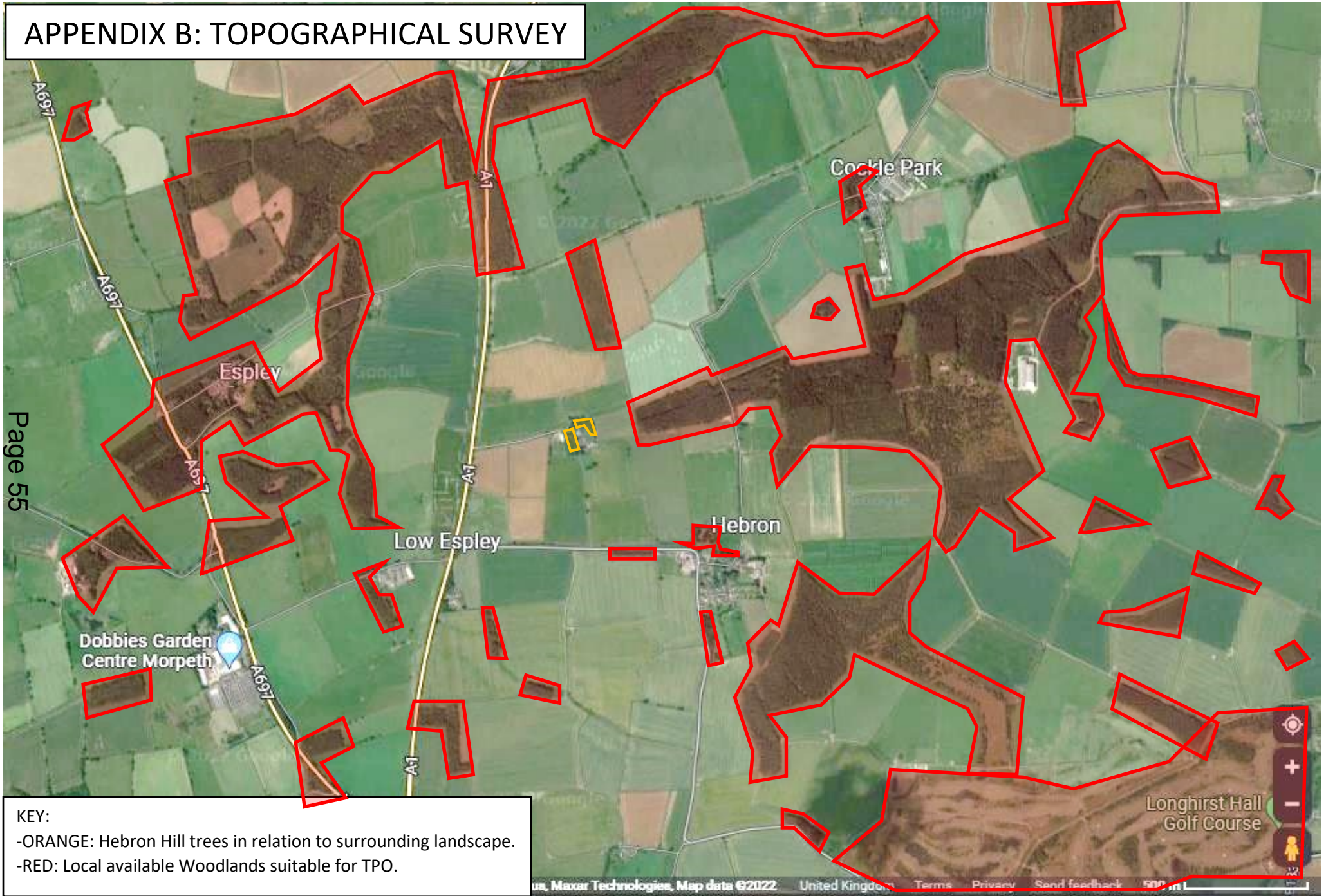
[REDACTED]



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# APPENDIX B: TOPOGRAPHICAL SURVEY

Page 55

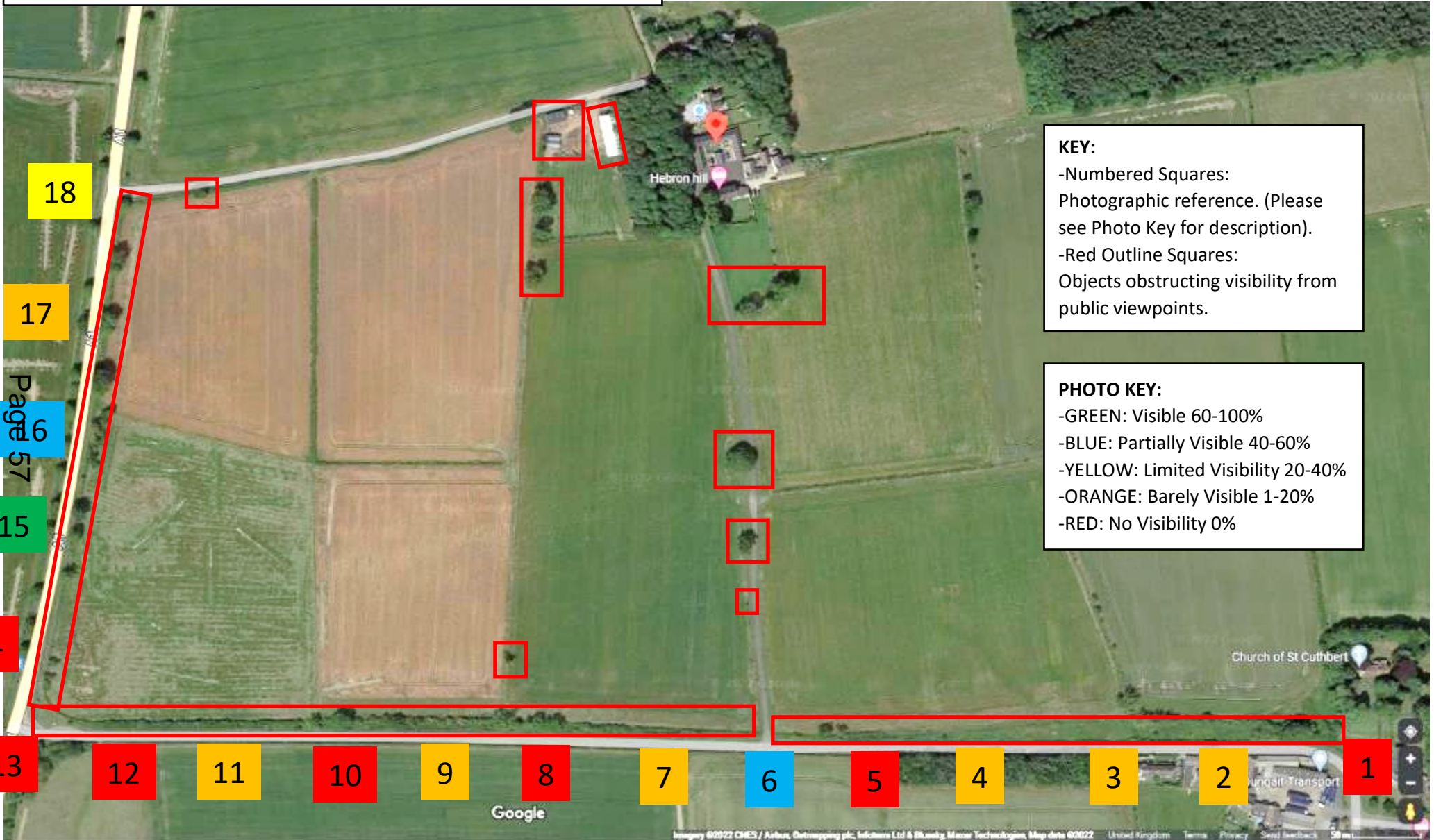


## KEY:

- ORANGE: Hebron Hill trees in relation to surrounding landscape.
- RED: Local available Woodlands suitable for TPO.

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# APPENDIX C: PHOTOGRAPHIC SURVEY



**KEY:**

- Numbered Squares: Photographic reference. (Please see Photo Key for description).
- Red Outline Squares: Objects obstructing visibility from public viewpoints.

**PHOTO KEY:**

- GREEN: Visible 60-100%
- BLUE: Partially Visible 40-60%
- YELLOW: Limited Visibility 20-40%
- ORANGE: Barely Visible 1-20%
- RED: No Visibility 0%

1. NOT VISIBLE



2. BARELY VISIBLE



3. BARELY VISIBLE



4. NOT VISIBLE



5. BARELY VISIBLE



6. PARTIAL VISIBILITY



7. BARELY VISIBLE



8. NOT VISIBLE



9. BARELY VISIBLE



10. NOT VISIBLE



11. BARELY VISIBLE



12. NOT VISIBLE





13. NOT VISIBLE



14. NOT VISIBLE



15. VISIBLE



16. PARTIAL VISIBLE



17. BARELY VISIBLE



18. LIMITED VISIBLE



## APPENDIX A: ENDORSEMENTS OF OBJECTION

ENDORSEMENT: Jim Richardson:

HND Arb, BSc For.

<https://www.woodsman-arb.co.uk/>

[REDACTED]

**From:** Jim Richardson [REDACTED]  
**Sent:** 19 August 2022 11:13  
**To:** Will shrpi [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** [EXTERNAL]: Re: HHMC TPO Objection - Form to Sign

Dear Will,

Please accept this email as my support for your objection to the TPO at Hebron Hill.

As I am currently out of the country I cannot provide a signed declaration of my support for the objection.

I can confirm that prior to the TPO being applied I had been engaged by HHMC to produce a tree management strategy and plan for the area affected.

The area has previously been developed and no further development is planned.

The trees are not under threat of removal.

Any significant works beyond clearance of dead or weak specimens would be likely to require a felling licence.

In short as there is no threat to the trees the application of a TPO would not serve any useful purpose.

Regards,

Jim Richardson

[REDACTED]

On 17 Aug 2022 16:31, Will shrpi [REDACTED] wrote:

Jim, Tim,

HHMC would appreciate your review of our TPO objection and supporting information.

If you choose to endorse these documents and our Objection to the TPO, we would be grateful if you can sign the declaration form attached and scan back to us.

Kind Regards

Will Sharp

ENDORSEMENT: Tim Calder

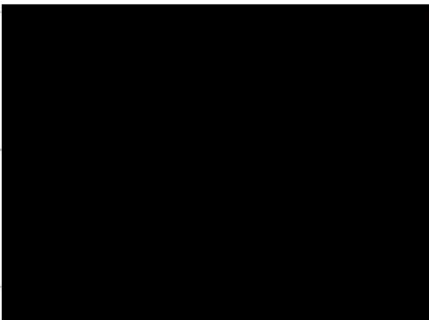
National Diploma in Forestry and Agriculture (Level 3) & TechArborA holder.

<https://www.tctreeservices.co.uk/>

Endorsement of Hebron Hill Management Company Tree  
Preservation Order Objection to Northumberland County Council

I certify that I have read in full the Hebron Hill Management Company Tree Preservation Order objection document and its supporting information, and that I understand the contents.

I agree with the Hebron Hill Management Company and I show support to endorse Hebron Hill Management Company Tree Preservation Order objection to Northumberland County Council placing a Tree Preservation Order, by signature of this document.

Name		Date	19 aug 22
Signature		Association	Tree Surgeon.

ENDORSEMENT: Andrew D Kelly  
50year resident of Hebron  
14 year Parish Councilor (Retired)

**Endorsement of Hebron Hill Management Company Tree  
Preservation Order Objection to Northumberland County Council**

I certify that I have read in full the Hebron Hill Management Company Tree Preservation Order objection document and its supporting information, and that I understand the contents.

I agree with the Hebron Hill Management Company and I show support to endorse Hebron Hill Management Company Tree Preservation Order objection to Northumberland County Council placing a Tree Preservation Order, by signature of this document.

Name	[REDACTED]	Date	18 - AUG - 22
Signature	[REDACTED]	Association	50 YEARS HEBRON RESIDENT 14 YEARS OF HEBRON PARISH COUNCIL

**Endorsement of Hebron Hill Management Company Tree Preservation Order  
 Objection to Northumberland County Council**

I certify that I have read in full the Hebron Hill Management Company Tree Preservation Order objection document and its supporting information, and that I understand the contents.

I agree with the Hebron Hill Management Company and I show support to endorse Hebron Hill Management Company Tree Preservation Order objection to Northumberland County Council placing a Tree Preservation Order, by signature of this document.

NAME	ASSOCIATION	SIGNATURE	DATE
[REDACTED]	HHMC CHAIR	[REDACTED]	18 AUG 22
	HHMC RESIDENT		18/08/2022
	HHMC RESIDENT		18/8/2022
	HHMC RESIDENT		18/08/2022
	HHMC RESIDENT		18/08/22
	HHMC RESIDENT		18.8.22
	HHMC RESIDENT		18.8.22
	HHMC RESIDENT		18/8/22

**Endorsement of Hebron Hill Management Company Tree Preservation Order  
Objection to Northumberland County Council**

I certify that I have read in full the Hebron Hill Management Company Tree Preservation Order objection document and its supporting information, and that I understand the contents.

I agree with the Hebron Hill Management Company and I show support to endorse Hebron Hill Management Company Tree Preservation Order objection to Northumberland County Council placing a Tree Preservation Order, by signature of this document.

