

NORTHUMBERLAND COUNTY COUNCIL
CASTLE MORPETH LOCAL AREA COUNCIL

At the meeting of the **Castle Morpeth Local Area Council** held in the Meeting Space, Block 1 Floor 2, County Hall, Morpeth, NE61 2EF on Monday 14 February 2022 at 4.00 pm.

PRESENT

J Foster (Vice-Chair) (Planning) (in the Chair)

MEMBERS

Bawn D
Dodd RR
Dunn L

Jones V
Sanderson G
Wearmouth R

OFFICERS

Bowers H
Craig A

Crowe T
Laux D
McKenzie R

Murfin R
Wood T

Democratic Services Officer
Programme Officer, Highways
Maintenance
Solicitor
Head of Technical Services
Senior Programme Officer, Highways
Improvement
Executive Director, Planning & Economy
Principal Planning Officer

3 members of the public were in attendance

84. PROCEDURE TO BE FOLLOWED FOR THE PLANNING COMMITTEE

J Foster, Vice-Chair (Planning) (in the Chair) outlined the procedure which would be followed at the meeting.

85. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Darwin, Dickinson, Jackson, Murphy and Towns

86. MINUTES

RESOLVED that the minutes of the meetings of the Castle Morpeth Local Area Council held on Monday 8 November 2021 and Monday 10 January 2022, as circulated, be confirmed as a true record and be signed by the Chair.

87. DECLARATIONS OF INTEREST

Councillor Beynon declared a personal interest in planning application 20/02049/FUL and would take no part in the determination of the application.

Councillor Beynon left the meeting at 4.04 pm.

88. DETERMINATION OF PLANNING APPLICATIONS

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

RESOLVED that the information be noted.

89. 20/02094/FUL

Remove green keeper's 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 west of Burgham Park Golf Club, Burgham Park, Felton, Northumberland.

Tamsin Wood provided updates from Public Protection in relation to the following conditions which should be amended to read:-

Condition 18

If during development contamination not previously considered within any statement/report that has received the approval of the 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 should 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 NPPF.

Condition 19

No building shall be constructed above damp proof course level until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS2 standard specified in BS8485:2015 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings) have been submitted to and approved in writing by the Local Planning Authority. The aforementioned report must also detail 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. Furthermore, the report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases)

Condition 20

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 19 which has been approved in writing by the LPA.

Condition 25

Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer or suitably qualified professional must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems for the dwelling to be occupied have been constructed as per the agreed scheme. This verification report shall include *As built drawings for all SuDS components – including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc); *Construction details (component drawings, materials vegetation); * Health and Safety file: and *Details of ownership.

Ms Wood continued to introduce the application with the aid of a power point presentation.

Following the presentation, Rob Murfin, Executive Director of Planning and Economy informed the committee that this was a highly unusual application and officers had tried to establish the most appropriate way to deal with the application. There were 3 important elements of logic:-

1. Whether or not development would take place on the site, was not what members were considering today. There were extant permissions for holiday related development and residential development. If the application was a fresh application with no fall back, it would not be supported as the development was in a Green Belt area and not in accordance with open countryside or with the existing or new Northumberland Plan.

2. Whether the fall back could be considered as very special circumstances, and if the harm had been reduced.
3. Permission had been granted originally with the support of the Parish Council, explicitly on the basis of the site being tourism holiday homes. At that time, it was made clear that a straight residential permission would not be granted and historically applications had been refused.

Mr Murfin continued that the position now was that despite the best efforts of the developer, the site had not proved to be a good location for holiday lets and residential type developments that were not usually allowed, were being granted. The original consent came with conditions about not being used for residential development. Equally, given that the use was not in question, the Green Belt had been addressed. Finally, the county was seeing a huge growth in staycations.

Members were advised that the application could be approved subject to conditions or refused on the basis of the principle of the permission had been granted originally for holiday use.