NAME	ASSOCIATION	SIGNATURE	DATE
Ian Dunn and Richard Emery	The Cottage, Hebron Hill		17 August 2022
	Rossfield House Hebron Hill		18/08/22
	THE FARMHOUSE HEBRON HILL.		18/8/22
	HHMC RESIDENT		2 18/8/22
	HHMC RESIDENT		19/8/22
	The Elms, Hebron Hill		19/8/22

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Hebron Hill Management Co Ltd

14<sup>th</sup> February 2022

MODIFIED 26th July 2022

## Immediate Needs Arboricultural Works Assessment February 2022

Dear all at Hebron Hill,

Following the site visit on Friday 11<sup>th</sup> of February I have the following comments and works recommendations for the areas of communally managed shelterbelt woodlands at Hebron Hill.

### Area Immediately North of Garages.

- Elm trees with severe dieback overhanging garage – Remove **HIGH PRIORITY**
- X1 Sycamore immediately behind garage – Major deadwood in crown –  
Remove major deadwood **HIGH PRIORITY**
- Other trees with overhang of garages – remove **HIGH PRIORITY**
- X1 Beech with bark necrosis and major deadwood – Reduce to wildlife  
monolith **HIGH PRIORITY**
- X1 Beech with split main trunk – Reduce to wildlife monolith. **HIGH PRIORITY**

### Northern Shelterbelt

- Defective stems marked for removal. **HIGH PRIORITY**

### Western Shelterbelt.

- X1 Beech at northern edge sever decay – may fall to block farm-track. –  
Reduce/remove. **HIGH PRIORITY**

- Trees marked with cross to fell/remove. HIGH PRIORITY
- Sycamores immediately adjacent to The Willows – Most have no immediate signs of structural or physiological weakness.
  - X1 Marked with decay/cavity at 2m – Pollard or fell. HIGH PRIORITY

Sycamore Cluster At Top Of Drive (To east of drive adjacent to the old farmhouse.)

- No immediate signs of concern – Ivy obscures view of structural condition.

Driveway

- Ash Tree in Farm-house Garden. – Monitor for Ash Dieback.
- Third-Party Oak mid-way up drive with overhang. – Broken branch over drive – remove defective branch. HIGH PRIORITY

General Management – All Areas.

- Ivy cover obscures views of structural condition. Remove for Sept Survey
- Ivy should be severed at ground level without damaging bark. – This will allow for future inspection.
- Mature Elms throughout the site may succumb to Dutch Elms Disease and should be monitored.
- Some future thinning of the shelterbelts is desirable in the medium and long term.
- Once the immediate needs have been dealt with there should be scope for considering longer-term management strategy. Schedule 06/Sept/22
- All trees marked with a cross are recommended for removal. Trees marked with a dot are recommended for reduction or remedial works. HIGH PRIORITY

I look forward to hearing from you in due course and would advise that a further survey be undertaken in late summer to early autumn with trees in leaf.

Kind Regards,

Jim Richardson.

# APPENDIX F: Proposed TPO Modification Options

Consideration:



**BLUE:** No Group or Woodland TPO to be permitted. This zone has high proximity, amenity and interference with HHMC residents. Trees in this zone require regular maintenance having impact: risk to buildings, safety of residents, building insurance, residents access to light, amenity value to residents.

**YELLOW:** Preferred no Group or Woodland TPO to be permitted. This zone has strong amenity and interference with HHMC residents. Trees in this zone require regular maintenance having impact: risk to inner perimeter trees, residents access to light, amenity value to residents.

**ORANGE:** We do not believe this is suitable for TPO. There are services on neighbouring lands. There has been substantial storm damage.

**RED:** This is not HHMC land. It should have minimal effect to HHMC residents, and provides the strongest justification for amenity to the public.

RECOMMENDATION 1: Removal of W1, W2 and G1.



RED: Removal of Provisional TPO Areas

RECOMMENATION 2: Removal of W2 and G1, with reduction of W1



GREEN: Proposed W1 category. The perimeter trees are the only trees which could provide amenity.

RED: Removal of Provisional TPO Areas

**RECOMMENATION 3:** Removal of G1, with reduction of W1 and W2.



GREEN: Proposed W1 & W2 category. The perimeter trees are the only trees which could provide amenity.

RED: Removal of Provisional TPO Areas

We do not believe this is a suitable TPO due to W2 proximity to neighbouring services.



## Northumberland County Council

### CASTLE MORPETH LOCAL AREA COUNCIL

15 MAY 2023

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### DETERMINATION OF PLANNING APPLICATIONS

#### Report of the Director of Planning

Cabinet Member: Councillor C Horncastle

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#### Purpose of report

To request the Local Area Council to decide the planning applications attached to this report using the powers delegated to it.

#### Recommendations

**The Local Area Council is recommended to consider the attached planning applications and decide them in accordance with the individual recommendations, also taking into account the advice contained in the covering report.**

#### Key issues

Each application has its own particular set of individual issues and considerations that must be taken into account when determining the application. These are set out in the individual reports contained in the next section of this agenda.

### DETERMINATION OF PLANNING APPLICATIONS

#### Introduction

1. The following section of the agenda consists of planning applications to be determined by the Castle Morpeth Local Area Council in accordance with the current delegation arrangements. Any further information, observations or letters relating to any of the applications contained in this agenda and received after the date of publication of this report will be reported at the meeting.

#### The Determination of Planning and Other Applications

2. In considering the planning and other applications, members are advised to take into account the following general principles:
  - Decision makers are to have regard to the development plan, so far as it is material to the application

- Applications are to be determined in accordance with the development plan unless material considerations indicate otherwise
  - Applications should always be determined on their planning merits in the light of all material considerations
  - Members are reminded that recommendations in favour of giving permission must be accompanied by suitable conditions and a justification for giving permission, and that refusals of permission must be supported by clear planning reasons both of which are defensible on appeal
  - Where the Local Area Council is minded to determine an application other than in accordance with the Officer's recommendation, clear reasons should be given that can be minuted, and appropriate conditions or refusal reasons put forward
3. Planning conditions must meet 6 tests that are set down in paragraph 206 of the NPPF and reflected in National Planning Practice Guidance (NPPG, March 2014 as amended). They must be:
- Necessary
  - Relevant to planning
  - Relevant to the development permitted
  - Enforceable
  - Precise
  - Reasonable in all other respects
4. Where Councillors are contemplating moving a decision contrary to officer advice, they are recommended to consider seeking advice from senior officers as to what constitutes material planning considerations, and as to what might be appropriate conditions or reasons for refusal.
5. Attached as Appendix 1 is the procedure to be followed at all Local Area Councils.

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### **BACKGROUND PAPERS**

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

### **IMPLICATIONS ARISING OUT OF THE REPORT**

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



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

Report author : Rob Murfin  
 Director of Planning  
 01670 622542  
 Rob.Murfin@northumberland.gov.uk

## **APPENDIX 1: PROCEDURE AT PLANNING COMMITTEES**

### **Chair**

Introduce application

### **Planning Officer**

Updates – Changes to Recommendations – present report

### **Public Speaking**

Objector(s) (5mins)

Local Councillor/Parish Councillor (5 mins)

Applicant / Supporter (5 mins)

NO QUESTIONS ALLOWED TO/ BY PUBLIC SPEAKERS

### **Member's Questions to Planning Officers**

### **Rules of Debate**

Proposal

Seconded

DEBATE

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

### **Vote (by majority or Chair casting vote)**

Chair should read out resolution before voting

Voting should be a clear show of hands.



**Northumberland**  
County Council

**Castle Morpeth Local Area Committee 15<sup>th</sup> May 2023**

<b>Application No:</b>	22/00369/FUL		
<b>Proposal:</b>	Redevelopment of existing land and buildings and the erection of 6No dwellings		
<b>Site Address</b>	Katerdene , Fulbeck, Morpeth, NE61 3JX		
<b>Applicant:</b>	Michie C/O 4-6 Market Street, Alnwick, NE66 1TL,	<b>Agent:</b>	Mr Craig Ross 4-6 Market Street, Alnwick, NE66 1TL,
<b>Ward</b>	Pegswood	<b>Parish</b>	Hebron
<b>Valid Date:</b>	24 February 2022	<b>Expiry Date:</b>	21 April 2022
<b>Case Officer Details:</b>	Name: Mr Richard Laughton Job Title: Planning Officer Tel No: 01670 622628 Email: richard.laughton@northumberland.gov.uk		

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



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## 1. Introduction

1.1 Under the provisions of the Council's current Scheme of Delegation, this application is being determined at Castle Morpeth Local Area Council as it raises significant planning issues.

## 2. Description of the Proposal

2.1 The application is seeking permission for the redevelopment of existing land and buildings and the erection of 6No dwellings at Katerdene, Fulbeck, Morpeth. The application proposes a terrace of 3 properties; a semi-detached properties and a large detached dwelling consisting of traditional features of use of stone to the external walls.

2.2 Located north of Morpeth and east of Fairmoor, the site falls within the general extent of the Green Belt. The site is located approximately 130m north of the Northumberland Local Plan Green Belt inset boundary and Morpeth Neighbourhood Plan settlement boundary. The Morpeth Northern Bypass runs in between the site and the settlement boundary of Morpeth. The proposed site is adjacent to the existing residential dwelling and is bound by agricultural fields with a line of trees to the north, east and west. The site comprises of 3 buildings, hard standing/gravel.

2.3 The site holds a permission 19/05032/AGTRES that allows for the change of use of the existing agricultural building in the north of the site to 2 dwellings. The remaining site is D2 Use Class as confirmed under 19/01461/CLEXIS.

2.4 An application was refused on September 2021 at committee for 7 dwellings under 21/00236/FUL. The scheme has been revised to reduce the scheme to 6 dwellings with an indication of an improved design and to remove the greenfield land from the application site with a clearer confirmation on the previously developed land. It is acknowledged that some members of the committee recognised that an acceptable scheme could be acceptable in principle for the site.

## 3. Planning History

**Reference Number:** 19/01461/CLEXIS

**Description:** Certificate of Lawful Development of an existing use: D2 use class upon land parcel A and Sui Generis (agriculture and D2) use class upon building 1.

**Status:** Approved

**Reference Number:** 19/05032/AGTRES

**Description:** Change of use of existing agricultural building including partial demolition and conversion to 2no. dwellings

**Status:** Prior approval granted

**Reference Number:** 21/00236/FUL

**Description:** Redevelopment of existing land and buildings and the erection of 7No dwellings

**Status:** Refused

**Reference Number:** CM/04/D/134

**Description:** Proposed new farm house.

**Status:** Approved

#### 4. Consultee Responses

Hebron Parish Council	No response received.
Morpeth Town Council	Objection
Highways	Highways – objection as considered unsustainable location however acceptable in in highways safety terms and conditions recommended.
County Ecologist	No objection subject to conditions
Public Protection	No objection subject to conditions
Northumbrian Water Ltd	No response received.

#### 5. Public Responses

##### Neighbour Notification

Number of Neighbours Notified	49
Number of Objections	2
Number of Support	27
Number of General Comments	2

##### Notices

General site notice - 10<sup>th</sup> March 2022

No Press Notice Required.

##### Summary of Responses:

Objection from Morpeth Town Council:

- Unnecessary development in the open countryside contrary to Morpeth Neighbourhood Plan Policies Sus1 and Set1.
- Unsustainable location as reliance is on car to services contrary to Morpeth Neighbourhood Plan Policies Sus1.
- Inappropriate development in the Green Belt and no very special circumstances demonstrated
- Site and Layout not respectful of character of the site and its rural surroundings
- No requirement for windfall sites in the area
- Bridge over bypass has no pavements or cycle lanes

There have been 27 letters of support:

- The development will see the removal of existing buildings and provide additional housing in the area

- The re-use of the site will provide a high-quality development, whilst improving appearance
- Additional jobs and support to nearby services
- Development will be viewed as part of a cluster of buildings and which is characteristic to the area
- Utilises previously developed land
- Site is near Morpeth and a sustainable location

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=R71LX0QSM8200>

## 6. Planning Policy

### Northumberland Local Plan (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 4 Climate Change mitigation and adaption (Strategic Policy)

Policy STP 6 Green Infrastructure (Strategic Policy)

Policy STP 7 – Strategic approach to the Green Belt

Policy STP 8 – Development in the Green Belt

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

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

Policy HOU 5 Housing Types and Mix

Policy HOU 7 – Exception sites

Policy HOU 8 Isolated 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

Policy ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)

Policy ENV 2 Biodiversity and geodiversity 1

Policy WAT 1 Water quality

Policy WAT 2 Water supply and sewerage

Policy WAT 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 MIN4 Safeguarding waste mineral resources

Policy MIN5 Prior extraction of minerals

Policy INF1 Delivering development related infrastructure

Policy INF5 Open Space and facilities for Sport and recreation

Policy INF6 Planning Obligations

## **Morpeth Neighbourhood Plan 2011-2031 (Made 10th May 2016)**

Policy Sus1- Sustainable Development Principles

Policy Des 1 –Design Principles

Policy Set1- Settlement Boundaries

Policy Env1- Landscape and Wildlife Corridors

Policy Tra3 – Transport Requirements for New Developments

### 4.2 National Planning Policy

National Planning Policy Framework (2021) (NPPF)

National Planning Practice Guidance (2020) (NPPG)

## **7. Appraisal**

7.1 The main considerations in the assessment of this application are:

- Principle of the development;
- Layout, scale and appearance;
- Impact on residential amenity;
- Highways
- Ecology
- Public Protection
- Flood Risk

### Principle of Development

7.2 The site lies within the open countryside and Green Belt however, is proposing 6 dwellings on a site consisting of existing buildings, part of which has extant permission for the conversion of agricultural buildings for 2 dwellings under (19/05032/AGTRES) and previously developed land 19/01461/CLEXIS identifies the building as Sui Generis.

#### *Open Countryside*

7.3 Policy STP 1 of the NLP and Policy Set1 of the MNP both identify the site as open countryside as the proposed site just falls outside the Morpeth settlement boundary.

7.4 Criterion e) of STP 1 supports development within Green Belt inset boundaries or settlement boundaries. It states:

*“Sustainable development within, or immediately adjacent to the built-up form of Main Towns, Service Centres, Service Villages, and Small Villages without defined Green Belt inset boundaries or settlement boundaries will be supported, subject to Green Belt policy considerations where relevant, if it is:*

- i. Commensurate with the size of the settlement; and*
- ii. Reflects the role and function of the settlement; and*
- iii. Does not adversely impact upon the character and appearance of the settlement; and*
- iv. Does not adversely impact upon the setting of the settlement or the surrounding countryside”.*

7.5 The site is located within the open countryside however, is also adjacent to a ‘Main Town’ on the edge of the Morpeth settlement boundary with it being located only

approximately 130m away from a residential area in Morpeth to the south and approximately 180m to development at Fairmoor to the west. These neighbouring built up areas are either identified to be within the settlement boundary identified in the Morpeth Neighbourhood Plan or Green Belt inset boundary in the Northumberland Local Plan. Whilst the site may appear disconnected due to the Morpeth bypass it can be visually linked to the surrounding development.

7.6 Policy STP 1 states however, that sustainable development within, or immediately adjacent to the built-up form of Main Towns, Service Centres, Service Villages, and Small Villages **without** a defined Green Belt inset boundaries or settlement boundaries will be supported in accordance with the identified criteria. The site is adjacent to a 'Main Town' that has a defined Green Belt inset boundary in the NLP therefore, the application is not in strict accordance with Policy STP e). The matter of whether the application proposes a 'sustainable development' will be discussed later in the appraisal.

7.7 It must also be acknowledged that the purpose of Policy STP 1 and spatial strategy is to manage the location of development and settlement boundaries to help protect the countryside, prevent the merging of settlements, maintain the character and form of settlements, and protect the settings of historic and ecological assets. As the proposal is constrained to developing upon brownfield land and existing buildings, there would be no significant encroachment into the open countryside beyond the existing tree lined site boundaries.

7.8 In favour of the application is Criteria (i) of STP 1 which states '*development in the open countryside should be sensitive to its surroundings, not have an unacceptable impact upon the local road network and use previously developed land where opportunities exist*'. The site comprises of previously developed land with a scheme sympathetic to the rural and built environment through appropriate design and the replacement of unsightly buildings, improving the appearance of the site and enhancing the setting of the surrounding area. There would also be no impact upon the highways network based on the use of an existing safe access. As such, the application would accord with this element of STP 1.

7.9 Criterion (g iv) of Policy STP 1 supports development within the open countryside that provides for residential development in accordance with Policy HOU 7 or HOU 8. It states "*development in the open countryside will be supported if it can be demonstrated that it... provides for residential development in accordance with Policies HOU 7 or HOU 8*".

7.10 Policy HOU 7 relates to schemes that could be allowed in the open Countryside which is considered to be a small 'Rural Exception Site'. This seeks to provide an exception to development in the countryside for small schemes that provide affordable housing. This has not been proposed in the application, therefore is not applicable.

7.11 Policy HOU 8 supports the development of isolated homes in the open countryside in cases where it re-uses redundant or disused buildings and enhances its immediate setting. As this relates to re-use rather than redevelopment however, this would not apply to the application. Overall, the site is not considered as 'isolated' given its proximity to Morpeth and an existing residential unit and buildings on site.

7.12 Policy HOU 2 relates to the provision of new residential development and the delivery of new open market and affordable dwellings in a range of tenures, types and



sizes will be supported where it is consistent with: a. The spatial strategy for Northumberland; b. Meeting the objectively assessed housing needs and housing priorities as identified through an up-to-date assessment; and c. Making the best and most efficient use of land and buildings, encouraging higher densities in the most accessible locations and the redevelopment of suitable previously-developed 'brownfield' sites wherever possible and viable to do so. Similar to policies STP 1 and STP 3, there is conflict with the NLP spatial strategy but recognised benefits in terms of making the most efficient use of land through the redevelopment of a previously developed site and existing buildings.

7.13 Policy Set1 of the Morpeth Neighbourhood Plan defines Morpeth's settlement boundary. The proposed site falls just outside of the boundary and therefore, should be treated as open countryside. It sets out a list of development that will be supported in the open countryside including 'housing that meets the criteria in paragraph 55 of the NPPF' (now paragraph 80). Paragraph 80 of the NPPF relates to homes in isolated areas, which it can be argued this site is not.

7.14 Whilst not 'isolated' there is a judgement to be made on whether the site is sustainable in terms of its accessibility to local services. There have been representations received from Morpeth Town Council and comments from NCC Highways Development Management advising that the site will be dependent on the private vehicle to access services despite the close proximity to Morpeth.

7.15 The site is connected to Morpeth by a road bridge that passes over the bypass which appears light in traffic and used by cyclists. It would be possible for pedestrians to walk over the concrete verges into a residential area of Morpeth only 130m from the site. The bridge also leads onto a pedestrian footpath and a formal cycling route along the Morpeth Bypass, connecting to Fairmoor to the west with bus stops and further access into Morpeth. In terms of the sustainable development principles established in NLP Policy STP 3 criterion J states that development will be expected to:

*"Be accessible by or be able to be made accessible by public transport, walking or cycling where feasible, thereby reducing the need to travel for both people and goods, and the dependence on travel by private car".*

7.16 There is already an established residential use on site, and it can be relatively accessible to a 'Main Town' thereby reducing the dependence on travel by private car. However, the identified lack of infrastructure on the adjacent road bridge such as any formal footpaths or cycle lanes, questions pedestrian and highway safety of this route and therefore, the reliance will be on the private car to access services. The proposal would therefore, conflict with the aims of Policy STP 3(J).

7.17 The application does accord sustainability principles with other criteria in NLP Policy STP 3 such as;

- Minimising the impact upon local amenity for new or existing residents and businesses by securing a more compatible use to the adjacent residential property;
- Make an efficient use of land through the re-use of brownfield land;
- Enhances local distinctiveness of the natural and built environment and helps promote a sense of place;
- Effectively manages the impact on the highway network;
- Maximises energy efficiency;

- Located in an area with low flood risk;
- Biodiversity enhancements.

7.18 The application aims to reduce energy consumption with a commitment to a minimise resource use, mitigate climate change through sustainable design and construction with further details to be secured by a condition. This can include improved efficiency of heating, cooling, ventilation and lighting; prioritise the use of locally sourced, recycled and energy efficient building materials; connect to small-scale renewable and low carbon energy systems, if viable; facilitate the efficient use of water and are flexible to allow for future modification, refurbishment and retrofitting. This supports the principles in NLP Policy STP 4 and QOP 5 and a positive factor in the planning balance.

### *Green Belt*

7.19 Policy STP 7 of the Northumberland Local Plan (NLP) sets the strategic approach to the Green Belt in the County. As defined in the Policies map, the application site is located within the Green Belt, approximately 130 meters north of the inset boundary of Morpeth.

7.20 Policy STP 8 of the NLP relates to development in the Green Belt, it sets out how Green Belt land will be protected and enhanced in accordance with national planning policy. It states *'in assessing development proposals within the Green Belt:*

- a. Development that is inappropriate in the Green Belt, in accordance with national planning policy, will not be supported except in very special circumstances where other considerations clearly outweigh the potential harm to the Green Belt, and any other harm resulting from the proposal;*
- b. Development which is not inappropriate in the Green Belt, as defined in national planning policy, will be supported'.*

Therefore, the proposed development will need to be assessed against national Green Belt policies set out in the NPPF.

7.21 Paragraph 149 of the NPPF states local planning authorities *'should regard the construction of new buildings as inappropriate in the Green Belt'* and gives a closed list of exceptions to this. The proposal indicates that exception g) of paragraph 149 is relevant:

- 'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
- not have a greater impact on the openness of the Green Belt than the existing development; or*
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.'*

7.22 The site consists of brownfield land confirmed under permission 19/01461/CLEXIS for Sui Generis D2 use and has extant permission for the conversion of agricultural buildings for 2 dwellings under (19/05032/AGTRES) which is likely to be developed should the application be refused.

7.23 The submitted statement confirms that the development footprint on site will be reduced by 23%, from 571sqm to 131sqm and a modest volume increase of 30% which is generally acceptable. In defining openness, it is generally accepted to mean the absence of development. Planning Policy Guidance states a judgement based on the circumstances of the case is required when assessing the impact of a proposal on the openness of the Green Belt. Through the courts, a number of matters in considering impacts on openness have been raised:

- *‘openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation.’*

7.24 The proposed development will not have a greater impact in terms of spatial considerations and photos montages further supports that the proposed design presents a visual improvement. Whilst there will be a removal of trees, the scheme retains those along the main vantage points to provide screening from the wider surrounding area and to retain the rural character of the site. The additional planting proposed will also improve the visual appearance within the site and an overall enhancement when comparing the proposed dwellings against the existing structures on site.

7.25 The application would therefore not have a greater impact on the openness of the Green Belt and meet the criteria within paragraph 149 of the NPPF.

### Conclusion

7.26 The site does not strictly accord with the Spatial Strategy and Policy STP1 and STP 3 of the NLP as it is located outside the Green Belt inset boundary and is not easily connected to services by formal pedestrian footpaths. However, the site is not an isolated location immediately adjacent to the Morpeth settlement boundary and has other economic and environmental sustainability benefits identified in Policy STP3.

7.27 The scheme can be considered acceptable in the Green Belt as accords with paragraph 149(g) in the NPPF as it would develop upon previously developed land with no greater impact to openness as there would be approximately just over a 30% increase in volume and reduction in floor space in comparison to the existing buildings with a visual improvement from a high-quality design and layout.

### Design and Visual Amenity

7.28 NLP Policy HOU 9 aims for residential development management to contribute to a sense of place, which supports community identity and pride. The location and design of facilities should provide opportunities to screen or reduce their visual prominence, not impact upon amenity, health or security; Policies QOP1 and QOP2 sets out the design criteria for new proposals and to ensure development will be required to provide a high standard of amenity for existing and future users of the development itself and not cause unacceptable harm to the amenity of those living in, working in or visiting the local area.

7.29 Policy Des1 of the Morpeth Neighbourhood Plan includes a list of criteria in terms of the design of new developments. Of particular relevance to this application, the policy states that proposals will be supported where:

- The design and layout of the development achieves a sense of place by protecting and enhancing quality, distinctiveness and character of settlements;
- Respecting or enhancing the character of the site and its surroundings in terms of its proportion, form, massing, density, height, size, scale, materials and detailed design features;
- Ensuring the development safeguards, respects and enhances the natural environment, the biodiversity, landscape and wildlife corridors and the countryside;
- Ensuring that the development does not cause an acceptable adverse impact on the amenities of occupiers of existing or proposed nearby properties;
- Incorporating sustainable drainage systems.
- These policies are consistent with the aims of the NPPF which has good design as one of the key aspects of sustainable development and which states that developments should respond to local character and history and reflect the identity of local surroundings and materials.

7.30 The proposed layout will create a small cluster of dwellings to form a well-designed place to create a positive and coherent identity. The scheme will remove an unsightly group of buildings but appreciate the history of the site with the design of the dwellings proposing traditional features and use of stone throughout to integrate with the surrounding rural character. The general principle of the external materials is welcomed but a condition is recommended to secure further details to ensure the appearance responds to local character to reflect the identity and local surroundings. It is recognised that a spacious development is proposed with undeveloped areas of land available to be used for open space that will contribute to social cohesion and inclusion.

7.31 The proposed appearance of the dwellings achieves a balance between the modern housing in Morpeth and Fairmoor whilst also appreciating the traditional farm steadings within the open countryside. The heights, scale and façade design are appropriate and in proportion to present a visually attractive group of buildings that achieves a sense of place by protecting and enhancing quality and character of the rural and built environment. The site will benefit from connectivity to both urban and rural areas, offering an attractive place to live.

7.32 There is a good provision of outdoor amenity space, and the scheme provides a spacious layout with access to the rural surroundings and natural features. The proposed dwellings would not have a detrimental impact to neighbouring amenity in terms of loss of light, outlook and privacy due to the adequate separation distances retained. The proposed front elevation of the terraced properties would be sited approximately 15 metres from the side elevation of Katerdene. The size and lack of fenestration upon the side elevation of the existing property ensure the new dwellings would not have a significant impact on privacy.

7.33 Overall, the proposed design and layout is supported that enhances quality of the built and rural environment and there would be no detrimental impact to the amenity of existing and future occupants. As such, the application is in accordance with NLP Policies QOP1, HOU 9 and Des 1.

## **Highways**

7.34 Policy TRA 1 of the NLP states that the transport implications of development must be addressed as part of any planning application. Policies TRA 2 and TRA 4 seek to ensure any new application has no detrimental impact to the existing transport network and provides adequate parking provision in accordance with the NCC standards within Appendix E of the Plan. Policy Tra3 of the MNP seeks to ensure traffic flows leading to Morpeth Town Centre is not severe and incorporates improvements to pedestrian and cycle routes.