Constanze Bell, Barrister, Kings Chamber representing Kirsty and Tony Wells and Rebecca and Brian Allcock addressed the Committee speaking in objection to the application. Her comments included the following information:

- The harm to the Green Belt carried great weight.
- The fallback, if it was a fallback, attracted negligible weight and was not less harmful to openness in any event.
- Harm to the Green Belt was not clearly outweighed, very special circumstances were not established.
- Other further harms were present – location/sustainability and design/character of the area.
- Permission should be refused for all of the above reasons.
- Extant planning permissions: the construction of 42 permanent holiday homes (being the balance of holiday homes not yet constructed of the 50 that had extant planning permission) and 14 permanent executive homes.
- The applicant argued that the proposal caused less harm to the openness of the Green Belt than the extant planning permissions because it had a materially smaller footprint and volume. The material improvement was said to constitute Very Special Circumstances.
- The original plans had only been approved based on enabling development. Proceeds were to be reinvested into a golf complex benefiting the golfers, resident and local community. No enabling development argument was presented in the current case.

Richard Sagar, Walker Morris, representing Cussins, addressed the Committee speaking in support of the application. His comments included the following:-

- There was a simple logic why the approved 2 live applications allowed 42 properties to be built.
- 14 executive homes were to be built, in comparison, which would reduce impact
- The beneficial impact should be given substantial weight for approval just as harm to the Green Belt should be given approval, so should improvement, which was what the proposal delivered.
- Comparing live permissions of 56, the proposed application was for 48 properties, which was a reduction of 14%.
- The 2 storey spaces were reduced by 28% and a material improvement to openness.
- The difference in use would be modest.
- Fallback did not need to be certain in law, the cost of building future homes would ensure they were deliverable.
- Holiday homes had increased over the last 2 years since the Saville report.
- The golf club owners had a current interest in the holiday accommodation and could sell the remaining 42 units. There was a clear fallback position.
- The golf club preferred the newer scheme as it would provide a better return and would receive receipt from sale of land and invest and deliver improvement which would sustain and have a better future for the club.
- By reducing harm to the environment and Green Belt, there was ample weight to improving openness.
- Officers had carefully assessed and taken legal advice in relation to the fallback position and the judgement had to be fully endorsed.

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

- The application for this scheme related to converting a mixed use scheme of holiday accommodation and residential to purely a residential scheme. It was to be noted that conditions were attached for holiday accommodation only. In terms of large-scale development, eg, caravan parks etc, applications were normally resisted for conversion to holiday lets, however, this application was unusual because of the fallback position and the realistic prospect of the fall back being implemented.
- A S106 would be required as part of the scheme.
- Affordable housing would be on site with a mix of shared ownership.
- Every site was different however, when planning had originally been granted, it was only for tourism related development and latterly for tourism and residential to support the golf club. There was not a general rule of precedent, however, decisions could be challenged if material considerations had been given unreasonable weight.
- Members needed to look at the issue of fallback and decide which scheme caused less harm to the Green Belt and the granting to a full residential consent.

- The details of the shared ownership party would be worked through with the Council Housing Enabling Officers.
- There was no bus service or footpath along the road in Longhorsley.
- The site was not ideally located in terms of services and as set out in the report considered to be in an unsustainable location in the open countryside.
- If permission was granted and no development took place after 3 years, permission could lapse but would be dependent on circumstances at that time. If this scheme was refused, the alternative extant consents scheme could be built.
- The applicant had demonstrated that holiday homes for sale had been marketed for some time with little success. There had been a slow uptake demonstrating that the consented use of the site not worked to date.
- Members needed to ask themselves was it reasonable to build something explicitly aimed at holiday homes, if not ideal and replace with residential.
- At the moment, the viability to work as a holiday development was a much narrower margin with lack of success in the past, the developer was of the opinion that to give better quality of development made more sense to go for a residential development.
- The new proposals were very clearly a residential development. The issue was the build form under the holiday permission using properties aimed at the holiday market, whereas the new scheme was an honest interpretation of what the build form would look like and using larger houses so would appear more built out. The developer had been pushed to demonstrate the reduction in harm.
- Members should take into consideration whether the fallback was sufficient. The developer had said that the location was not right for holiday homes in terms of the Northumberland market. The former planning policy had allowed for the grant of the holiday lets where residential could not be built.
- The developer had provided information that they had marketed appropriately.

Councillor Wearmouth moved refusal for the following reasons:-

1. There was no benefit in terms of openness and the site was not considered to be in a suitable location which was contrary to Local Plan policy C1 and H16. It was not close to services and in an unsustainable location.
2. The developer had not provided sufficient detail to demonstrate the scheme would be less valuable as a holiday scheme and would cause less potential harm to the development.
3. The proposed plans did not demonstrate a reduction to harm to the Greenbelt and as such no very special circumstances were demonstrated to exist compared to extant permissions. Therefore it was considered to be inappropriate development in the Green Belt.