7.35 A Highways objection remains with regards to the location of the proposed development, in that the proposals are outside the settlement boundary of Morpeth, and do not accord with policies STP3, TRA1 and TRA2 of the NLP in terms of promoting and enhancing sustainable modes of transport and offering a genuine choice of travel. Future residents of this site will be solely reliant on private car use to access basic amenities and facilities. There is a request to remove new pedestrian links from the site that lead towards the adjacent road bridge. It is not encouraged to connect to a road bridge where no formal footpaths exist.

7.36 The application has been supported with the vehicular access arrangements to the site, with drawings presented demonstrating that refuse vehicles and private cars can access and egress the site safely. The speed survey data has been submitted which identifies the 85th percentile speeds (over a 15-day period) of 36.4mph southbound and 32mph northbound on the U6010. Appropriate visibility splays, in accordance with these recorded speeds have been shown on the submitted drawings. It is considered that the presented information demonstrates that safe and suitable vehicular access to the site can be achieved for the intended residential use, and the volumes of traffic as a result of the development do not indicate that there will be a capacity issue on the U6010. The site can suitably accommodate adequate parking on site. The imposition of conditions and informative will address the highways safety and capacity concerns with the proposed development. From this perspective, the site is in accordance with NLP policies TRA1, TRA 2 and TRA 4 and Tra3 of the MNP.

## **Ecology**

7.37 NLP Policy ENV 2 states 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

7.38 The proposed development may impact on protected or notable species, designated nature conservation sites or priority habitat in the absence of mitigation, which is proposed in the ecological report. This mitigation should be secured by condition. In accordance with planning policy the development should provide a net gain for biodiversity which can be achieved through the provision of a landscape plan, secured through a planning condition.

7.39 Although trees and shrubs on the site are to be felled, they are not of high quality. Trees will be retained along the more exposed northern boundary and along with the planting proposals, the site will, in time provide mitigation for this. This scheme includes new tree planting, native hedge planting, grassland planting and the installation of hedgehog/amphibian hibernacula, 6 bird boxes and 4 bat boxes or features. Some conditions are required to ensure protected species will not be harmed by the development and the requirement for net gain for biodiversity will be met.

7.40 The County Ecologist has no objection subject to conditions therefore the application is in accordance with Policy ENV 2.

### **Public Protection**

7.41 NLP Policy POL 1 relates to unstable and contaminated land. Development proposals will be supported where it can be demonstrated that unacceptable risks from land instability and contamination will be prevented by ensuring the development is appropriately located and that measures can be taken to effectively mitigate the impacts.

7.42 NLP Policy POL 2 relate to pollution and air, soil and water quality and development proposals in locations where they would cause, or be put at unacceptable risk of harm from, or be adversely affected by pollution by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances will not be supported. Development proposals that may cause pollution of water, air or soil, either individually or cumulatively, are required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, people or biodiversity.

7.43 The Environmental Protection Team have been consulted and offer no objection to the application and would recommend conditions are imposed in order to protect public health and prevent loss of amenity.

7.44 The Phase 1 Geo-Environmental Risk Assessment assesses the risk to future residential site users from potential contamination to be “low to moderate”. No potentially pervasive contamination sources are identified, although the walkover survey did reveal the presence of suspected asbestos containing materials, and some made ground should be expected associated with the existing development. The report recommends that intrusive investigation is carried out to confirm the absence of a significant risk.

7.45 Although no potential ground gas sources are identified in the Phase 1 report, Northumberland County Council require the provision of ground gas protection measures for all development within the Coal Authority’s development low-risk and high-risk areas to the equivalent standard of a Characteristic Situation 2 classification.

7.46 The submitted noise assessment concludes that guidance noise levels can be achieved without mitigation and is found to be acceptable.

7.47 Overall, Public Protection has no objections to the application, subject to condition being imposed relating to land contamination and ground gas mitigation. The application is therefore in accordance with NLP Policies POL 1 and POL 2.

### **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. Conclusion**

8.1 The application conflicts with Spatial Strategy in Policy STP 1 of the NLP in terms of its location for new dwellings in the open countryside beyond the Green Belt inset boundary. There is also concern that the site will rely on the private car to access services identified by Morpeth Town Council and Highways Development Management and therefore is not a sustainable location. These issues should be afforded great weight in the planning balance.

8.2 The application site, however, is not regarded as an isolated location and within close proximity to Morpeth and a form of connectivity from the bypass road bridge to the south. The site is unique due to its visual and close connection to a 'Main Town' and consists of developing upon brownfield land and an extant permission for residential development through the conversion of existing buildings. There would be no greater impact to the openness of the Green Belt from a spatial and visual perspective when comparing the proposed scale, layout against the existing buildings on site.

8.3 The Class Q extant permission is not generally encouraged to use as a fallback position however, the history of the site and its characteristics has been taken into consideration and acknowledgment that the proposed application provides an enhanced scheme, with a more suitable design, layout and an opportunity to create a sense of place.

8.3 Other material considerations that weigh in favour of the application includes a more efficient use of land with the re-use of a brownfield site; an improved design and removal of unsightly buildings; a more compatible use next to an existing residential property; biodiversity enhancements and sustainable construction techniques. The application accords with criteria identified within NLP Policies in STP3, STP4, HOU 9, QOP 4, ENV 2, and MNP Policy Des 1. The application has also received 27 letters of support. The combination of these material considerations should also be afforded great weight in the planning balance.

8.5 The application is finely balanced, but it is considered that the positive factors outweigh the identified policy conflicts, and the application is therefore in accordance with national and local planning policies and recommend for approval.

## **9. Recommendation**

That this application be GRANTED permission subject to the following:

### Conditions/Reason

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

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

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

Proposed Elevs P1-3 ALN511881 1050 Jan2022

Proposed Elevs P4-5 ALN511881 1051 Jan2022

Proposed Elevations P6 ALN511881 1052 Jan2022

Proposed Plans P1-3 ALN11881 1110 Jan2022

Proposed Plans P4-5 ALN11881 1111 Jan2022

Proposed Plans P6 ALN11881 1112 Jan2022

Planting Schedule from George F.White (uploaded 20<sup>th</sup> March 2023)

Landscaping & Ecology Plan ALN511881 1120 Mar 2023 (uploaded 20<sup>th</sup> March 2023)



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

03. Prior to any vegetation removal to enable the development a method statement will be provided to and agreed with the LPA. This will include:

- A method statement to provide protection of any opportunistic bats within the farm buildings to be dismantled and the tree which has low suitability for bats if it is to be removed.
- Precautionary method statements for the protection of birds, hedgehog and amphibians.
- Details of the bat friendly lighting arrangements. Once agreed the development will proceed according to these method statements.

Reason: to ensure protected species are not harmed by this development.

04. Works will proceed according to the accepted Landscape plan (ALN511881) and the planting schedule uploaded on 20 March 2023 Landscape. This includes Tree planting, native hedge planting, grassland planting and the installation of hedgehog/amphibian hibernacula, 6 bird boxes and 4 bat boxes or features

Reason: To ensure the development results in a net gain for biodiversity in accordance with paragraph 174d of the NPPF and policy ENV2 of the Northumberland Local Plan.

05. No dwelling shall 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 and Policy TRA4 of the Northumberland Local Plan.

06. No dwelling shall be occupied until details of the vehicular access have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the vehicular access shall be retained in accordance with the approved details.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan.

07. No dwelling shall 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 and Policy TRA1 of the Northumberland Local Plan.

08. Prior to occupation the Electric Vehicle Charging points shown on the approved plans shall be implemented. Thereafter, the Electric Vehicle Charging Points shall be retained in accordance with the approved plans and shall be kept available for the parking of electric vehicles at all times.

Reason: In the interests of Sustainable Development, in accordance with the National Planning Policy Framework and Policy TRA1 of the Northumberland Local Plan.

09. Development shall not commence until a Demolition and Construction Method Statement, together with a supporting plan has been submitted to and approved in writing by the Local Planning Authority. The approved Demolition and Construction Method Statement shall be adhered to throughout the demolition and construction periods. The Demolition and Construction Method Statement and plan shall, where applicable, provide for:

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

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan.

10. The development hereby permitted shall not be commenced until a scheme to deal with contamination of land or controlled waters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be undertaken by a competent and qualified consultant. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:

a) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/ or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.

b) Thereafter, a written Method Statement (or Remediation Strategy) detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without express written agreement of the Local Planning Authority.

Reason: To ensure that risks from land contamination are minimised.

11. Prior to the development being brought into use or continuing in use the applicant shall submit a full closure (Verification Report) report to the Local Planning Authority for its written approval. The report shall provide verification that the required works

regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met. [Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition].

Reason: To ensure that risks from land contamination are minimised .

12. If during redevelopment contamination not previously considered within any statement / report that has received the approval of the Local Planning Authority is identified, then a written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. The written method statement must be written by a 'competent person'\*. No building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out. [Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition]. \*

"Competent Person" has the same definition as defined within the National Planning Policy Framework (NPPF) ISBN 978-1-5286-1033-9.

Reason: To ensure that risks from land contamination are minimised.

13. No foundation works shall be commenced until a report detailing the proposed protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%) to the standard required in BS8485:2015+A1:2019 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), or to a Characteristic Situation 2 level of protection, whichever is the highest, has been submitted to and approved in writing by the Local Planning Authority.

The report shall also specify to the Local Planning Authority's satisfaction how the annulus of service ducts will be sealed to prevent gas ingress into the living space of the dwelling.

The report shall also contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases)

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

14. No building shall be brought into use or occupied until the applicant has submitted a validation and verification report to the approved methodology in Condition 13 which has been approved in writing by the LPA.

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

15. Notwithstanding any description of the materials in the application, no development shall be commenced until precise details of the types and colours of materials to be used on the external walls of the building have been submitted to and approved in

writing by, the Local Planning Authority. All external facing materials used in the construction of the development shall conform to the materials thereby approved.

Reason: To retain control over the external appearance of the development in the interests of amenity and in accordance with the provisions of Policy QOP 1, ENV9, PNP2 and PNP5 and the NPPF.

16. Notwithstanding the details submitted with the application, prior to the construction of any building above damp proof course level, a scheme to demonstrate how the development will minimise resource use, mitigate climate change and ensure proposals are adaptable to a changing climate to achieve sustainable design and construction in the design of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme and measures shall be implemented in full prior to first occupation and retained thereafter.

Reason: To achieve a sustainable form of development, and in the interests of the satisfactory appearance of the development upon completion, the character and appearance of the site and surrounding environment and the amenity of surrounding residents, in accordance with Policy QOP 5 of the Northumberland Local Plan and the National Planning Policy Framework.

## **Informatives**

### **Alterations to vehicle crossing point (S184)**

You should note that alterations to the existing vehicle crossing point(s) are required. These works should be carried out before first use of the development. To arrange alterations to the existing vehicle crossing point(s) (and to make good any damage or other works to the existing footpath or verge) you should contact the Highways Area Office at: [centralareahighways@northumberland.gov.uk](mailto:centralareahighways@northumberland.gov.uk). I

### **Highway condition survey**

You should note that a highway condition survey should be carried out before the commencement of demolition and construction vehicle movements from this site. To arrange a survey contact Highway Development Management at [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk).

### **Reminder to not store building material or equipment on the highway**

Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.

### **Reminder to not deposit mud/ debris/rubbish on the highway**

In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

### **Street Naming**

You are advised that to ensure that all new properties and streets are registered with the emergency services, Land Registry, National Street Gazetteer and National Land and Property Gazetteer to enable them to be serviced and allow the occupants access to amenities including but not limited to; listing on the Electoral Register, delivery services, and a registered address on utility companies databases, details of the name and numbering of any new house(s) and/or flats/flat conversion(s) on existing and/or newly constructed streets must be submitted to the Highway Authority.

Any new street(s) and property naming/numbering must be agreed in accordance with the Councils Street Naming and Property Numbering Policy and all address allocations can only be issued under the Town Improvement Clauses Act 1847 (Section 64 & 65) and the Public Health Act 1925 (Section 17, 18 & 19).

**Background Papers:** Planning application file(s) 22/00369/FUL

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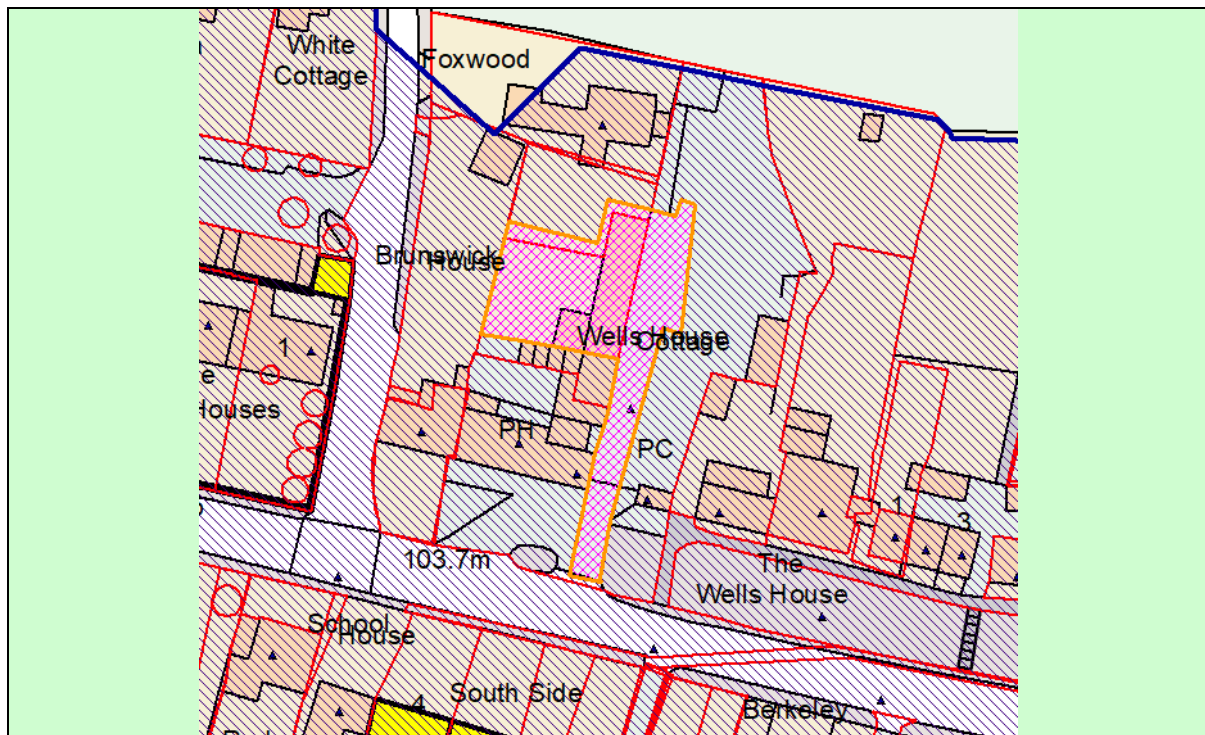


## Northumberland County Council

### Castle Morpeth Local Area Council Planning Committee 15<sup>th</sup> May 2023

<b>Application No:</b>	22/04724/FUL		
<b>Proposal:</b>	Part conversion of existing public house to form three additional guest bedrooms to rear and retain public house at smaller scale (Amended Description).		
<b>Site Address</b>	Beresford Arms, South Side, Whalton NE61 3UZ		
<b>Applicant/ Agent</b>	Mr Mark Thornton 129 The Broadway, Darlington DL1 1EL		
<b>Ward</b>	Ponteland East And Stannington	<b>Parish</b>	Whalton
<b>Valid Date</b>	23 December 2022	<b>Expiry Date</b>	16 May 2023
<b>Case Officer Details</b>	Name: Mr Callum Harvey Job Title: Senior Planning Officer Tel No: 07966 325 979 Email: Callum.Harvey@northumberland.gov.uk		

**Recommendation:** That Planning Permission be GRANTED for the proposed development



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## 1. Introduction

- 1.1 This application is subject to an objection from the Built Heritage and Design officer. Following referral to the Director of Planning and the Chair and Vice-Chair of the Castle Morpeth Local Area Council Planning Committee under the Chair Referral Scheme, it was agreed that this application be determined by Members of the Castle Morpeth LAC Planning Committee.

## 2. Description of the Proposals

- 2.1 Planning permission is sought for the conversion of the ground floor of the northern wing of a public house to form 3no. holiday accommodation guest bedrooms. These three bedrooms would be in addition to the 4no. existing guest bedrooms at first floor level, and would be occupied ancillary to the public house. The public house is known as the Beresford Arms which located in Whalton.
- 2.2 The Beresford Arms is believed to have been built in the mid-19<sup>th</sup> century as a coaching inn. The northern wing of the building which is subject to this application was formally stables associated with the inn, which were converted to form a restaurant on the ground floor and holiday accommodation on the first floor in the mid-1990's, planning reference: CM/94/D/296. The restaurant and holiday accommodation have been used ancillary to the public house. The site benefits from a relatively large and well screened rear curtilage to the west and a car parking area to the east. The site is surrounded to the east, west and north by residential properties.
- 2.3 The northern wing of the building benefits from an extant consent for its conversion to form 2no. dwellings, reference 21/03192/FUL. That decision was made by officers in March 2022 under delegated powers. The differences between the current proposal and that previously approved scheme are as follows:
- Creation of 3no. new guest bedrooms leading to 7no. total guest bedrooms, compared to previously approved 2no. two-bedroom dwellings;
  - Retention of existing external fire escape to western rear elevation of the building;
  - No longer proposing three new openings on western rear elevation of the building; and
  - No longer proposing a subdividing boundary treatment to rear of the building.
- 2.4 No other changes are proposed to the building compared to the previous consent. There are no changes to the previously approved parking arrangement.
- 2.5 It has been submitted that the previously approved scheme for 2no. dwellings is no longer viable and that the currently proposed 3no. guest bedrooms would assist the viability of the existing public house.



- 2.6 The site is located within the village of Whalton, and within the Whalton Conservation Area. To the south of the site is Whalton Village Green which runs adjacent to the adopted highway; whilst the existing access arrangement runs through the designated Village Green, no works are proposed to the access arrangement. The proposed works to the northern wing of the public house would not affect the Village Green.

### 3. Planning History

**Reference Number:** CM/93/D/458

**Description:** Installation of LPG tank

**Status:** Permitted

**Reference Number:** CM/94/D/296

**Description:** Conversion and extension of vacant stables to restaurant with bed and breakfast/lettable holiday accommodation on first floor and provisions of LPG tank as amended plans received 1/3/95 & 2/3/95

**Status:** Permitted

**Reference Number:** CM/93/D/397/CAC

**Description:** Demolition of stables and provision of additional car parking

**Status:** Refused

**Reference Number:** 21/03192/FUL

**Description:** Part conversion of existing public house to form two number dwellings to rear and retain public house at smaller scale

**Status:** Permitted

### 4. Consultee Responses

Whalton Parish Council	No response received.
Highways	No objection following receipt of further plans of existing guest bedrooms. Conditions recommended.
Built Heritage and Design	<p>Objection – revisions requested to remove harm. The application fails to preserve or enhance the character and appearance of the Whalton Conservation Area, or the heritage significance of the host building which is deemed to be a non-designated heritage asset.</p> <p>Whilst no objection is raised to the proposed conversion of the linear range to serve as accommodation to the public house, concerns are raised with the proposed retention of the external fire escape and escape door at first floor level to the western rear elevation, and with the proposed porch to the front eastern elevation of the building.</p>

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## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	7
Number of Objections	0
Number of Support	1
Number of General Comments	0

### Notices

Site Notice - Affecting the Character or Appearance of a Conservation Area:  
Displayed 26th January 2023

Press Notice - Northumberland Gazette: Advertised 19th January 2023

### Summary of Responses:

1 letter of support has been received from a neighbouring property, who are “fully supportive of more accommodation in the village. Although our property and the Beresford Arms share a boundary, we cannot foresee any problems with this alteration of public space to use as additional guest bedrooms and we wish them well.”

Comments can be read in full using the following webpage link:

<https://publicaccess.northumberland.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RN8MN7QSM1U00>

## 6. Planning Policy

### 6.1 Development Plan Policy

*Northumberland Local Plan (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 4 Climate change mitigation and adaption (Strategic Policy)

Policy ECN 1 Planning strategy for the economy (Strategic Policy)

Policy ECN 12 A strategy for rural economic growth (Strategic Policy)

Policy ECN 15 Tourism and visitor development

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 ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)  
Policy ENV 7 Historic environment and heritage assets  
Policy ENV 9 Conservation Areas  
Policy WAT 2 Water supply and sewerage  
Policy INF 2 Community services and facilities  
Policy INF 3 Local village convenience shops and public houses  
Policy INF 4 Assets of community value

## 6.2 National Planning Policy

National Planning Policy Framework (July 2021)  
National Planning Practice Guidance (2018, as updated)

## 6.3 Other documents/strategies

Planning (Listed Buildings and Conservation Areas) Act (1990)

Historic England's 'Conservation Principles, Policies and Guidance' (2008)

## **7. Appraisal**

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises policies in the Northumberland Local Plan. The National Planning Policy Framework (NPPF) (July 2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 The main issues for consideration in the determination of this application are:

Principle of the development  
Heritage and Design  
Amenity of occupiers and neighbouring land uses  
Highway safety  
Internet connectivity

### Principle of the development

7.3 Policy STP1 of the Northumberland Local Plan establishes the spatial strategy for the location of development within the County, and identifies Whalton as a Smaller Village. Policy STP1 recognises that development in one village can support services and facilities in other nearby villages, and states that the identified Smaller Villages will support a proportionate level of development. It is considered that the re-use of an existing building within Whalton to form holiday accommodation accords with Policy STP1. The re-use of an existing building in a Village also accords with Policy ECN15 of the Local Plan and Paragraph 84 of the NPPF.

- 7.4 Policies ECN11 and ECN12 of the Northumberland support the principle of the creation of holiday accommodation in the County, which supports the local economy. This support is subject to the accommodation being acceptable in respect of design, residential amenity and highway safety matters, which are discussed later in this report.
- 7.5 The proposal does not seek to create jobs therefore Policy ECN13 is not applicable in this instance. It is however noted that the proposed development would assist the existing business at the public house.
- 7.6 There is clear Policy support for the provision of holiday accommodation in Whalton, as summarised above. The principle of the development is therefore supported.

### Heritage and Design

#### *Relevant Legislation, Policies and the NPPF*

- 7.7 The application site lies within the Whalton Conservation Area, a designated heritage asset. The subject building, the Beresford Arms, is also a non-designated heritage asset.
- 7.8 When determining this application, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Members, as the decision maker, to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 7.9 Policy ENV1 of the Local Plan states that the character and/or significance of Northumberland's distinctive and valued natural, historic and built environments, will be conserved, protected and enhanced by giving great weight to the conservation of designated heritage assets.
- 7.10 Policy ENV7 of the Local Plan states that proposals will be assessed and decisions made that ensure the conservation and enhancement of the significance, quality and integrity of Northumberland's heritage assets and their settings. The Policy goes on to state that decisions affecting a heritage asset will be based on a sound understanding of the significance of that asset and the impact of any proposal upon that significance. The Policy also states that where development proposals would cause less than substantial harm to the significance of designated heritage asset, this will be weighed against the public benefits of the proposal, including securing the optimum use that is viable and justifiable.
- 7.11 Policy ENV9 of the Local Plan states that within a conservation area, it will be ensured that development enhances and reinforces the local distinctiveness of the conservation area, while, wherever possible, better revealing its significance. The Policy goes on to state that development must respect existing architectural and historic character and cultural associations, by having regard to:
- i. Historic plot boundaries, layouts, densities and patterns of development; and

- ii. The design, positioning, grouping, form, massing, scale, features, detailing and the use of materials in existing buildings and structures; and
- iii. The contribution made by the public realm, private spaces and other open areas, including hard and soft landscape features, trees, hedges, walls, fences, watercourses and surfacing.

- 7.12 Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 7.13 Paragraph 200 of the NPPF then states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 7.14 Paragraph 202 of the NPPF then states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.15 Policy ENV7 of the Local Plan states that proposals that affect the significance of non-designated heritage assets shall require a balanced judgement, taking into account the scale of any harm or loss and the significance of the heritage asset. This is in line with Paragraph 203 of the NPPF.
- 7.16 Policies QOP1 and QOP2 of the Local Plan require proposals to be of a high-quality design in keeping their surroundings, making a positive contribution to local character and distinctiveness. The requirements of these Policies tie in to the requirements of other Policies set out above.

#### *Assessment of the proposal*

- 7.17 The Built Heritage and Design officer (BHD) has objected to the proposal, and their comments are set out in Section 4 of this report. Concerns have been raised in respect of the proposed retention of the external fire escape and first floor fire door on the western rear elevation, and the proposed construction of a second porch on the eastern front elevation. The BHD officer notes that the existing porch does not appear to benefit from planning permission. No objection is raised to the principle of the proposed conversion of the building to form holiday accommodation. The recommending officer has given these comments significant weight when considering this application.
- 7.18 Members should note that the BHD officer had not commented on the previously approved scheme to convert the northern wing into dwellings, reference 21/03192/FUL.
- 7.19 Turning first to the retention of the fire escape and fire door, the recommending officer agrees with the BHD officer that their removal would benefit from the

proposal. However, the applicant does not wish to remove these elements from the building, as they provide necessary safety egress from the first floor of the building where there is existing holiday accommodation. The recommending officer is also mindful that these are existing features on the building. Whilst the retention of these elements of the scheme is regrettable from a design and heritage perspective, it is considered that the current application could not be reasonably refused on the ground of the retention of existing features on the building, whilst there is also justification for their retention on health and safety grounds. It is therefore considered that their retention would not conflict with Policies ECN11, QOP1, QOP2, ENV1, ENV7 and ENV9 of the Local Plan, or with Paragraphs 202 and 203 of the NPPF.

- 7.20 Turning next to the proposed construction of a second stone porch on the eastern front elevation of the building, it is noted that this is as previously approved under decision 21/03192/FUL. Members should note that the BHD officer had not commented on that previously approved scheme to convert the northern wing into dwellings, hence their concerns are only being raised now under the current application. In light of the extant consent for the same porch, it is considered that the current application could not be reasonably refused on the ground of harm caused by the proposed porch. It is therefore considered that the porch would not lead to an unacceptable conflict with Policies ECN11, QOP1, QOP2, ENV1, ENV7 and ENV9 of the Local Plan, or with Paragraphs 202 and 203 of the NPPF.

#### Amenity of occupiers and neighbouring land uses

- 7.21 Officers consider that the proposed holiday accommodation use would not lead to a significant or unacceptable level of activity at the site. It is proposed that the accommodation being occupied as part of the pub, whilst the accommodation would not necessarily lead to any greater noise disturbance for neighbours than the existing pub. Therefore, officers do not consider that potential noise disturbance from the occupants of the development would be a reasonable reason to refuse the application in this location. Officers are also mindful that in the unlikely event that noise concerns were raised by neighbours, this could be dealt with by the County Council's Public Health Protection team under their statutory powers in relation to potential noise nuisance.
- 7.22 Officers note that the currently proposed holiday accommodation unit would be operated by the landlord of the public house, and would be served by parking bays which form part of the existing pub car park. It is considered necessary to secure the operation of the accommodation as ancillary to the occupation of the public house, in the interest of amenity and car parking provision. Subject to such a condition, the principle of siting holiday accommodation unit in this location would not lead to an unacceptable impact upon the amenity of its occupiers.
- 7.23 Subject to the use of recommended conditions, the proposed works would protect the amenity of occupiers of the development and the amenity of occupiers of neighbouring dwellings, in accordance with Policies ECN11, QOP1 and QOP2 and HOU9 of the Northumberland Local Plan, and the NPPF.

### Highway safety

- 7.24 The proposal seeks to create three bedrooms for holiday accommodation use, ancillary to the existing pub. The pub benefits from a large existing car park comprising 24 bays with 5 additional disabled bays. No changes are proposed to the existing car park or to the existing access arrangement.
- 7.25 The Highways Development Management officer has been consulted and, following receipt of further plans detailing the existing holiday accommodation which is to be retained, they have no objection subject to recommended conditions securing details of proposed car parking and proposed cycle parking. The recommending officer is mindful that no changes are proposed to the existing car parking arrangement and that given the size of the car park no additional parking bays are required, therefore such a condition is not necessary or reasonable. It is recommended that such a condition is not imposed should Members grant consent, in accordance with Paragraph 56 of the NPPF. The recommending officer is also mindful that the proposed holiday accommodation would be occupied ancillary to the pub which will benefit from an existing cycling parking arrangement, therefore no additional cycle parking details are required and such a condition is not necessary or reasonable. It is recommended that such a condition is not imposed should Members grant consent, in accordance with Paragraph 56 of the NPPF.
- 7.26 It is considered necessary to secure the operation of the holiday accommodation as ancillary to the occupation of the public house in the interest of amenity and car parking provision. Subject to such a condition, the principle of siting holiday accommodation unit in this location would not lead to an adverse highway safety impact.
- 7.27 The proposal would not have an adverse impact on highway safety in accordance with Policies ECN11, TRA2 and TRA4 of the Northumberland Local Plan, and the NPPF.

### Internet Connectivity

- 7.28 Policy ICT2 of the Northumberland Local Plan requires provision of full fibre broadband connections in new developments. Where this cannot be provided, alternative solutions may be appropriate where justified. The Policy goes on to state that where no broadband provision is included, developers will be required to demonstrate, including through consultation with broadband providers, that connections are not deliverable, and/or viable.
- 7.29 The current application does not state whether full-fibre broadband connections are proposed. It is recommended that further details of the proposed broadband connectivity for the development be secured by condition, in accordance with Policy ICT2 of the Northumberland Local Plan and Paragraph 114 of the NPPF.

### Other considerations

### *Equality Duty*

7.30 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*

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

### *Human Rights Act Implications*

7.32 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.

7.33 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.

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

## **8. Conclusion**

8.1 The re-use of the existing building to provide a holiday accommodation unit in this location is supported in principle.



8.2 Subject to recommended conditions, the proposal is an acceptable form of development as discussed in the above report. Officers therefore recommend that planning permission be granted.

## 9. Recommendation

That this application be GRANTED planning permission subject to the following:

### Conditions

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

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

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

18-102 101 Revision B - Location and Block Plan

18-102 111 Revision C – Proposed Floor Layouts & Elevations

18-102 180 Revision A – Existing and Proposed Site Layouts

20-102 112 – Existing & Proposed Floor Layouts for Guest Number Comparison

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

3) All new stonework to the buildings to be converted shall match that of the existing buildings in terms of dimensions, colour, texture and pointing. The works shall use a lime-based mortar.

Reason: To ensure works are carried out in a manner consistent with the character of the existing building, in the interests of the satisfactory appearance of the development upon completion, and in the interest of the character of the Whalton Conservation Area, in accordance with Policies QOP1, QOP2, ENV1, ENV7 and ENV9 of the Northumberland Local Plan and the National Planning Policy Framework

4) All openings shall be constructed of timber with a painted finish to match existing. Windows shall be timber sliding sash windows.

Reason: To ensure works are carried out in a manner consistent with the character of the existing building, in the interests of the satisfactory appearance of the development upon completion, and in the interest of the character of the Whalton Conservation Area, in accordance with Policies QOP1, QOP2, ENV1, ENV7 and ENV9 of the Northumberland Local Plan and the National Planning Policy Framework.

5) The development shall not be occupied until the car parking area as indicated on the approved plans has been made available for the development.

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 Policies TRA2 and TRA4 of the Northumberland Local Plan and the National Planning Policy Framework.

6) Prior to the occupation of the development, details confirming the installation of a full fibre broadband connection shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and made operational within three months of their approval.

Where an alternative broadband connection is proposed, within three months of the date of this decision, sufficient justification for such an alternative shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and made operational within three months of their approval.

Where no broadband connection is proposed, within three months of the date of this decision, sufficient justification for the lack of broadband provision shall be submitted to and approved in writing by the Local Planning Authority in order discharge this condition.

Reason: To ensure the development is served by high quality communications infrastructure, in accordance with Policy ICT2 of the Northumberland Local Plan and Paragraph 114 of the National Planning Policy Framework.

7) The occupation of the holiday unit identified in this application shall be undertaken in accordance with the following points:

- (i) The unit shall only be occupied for holiday purposes only
- (ii) The unit shall not be occupied as a person's sole or main place of residence
- (iii) The owners/operators of the unit shall maintain an up-to-date register of the name of all occupiers of the unit, and of their main home addresses, and shall make this information available upon request at all reasonable times to the local planning authority. The register shall be collected by the unit owner or his/her nominated person.

Reason: To encourage tourism by ensuring that the development is used for holiday accommodation only, and to prevent its use as full-time permanent residential use which would have insufficient private amenity space, in accordance with Policies ECN11, ECN12, ECN14, QOP1 and QOP2 of the Northumberland Local Plan, and the National Planning Policy Framework.

8) The development hereby approved shall be occupied as set out in Condition 7 and ancillary to the occupation of the public house currently known as the Beresford Arms, and shall not be subdivided from the Beresford Arms or brought into use as a separate planning unit.

Reason: To ensure the siting of the subject building is acceptable in principle, in the interest of the amenity of occupiers of both the development and the adjacent dwellings, and in the interest of highway safety, in accordance with Policies ECN11, QOP1, QOP2, TRA2 and TRA4 of the Northumberland Local Plan, and the National Planning Policy Framework.

### **Informatives**

1. Reminder to not store building material or equipment on the highway  
Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.

2. Reminder to not deposit mud/ debris/rubbish on the highway  
In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

### **EIA**

The proposal has been assessed and is not considered to fall under any category listed within Schedules 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The proposal is not considered to be EIA development and therefore does not require screening.

**Date of Report: 24.04.2023**

**Background Papers:** Planning application file(s) 22/04724/FUL; 21/03192/FUL.

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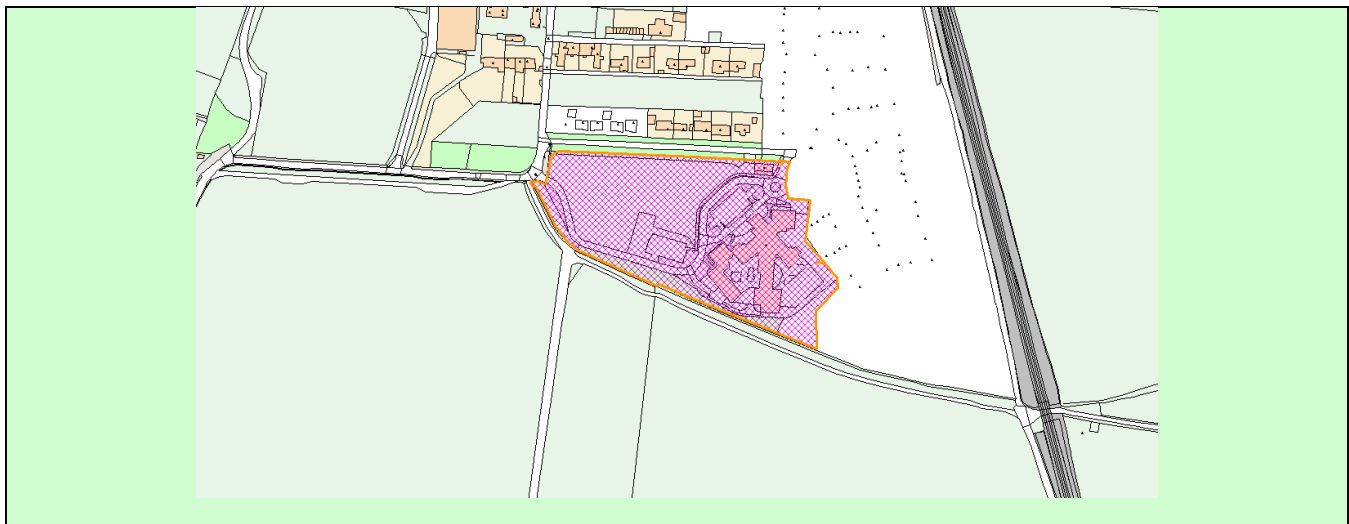


## Northumberland County Council

### Castle Morpeth Local Area Committee 15th May 2023

<b>Application No:</b>	22/04586/VARYCO		
<b>Proposal:</b>	Variation of Condition 2 (Approved Plans) in order to reduce the scope of the scheme by omitting the extension and one yard and be amending the layout of another yard on approved application 22/01227/FUL		
<b>Site Address</b>	Kyloe House, Netherton Park, Stannington, Morpeth Northumberland NE61 6EF		
<b>Applicant:</b>	Mr Christopher Chapman Kyloe House Secure Children's Home Netherton Park, Stannington, Morpeth, NE61 6DE	<b>Agent:</b>	Mr Tim Beech 13 Lostock Avenue, Poynton, Stockport, SK12 1DR
<b>Ward</b>	Ponteland East And Stannington	<b>Parish</b>	Stannington
<b>Valid Date:</b>	6 January 2023	<b>Expiry Date:</b>	19 May 2023
<b>Case Officer Details:</b>	Name: Miss Stephanie Milne Job Title: Senior Planning Officer Tel No: 07966203682 Email: Stephanie.Milne@northumberland.gov.uk		

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



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## 1. Introduction

1.1 The applicant is Northumberland County Council and therefore the application was referred to the director of planning and the chairs of the local area council committee. The chair referral response confirmed that the application shall be determined at local area council committee.

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

2.1 This application seeks a variation to the previously approved plans by omitting the previously approved extension and yard and amending the layout of the other previously approved yard.

2.2 The application site is Kyloe House which is an existing NCC building located within Stannington. The site is located outside of the settlement boundary for Stannington and is recognised as being located within the open countryside and Green Belt.

2.4 The application site is located within open countryside and designated Green Belt.

## **3. Planning History**

**Reference Number:** C/96/CC/96

**Description:** Details of landscape works submitted pursuant to condition no. 3 of planning permission 95/CC/32 in respect of construction of new secure unit

**Status:** PER

**Reference Number:** C/95/CC/32

**Description:** Construction of 12 bed secure unit

**Status:** PER

**Reference Number:** C/04/00026/CCD

**Description:** Construction of extension to provide additional administration facilities

**Status:** WDN

**Reference Number:** C/04/00231/CCD

**Description:** Construction of extension to provide additional administration facilities

**Status:** PER

**Reference Number:** C/08/00019/CCD

**Description:** Extension of existing external CCTV system including additional cameras and columns

**Status:** PER

**Reference Number:** C/10/00216/CCD

**Description:** Single storey extension

**Status:** PER

**Reference Number:** C/10/00238/CCD

**Description:** Proposed 52 metre squared secure vehicle drop off area

**Status:** PER

**Reference Number:** 11/03295/CCD

**Description:** Erection of an additional 8M Camera tower to south of Kylloe House.  
**Status:** PER

**Reference Number:** 12/00956/CCD

**Description:** Installation of solar photo voltaic panels on the school roof  
**Status:** PER

**Reference Number:** 15/02776/FUL

**Description:** Extension to existing unit to provide a Step-Down unit and Vocational training facility  
**Status:** PER

**Reference Number:** 17/00329/VARYCO

**Description:** Variation of condition 2 (plans) of approved planning application 15/02776/FUL  
**Status:** PER

**Reference Number:** 18/00706/FUL

**Description:** Creation of new car park with 29 parking spaces to serve a newly constructed stepdown/vocational unit.  
**Status:** PER

**Reference Number:** 19/01693/VARYCO

**Description:** Variation of Condition 2 pursuant to planning permission 17/00329/VARYCO in order to amend the design  
**Status:** PER

**Reference Number:** 19/04481/FUL

**Description:** Erection of 1.8 metre high powder coated mid green Palladin style open mesh fence to perimeter of site. Required to deter people walking on to the grounds of the secure unit.  
**Status:** PER

**Reference Number:** 19/05035/FUL

**Description:** Demolition of existing former sports pavilion and erection of single storey workshop incorporating incoming mains service connections, emergency generator, bin store and external working area as supplemented by additional information and drawings received 27/02/20  
**Status:** PER

**Reference Number:** CM/95/D/230/A

**Description:** ERECTION OF NEW 12 BED SECURE UNIT A DETAILS OF IMPROVEMENT TO ACCESS ROAD  
**Status:** PER

**Reference Number:** CM/77/D/626

**Description:** ERECTION OF SECURE UNIT FOR FIVE CHILDREN  
**Status:** PER

**Reference Number:** 22/00665/DISCON

**Description:** Discharge of conditions : 15 (construction method statement) pursuant to planning approval 20/02069/REM  
**Status:** PER

**Reference Number:** 22/00992/CCD

**Description:** Erection of polycarbonate screens to top of existing secure walls

**Status:** PER

**Reference Number:** 22/01227/FUL

**Description:** Construction of single storey extension and perimeter walls to courtyards

**Status:** PER

**Reference Number:** 22/02584/CLPROP

**Description:** Certificate of Lawful Development - Propose to erect a motorised sliding gate to the driveway, adjustments to existing fence and drive with intercom.

**Status:** PER

**Reference Number:** CM/04/D/932 NCC

**Description:** Extension to provide additional administration facilities

**Status:** NOOBJ

**Reference Number:** CM/04/D/092/NCC

**Description:** Proposed extension to existing secure unit to provide additional admin facilities.

**Status:** NOOBJ

#### 4. Consultee Responses

Stannington Parish Council	No response received.
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#### 5. Public Responses

##### Neighbour Notification

Number of Neighbours Notified	7
Number of Objections	0
Number of Support	0
Number of General Comments	0

##### Notices

No Site Notice Required.

No Press Notice Required.

##### Summary of Responses:

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=RMMVD6QSLSC00>



## **6. Planning Policy**

### 6.1 Development Plan Policy

STP 1 - Spatial strategy (Strategic Policy)

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

STP 3 - Principles of sustainable development (Strategic Policy)

STP 5 - Health and wellbeing (Strategic Policy)

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

STP 8 - Development in the GreenBelt (Strategic Policy)

QOP 1 - Design principles (Strategic Policy)

QOP 2 - Good design and amenity

### 6.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

### 6.3 Neighbourhood Planning Policy

Stannington NP Policy 10: Design and character

### 6.4 Other Documents/Strategies

## **7. Appraisal**

7.1 The previously approved application (22/01227/FUL) sought permission for an extension which would have a projection of 7.8 metres and a width of 6.3 metres and boundary treatments to create two secure yards. This application seeks to remove the proposed extension and one yard and extend the perimeter walls of the other approved yard.

7.2 Policy STP 1 of the NLP, read in conjunction with the Policies Map which accompanies the Plan, identifies main towns, service centres and service villages across the county where sustainable development can be located. The application site is located outside of the defined settlement boundary for Stannington and is therefore recognised as being located within open countryside. Despite this, the works would be limited to the existing site curtilage and would remove the previously approved extension and one yard. The proposed amendment to the boundary wall serving the other yard would provide a secure yard area and improve existing boundary treatment arrangements. The principle of development in the open countryside is therefore acceptable.

7.3 Policy STP 7 of the NLP, read in conjunction with the Proposals Map, identifies green belt boundaries throughout the county of Northumberland. The application site is washed over by green belt therefore, policy STP 8 of the NLP is relevant within this assessment.

7.4 Policy STP 8 of the NLP directs the decision maker to the NPPF when determining if a development would be recognised as inappropriate within the green belt. Paragraph 149 of the NPPF sets out exceptions to inappropriate development in the Green Belt. Criterion (c) of paragraph 149 includes the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Paragraph 150 outlines further works that would be considered acceptable providing they do not impact upon openness. Whilst the provision of boundary treatments isn't explicitly listed within the exceptions, the LPA accept the provision of necessary boundary treatments within the Green Belt. The boundary treatment would be within the built envelope of the site, and would be necessary to secure the site. The limited scale of the works ensure they would not cause harm to the physical or visual openness of the Green Belt nor conflict with the purposes of the Green Belt as set out within paragraph 138 of the NPPF. The principle of development in the Green Belt is therefore acceptable.

#### Visual Amenity

7.5 The proposed amendment to the boundary treatment would be located to the north eastern side of the existing building within the existing built form of the site. The wall would match the height of the adjoining walls on site. The wall would not appear excessive in relation to the existing building. The materials proposed are to match those existing and as such it is considered that the proposal would not result in visual harm to the surrounding area.

#### Impact on neighbouring amenity

7.6 With regards to neighbouring amenity, there are no residential properties located within close proximity to the proposed amendments, which will be screened from view by the existing built form on the site. As such there would be no further harm to the amenities of neighbouring occupiers by way of impact to outlook, loss of light or overdevelopment. The proposals would therefore comply with the requirements of the Northumberland Local Plan and the NPPF. No representations/objections have been received against the application from neighbouring residents following the consultation process.

#### 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. Conclusion**

8.1 The main planning considerations in determining this application have been set out and considered above stating accordance with the relevant Development Plan Policy. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

8.2 The proposal has addressed the main considerations and would accord with relevant policy and is considered acceptable. The proposal is therefore recommended for approval.

## **9. Recommendation**

That this application be GRANTED permission subject to the following:

### Conditions/Reason

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

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

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

Proposed Floor Plans Drawing No: 1014-521D Received 06 January 2023

Proposed Elevations Drawing No: 1014-524A Received 06 January 2023

Site Block Plan Drawing No: 1014-522A Received 06 January 2023

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

03. The facing materials and finishes to be used in the construction of the development shall be in accordance with details contained in the application.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of QOP2.

**Date of Report: 25.04.2023**

**Background Papers:** Planning application file(s) 22/04586/VARYCO



# Northumberland County Council

## Appeal Update Report

Date: May 2023

### Planning Appeals

**Report of the Director of Planning**

**Cabinet Member:** Councillor CW Horncastle

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

## Planning Appeals Split Decision

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

## Planning Appeals Dismissed (permission refused)

Reference No	Proposal and main planning considerations	Award of costs?
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</p>	No – claim refused

	<p>impacts on the open countryside and landscape.</p> <p>Delegated 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>Committee Decision – Officer Recommendation: Approve</p>	No
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>Delegated Decision - Officer Recommendation: Refuse</p>	No – claim refused
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>Delegated Decision - Officer Recommendation: Refuse</p>	No
22/00262/FUL	<p>Demolition of existing extension and rebuilding an extension – 1 Sandridge, Newbiggin-by-the Sea</p>	No

	<p>Main issues: unacceptable design with detrimental loss and alteration of a historic building group with harm to the Conservation Area.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	
21/04426/FUL	<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>Appeal against non-determination</p>	No
22/01675/FUL	<p>Erection of 1 no. Dwelling (C3 use) - land south of Old Smithy, Widdrington Village</p> <p>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.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No

### Planning Appeals Withdrawn

Reference No	Proposal and main planning considerations	Award of costs?
22/01250/FUL	<p>Retrospective: Construction of a stable building – land north and east of Horsley Banks Farm, Horsley</p> <p>Main issues: Appeal against non-determination of application, but decision subsequently issued.</p> <p>Delegated Decision - Officer Recommendation: Approve</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
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>
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 &amp; 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 &amp; 5 Front Street with replacement extension(s), internal alterations and</p>	<p>2 November 2022</p> <p>Delegated Decision - Officer</p>

	<p>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>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>
22/00913/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>Main 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>
22/03313/AGTRES	<p>Prior notification for change of use and conversion of agricultural building to single dwelling – The March Barn, Welton</p> <p>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.</p>	<p>21 December 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/01833/FUL	<p>Development of 60 no. Pitches for holiday accommodation comprising touring caravan/campervan pitches and tents – land</p>	<p>10 January 2023</p> <p>Delegated</p>

	<p>at Elwick Farm, Belford</p> <p>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.</p>	<p>Decision - Officer</p> <p>Recommendation: Refuse</p>
22/00394/FUL	<p>Retrospective: Construction of pergola and decking within existing beer garden – The Dyvels Hotel, Station Road, Corbridge</p> <p>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.</p>	<p>13 January 2023</p> <p>Delegated</p> <p>Decision - Officer</p> <p>Recommendation: Refuse</p>
22/01812/FUL	<p>Proposed detached single storey garage and store with associated formation of driveway – Eland Close, Eland Land, Ponteland</p> <p>Main issues: inappropriate development in the Green Belt and the open countryside.</p>	<p>24 January 2023</p> <p>Delegated</p> <p>Decision - Officer</p> <p>Recommendation: Refuse</p>
21/02287/FUL	<p>Convert and extend redundant cow byre to residential use (C3) for holiday let – Waterside Cottage, Acklington</p> <p>Main issues: development in an unsustainable location within the open countryside; insufficient information to justify non-mains foul drainage; insufficient information to demonstrate the proposal would not sterilise and identified sand and gravel resource; absence of suitable mitigation to address recreational disturbance with adverse effects on the Northumbria Coast SPA and Ramsar Site and the North Northumberland Dunes SAC; and loss of ancient woodland with no exceptional circumstances or suitable compensation strategy.</p>	<p>25 January 2023</p> <p>Delegated</p> <p>Decision - Officer</p> <p>Recommendation: Refuse</p>
22/03609/AGTRES	<p>Notification of Prior Approval to convert an existing but now redundant agricultural building on the Guyzance Estate for permanent residential use – land south of Waterside Cottage, Acklington</p> <p>Main issues: impacts on adjacent ancient semi-natural woodland and River Coquet and Coquet Valley Woodland SSSI; and absence of suitable mitigation to address recreational disturbance with adverse effects on the</p>	<p>25 January 2023</p> <p>Delegated</p> <p>Decision - Officer</p> <p>Recommendation: Refuse</p>

	Northumbria Coast SPA and Ramsar Site and the North Northumberland Dunes SAC.	
22/03324/FUL	Erect a feed barn for storage of animal feed – Eastside, Partnership Field, Springwell, Ovington  Main issues: inappropriate development in the Green Belt.	13 February 2023  Delegated Decision - Officer Recommendation: Refuse
22/04634/FUL	Demolition of detached garage and construction of side extension – Middlesteads Farm, Longhirst  Main issues: design does not respect the character of the existing dwelling or its locality, would fail to remain subordinate and would result in unacceptable adverse impact on the character of the dwelling and its setting.	16 February 2023  Delegated Decision - Officer Recommendation: Refuse
22/01297/FUL	Development of 4 no. residential dwellings including associated access, landscaping and all other ancillary works – land north of junction of Station Road, South End, Longhoughton  Main issues: would fail to preserve the setting of the Grade I listed Church of St Peter and St Paul; harmful impact on the character and appearance of the area; and absence of suitable mitigation to address recreational disturbance with adverse effects on the Northumbria Coast SPA and Ramsar Site and the North Northumberland Dunes SAC.	21 February 2023  Delegated Decision - Officer Recommendation: Refuse
22/02704/CLEXIS	Certificate of Lawful Development – Existing use for the siting of a caravan for residential purposes – land north of east of South Linden House, Longhorsley  Main issues: it is not possible to conclude that the building has been used for a continuous period of 4 years as a dwelling.	27 February 2023  Delegated Decision - Officer Recommendation: Refuse
22/02969/FUL	Proposed new rear/side fence. (Retrospective) - 4 Admington Court, Sherbourne Park, Stakeford, Choppington  Main issues: scale and design of the development are out of character in the street scene with detrimental visual appearance; and situated on adopted highway verge with insufficient evidence to demonstrate it will not harm the current and future maintenance of utilities and other associated works.	20 March 2023  Delegated Decision - Officer Recommendation: Refuse

22/03417/OUT	<p>Outline application with some matters reserved for development of one residential dwelling (Self Build); all matters reserved other than access – land north of Hill Top Cottage, Morpeth</p> <p>Main issues: development within the open countryside; inappropriate development in the open countryside; fails to promote the use of sustainable travel; fails to demonstrate that safe access can be achieved; and fails to demonstrate potential impacts on protected species and how these can be mitigated.</p>	<p>21 March 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/04124/FUL	<p>Erection of stables, tackroom and associated horse paddock – land east of Oakfield Lodge, Eachwick</p> <p>Main issues: inappropriate development in the Green Belt; and visually intrusive and harmful impact on the character and appearance of the site and surrounding landscape.</p>	<p>21 March 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/01121/FUL	<p>Proposed new dwelling house and outbuilding with associated works to building plots 1 and 2 – Plots 1 and 2, land south west of Castle Hills Farm Cottages, Castle Hills, Berwick-upon-Tweed</p> <p>Main issues: development in the open countryside; and absence of suitable mitigation to address recreational disturbance with adverse effects on the Northumbria Coast SPA and Ramsar Site and the North Northumberland Dunes SAC</p>	<p>22 March 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/03696/FUL	<p>Retrospective application for works carried out to add pillars with metal railings between at front boundary wall; stone face side wall between front and rear garden and construction of raised timber deck – Woodstock, Mill Lane, Haltwhistle</p> <p>Main issues: harm to the character and appearance of the Conservation Area; and harmful impact on residential amenity.</p>	<p>22 March 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/04592/FUL	<p>Demolition of 2 no. youth hostel cabins and erection of 8 no. caravan pitches and children's play area (as amended) - Hareshaw Linn Caravan Park, Bellingham</p> <p>Main issues: harmful visual impacts on the character and appearance of the site and surrounding area; and harmful impacts on residential amenity.</p>	<p>23 March 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

22/04246/FUL	Proposed single storey garage extension including a study and a shower room – 57 Church Street, Amble  Main issues: scale and design results in adverse impact on the character and appearance of the existing dwelling and the surrounding area.	23 March 2023  Delegated Decision - Officer Recommendation: Refuse
22/04507/FUL	Demolition of existing ground floor rear extension and replacement with two storey rear extension – The Coach House, Fenwicks Close Farm, Earsdon  Main issues: inappropriate development in the Green Belt; and disproportionate addition that would be incongruous with the character of the area.	3 April 2023  Delegated Decision - Officer Recommendation: Refuse
22/00637/FUL	Alterations and extension – 2 West Hedgeley, Powburn  Main issues: design would be out of scale and character with the existing property and surrounding area, and would harm the setting of Grade II listed buildings.	4 April 2023  Delegated Decision - Officer Recommendation: Refuse
22/04665/FUL	Proposed first floor extension over existing sun room and installation of a fixed window to the southern gable wall at high level – 63 Merley Gate, Loansdean, Morpeth  Main issues: the extension would constitute an incongruous addition that would be out of character with the dwelling and built context; and harmful impact upon residential amenity.	12 April 2023  Delegated Decision - Officer Recommendation: Refuse
22/00437/FUL	Change of use of land from equestrian grazing use to campsite use – land north east of Bolam Lake Boat House Wood Car Park, Belsay  Main issues: inappropriate development in the Green Belt.	13 April 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		No

## Enforcement Appeals Withdrawn

Reference No	Description and address	Award of costs?
None		

## Enforcement Appeals Received

### Appeals Received

Reference No	Description and address	Appeal start date
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
22/00571/ENDEVT	Unauthorised siting of a caravan – land south-west of Hartburn Bridge, Morpeth	1 February 2023

20/00481/ENDEVT	Change of use of a forestry building for use as residential - English/Wheelings Wood, Corbridge	2 March 2023
21/00865/BRCOND	Construction of retaining wall – Woodlands Rise, Corbridge Road, Hexham	23 March 2023

## Inquiry and Hearing Dates

Reference No	Description and address	Inquiry/hearing date and decision level
18/03994/REM	<p>Reserved Matters Application relating to 16/00078/OUT - Development of Phase 1 of proposals which include Trunk Road Service Area, Hotel and Innovation Centre plus associated access, parking, landscaping and other associated infrastructure – land west of Lancaster Park, Pinewood Drive, Lancaster Park, Morpeth</p> <p>Main issues: the design fails to preserve or make a positive contribution to local character and distinctiveness, and the site's surroundings, and fails to create or contribute to a strong sense of place. The development does not demonstrate high quality sustainable design, is not visually attractive, does not incorporate high quality materials and detailing, and is substantially altered from the approved outline planning application.</p>	<p>27 June 2023</p> <p>Committee Decision - Officer Recommendation: Approve</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</b> (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
<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

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## Northumberland County Council

COMMITTEE: CASTLE MORPETH LOCAL AREA COUNCIL

DATE: 15<sup>TH</sup> MAY 2023

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TITLE OF REPORT: PETITION TO INVESTIGATE THE POTENTIAL REMOVAL OF A TRAFFIC ISLAND, AMENDMENT OF THE EXTENT OF THE SPEED LIMIT AND THE INTRODUCTION OF ROAD MARKINGS TO PROVIDE VISUAL CONSTRAINTS TO SLOW TRAFFIC ENTERING PEGSWOOD, OUTSIDE BLOSSOM PARK ESTATE PEGSWOOD

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**Purpose of report:** This petition is in respect of the perceived on-going highways safety issues related to the traffic island introduced as part of the off-site highway works associated with the new development named Blossom Park, Pegswood.

### **Recommendations**

It is recommended that the Petitions Committee note the content of this report, acknowledge receipt of the petition and support the proposed actions.

### **Link to Corporate Plan**

How - "We want to be efficient, open and work for everyone"

Enjoying - "We want you to love where you live"

Connecting - "We want you to have access to the things you need"

### **Key issues**

The residents of Pegswood have submitted a petition raising a series of concerns pertaining to the traffic island to the west of the entrance to Blossom Park Pegswood. The residents feel that the introduction of the traffic island has created a highway safety issue resulting in accidents and action is required to rectify the situation. The petition contains 329 names.

### **Background**

The County Council has received a petition relating to road safety concerns in relation to a new traffic island introduced on the C395 to the west of the access to new development at Blossom Park, Pegswood.

The traffic island was introduced as part of the Barratts development at the request of the Highways Authority in order to act as a traffic calming feature to reduce the speed of traffic entering Pegswood.

Since its introduction of the traffic island there have been incidents of the traffic island being hit by vehicles.

As part of the highway works associated with the access to the development of Blossom Park, Pegswood, Road Safety Audits have been undertaken on the creation of the access and the construction on the traffic island.

As part of the initial Road Safety Audit on the entire scheme items were raised which have been relayed back to the designers of the scheme to address.

A separate Road Safety Audit has been undertaken solely on the impact on highways safety the removal of the traffic island will have.

**Actions:**

A) Highways Development Management are reviewing the necessity of the traffic island and to see whether the removal will have an adverse impact on highway safety. A Road Safety Audit has been commissioned to enable an assessment to be made as to whether the removal of the traffic island will adversely impact highway safety and what other mitigation measures may need to be introduced.

B) HDM are liaising with Barratts to finalise a safety scheme at the west end of Pegswood in the vicinity of the access to Blossom Park

**Recommendation:**

That Members accept the actions officers propose to take as set out in this report.

**Author and Contact Details**

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# Northumberland

## County Council

COMMITTEE : CASTLE MORPETH LOCAL AREA COUNCIL

DATE: 15<sup>TH</sup> MAY 2023

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### UPDATE ON PETITION AGAINST ON-GOING PLANNING ISSUES AND ENVIRONMENTAL DESTRUCTION ON LAND TO THE SOUTH OF ST MARY'S PARK, STANNINGTON

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**Purpose of report** Members will recall a report being brought to the Castle Morpeth Committee on 10th October 2022 in respect of a petition that had been received from residents of St Mary's Park, Stannington. The petition was in respect of on-going planning issues within the site. This reports outlines an update of progress since October.

#### **Recommendations**

That Members determine the appropriate action to take in respect of progress at St Mary's following the submission of the petition which can include:

- Making Recommendations to Full Council, Cabinet, a Committee or to Officers
- Taking no further action
- Accepting the actions officers propose to take as set out in this report

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

The issues raised in the petition and the Council's response to the petition are indirectly relevant to priorities included in the Northumberland County Council Corporate Plan 2020-2024 as follows:

- 'how' - The Council faces tough decisions that will not be universally popular. These are not taken lightly and the council pledges to listen and consider views
- 'enjoying' - the Council wants to protect and improve quality places, but also make sure that the places where people live, work and play continue to evolve and grow whilst retaining and deepening their appeal.

#### **Key issues**

- The residents of St Mary's Park have submitted a petition raising a series of concerns pertaining to on-going outstanding planning matters on land to the south of the site. The residents feel that nothing has been done by Bellway Homes or Northumberland County Council to rectify matters. The petition contains 311 names.

- A planning application was submitted in 2006 by Bellway Homes for the erection of 172 residential units (66 by conversion / 106 new build) 53,000 sq ft (approx) of commercial development, associated landscaping including restoration of registered gardens and - 2 - associated highway access improvements off and on site, and granted planning permission in 2007. Since then, a number of subsequent applications for reserved matters or variations to the scheme have also submitted and approved.
- A number of planning applications have since been submitted in respect of St Mary's Park since its original approval, however, in summary, the residents consider that planning condition no. 16 of application 13/03761/VARYCO has not been fulfilled. Application 13/03761/VARYCO was to vary condition 2 (approved plans) of planning approval 11/02980/FUL. Condition no.16 of 13/03761/VARYCO reads as follows:
  - *No development shall commence until the applicant has submitted a detailed landscape and planting plan to include the planting of locally native trees, shrubs, grasses and wildflowers of local provenance, re-design of SUDS pond, translocation of soils and sward, timing, methods of working, ploughing, cultivation spreading and aftercare by means of a whole site Habitat Management Plan with all works in compliance with Environment Agency Pollution Prevention Guidance Notes 01, 05, 06 and 21 to be agreed in writing with the Local Planning Authority and to be fully implemented during the first full planting season (November to March inclusive) following the commencement of development.*
  - *Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site.*
- The residents feel this condition was set to alleviate the environmental disturbance from across the development and provide an area of open access to residents. Instead, they believe it has been closed off and used to illegally dump construction waste and allowed to grow over. A discharge of conditions planning application has now been submitted to effectively remove the footpaths and gated access available to the public, which the residents believe needs to be immediately blocked/ refused. The application is still under consideration.
- The residents are also concerned that the approved intentions for the recreational field/pavilion to the south of the estate have also not been met. The pavilion was intended to be rebuilt and this has not happened, nor has the recreational area been developed.
- The residents state that construction waste remains on both areas, which contravenes both the planning permission and the recommendations of the Local Government Ombudsman following a complaint.
- The Council takes the matters raised very seriously. This report outlines how decisions are currently made and why, and where relevant identifies some matters which we will look to pursue to improve and refine the planning decision-making process.

## **Background**

1. St Mary's Park is located on the former St Mary's Hospital site in Stannington, Morpeth, which closed in 1996. The site lies 3km to the north west of the village of Stannington and 5km south west of Morpeth.

2. To the immediate north of the site boundary the land is rural in nature with facilities such as the Gubeon Plantation and the Whitehouse Farm Centre. To the east lies further rural fields with the A1 north/south connection beyond. The south and west are also rural in nature. A road at the south east corner of the site leads to Stannington Village.

3. The development is now fully complete and occupied.

4. The reason for the petition from the residents of the estate relates to 2no planning conditions. These are condition no. 10 of application CM/20060893 which has been discharged, however, the site has not been developed in accordance with that condition, and condition no.16 of application 11/02980/FUL (listed above), which has not been discharged

5. For ease of reference, condition no.10 is shown below: No development shall take place until a scheme for the restoration and/or provision of playing fields and associated facilities, and their availability to the community has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of the current playing field quality and measures to improve it, details of the refurbishment or replacement of the pavilion and details of a management plan to ensure use of the facilities by the community. Development shall take place in accordance with the approved plans. Reason: In the interests of retaining and improving sports facilities and their accessibility to the community.

6. In preparing this report these cases have been reviewed in respect of the issues raised in the petition. However, this report does not seek to go over the details of each case. The Planning Officer's report relating to application CM/20060893 accounts for the considerations which informed the planning decision, details of which are publicly available via the Council's public access website. Instead, this report focusses on the actions the petitioners request that the Council address. The following takes each of the suggested action points in turn and sets out the Council's response.

### **UPDATE SINCE PETITION**

7. The Petition expressed dissatisfaction at the lack of action taken by Northumberland County Council on Bellway following their lack of adherence to the approved planning permission for St Mary's Park.

8. The Council acknowledged that not all conditions attached to the aforementioned planning permissions had been fully adhered to, specifically conditions 10 of application CM/20060893 and 16 of application 11/02980/FUL. It is the responsibility of the developer, in this case Bellway Homes, to ensure all conditions are complied with. Any shortfall of that can result in the County Council pursuing enforcement action.

9. Since October, officers of the Planning Department have walked St Mary's site with Bellway officers on two separate occasions. The first visit was to understand in more detail the extent of the issues and the second was to observe the subsequent improvements and progress made.

10. The first meeting confirmed that no progress had been made in developing the playing pitches and there was no evidence of any planting or landscaping on the land to the south of the estate. There was evidence of building rubble and broken bricks scattered around

the grassed areas and the viewing mounds did not reflect what had been granted planning permission. With regards to the pavilion that the residents have wanted to see reinstated, Bellway were advised that the originally suggested £25k towards other sports provision for the site in lieu of the pavilion was insufficient.

11. To address these matters, Bellway have since submitted two fresh planning applications that are currently under consideration and are intended to be brought to Members of the Castle Morpeth Committee in June 2023. The first application is a variation of application CM/20060893, which seeks to remove condition no.10 (listed earlier in the report). In doing this, it will allow a new scheme for the restoration and/or provision of the playing fields. In tandem with this, a separate application has been submitted for the provision of the playing field, including pitch drainage, and landscaping of viewing mounds. Discussion also took place around the maintenance of a hedgerow/trees situated alongside a track leading to the sports field. Bellway have since confirmed that this area was contained within the overall approved landscape management plan for the site. Once the pitch is completed, the area (the pitch, woodland and hedgerows) will be transferred to the management company for their maintenance in accordance with the management plan. The two applications are therefore being considered together.

12. In respect of the £25k financial contribution towards other sports provision, Bellway have been asked to consider a more substantial contribution to realistically cover the expected costs of alternative provision. Bellway have agreed to this and the final sum, once agreed, will be relayed to Members at the June committee meeting.

13. In addition the developer has employed a contractor to implement Condition no.16 13/03761/VARYCO, the detailed landscape and planting plan. Work has been ongoing through the winter months and it was clear to officers during the second walk over the site that there have been marked improvements since the first visit with circa 2,000 trees having been planted and landscaping underway. In addition scattered rubble and bricks have been removed as the land is being prepared to be grassed over. Once the grass has been established mown footways will be cut through to provide walkways and accessibility throughout this area.

### **In summary**

14. It is considered that Bellway are taking appropriate measures to remedy the issues at St Mary's that have significantly impacted the site for a number of years to the detriment of its residents. What was granted planning permission and what residents were reasonably expected to enjoy within St Mary's has not been delivered. Notwithstanding this, with the two planning applications currently under consideration to address all of the matters discussed within this report, St Mary's will see significant improvements to the site.

### **Recommendation:**

That Members accept the actions officers propose to take as set out in this report. Members are also advised that planning officers will proactively monitor of the site.

### **Author and Contact Details**

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