Precise wording of the refusal reasons were to be agreed with the Planning Chair in conjunction with the Executive Director of Planning and Place.

Councillor Bawn seconded the motion.

Members expressed opinions that the houses had been agreed to allow the Golf Club to flourish. A more imaginative scheme would be preferable due to the huge demand for good quality holiday homes. The original planning application in 2010 had been very controversial and the application should be brand new. The existing plan did not demonstrate that very special circumstances existed to overcome harm to the greenbelt. The location was considered unsustainable as there were no services available and applications such as these were normally refused.

The golf club were wished well but it was acknowledged that the proposal did not accord with planning policy.

A vote was taken on the motion to refuse the application as follows:
UNANIMOUS.

90. APPEALS UPDATE

RESOLVED that the information be noted.

A short recess was taken at this point and Councillor Dodd left. The meeting reconvened at 5.21 pm.

91. LOCAL TRANSPORT PLAN PROGRAMME 2022/23

The report set out details of the draft Local Transport Plan (LTP) programme for 2022-23 for consideration and comment by the Local Area Council, prior to final approval of the programme by the Interim Executive Director of Planning and Local Services in consultation with the Cabinet Members for Environment and Local Services.

The Local Transport Plan grant allocation was determined for the Council by the Department of Transport (DfT) who had yet to announce the capital allocations for 2022/23. At this stage, an indicative figure of just over £23 million had been assumed.

The Council's Local Transport Plan would consist of improvements and maintenance schemes to address four key areas – walking and cycling; safety; roads; and bridges, structures and landslips. Identifying road safety issues included consideration of priorities put forward by the County Council and Parish and Town Councils last year. Appendices A – D set out the details of the programme.

The walking and cycling allocation was split between improvements for crossings, footpaths, bus stops and the design of permanent pedestrianisation in Alnwick, and maintenance of footways and cycleways and maintenance of the rights of way network.

The Council continued with its initiative for the Local Cycling and Walking Infrastructure Plans known as LCWIPs for the main towns in Northumberland and this would be consulted on in the near future.

It had been noted that a number of County Councillors and Parish and Town Councils had put forward priorities for the introduction of new cycleways and footways, which had been considered beyond the funding available through the LTP programme. The details of those had been but captured separately so they could be considered for any future sources of external funding. The details of the LTP Walking and Cycling Programme was set out in Appendix A, attached to the report.

Integrated Transport Programme and funding generally was concentrated to the safety of the highway network. £695,000 was aimed at reducing the number and severity of road traffic casualties through a programme of local safety schemes.

The implementation of the 20 mph outside of schools would continue and £500,000 had been allocated to complete the programme. 107 schemes had been completed with a further 10 that had been issued for design. An allocation of £350,000 had been made for refurbishment and renewal of existing signage and road markings.

A range of maintenance activities including resurfacing, patching, surface dressing, micro surfacing together with allocations through capital repairs for drainage and traffic signals was developed through asset management principles.

In addition to the LTP programme, the Council were planning to invest a £2m programme on U and C roads. Details of the draft Roads Programme was attached as Appendix C.

An allocation of over £2 million had been made for bridge maintenance which included a programme of bridge strengthening and remained a key objective.

An allocation of £2,423,000 for landslips would enable stabilisation work to prevent deterioration and loss of use of the network with a major scheme at Todstead with a cost of £9.3 million and funded by NCC. Details attached as Appendix D.

In response to questions from Members, the following comment were made:-

- Lynemouth schools were included in the safer street for schools programme and details would be shared with the Local Member.
- A site visit could be arranged with the Local Member, Officers and Portfolio Holder regarding the bridge and Ellington/Linton
- The Authority had its own Sign Shop which was more cost effective and comments were taken on board regarding the signs.
- Officers were commended on an excellent report.

Councillor Sanderson left the meeting at 5.39 pm.

- Items on the reserve list would be looked into and be subject to discussion with senior management and the portfolio holder.
- A list of schools for the 20 mph for the CBSV LAC area would be circulated to members
- Mr Laux would discuss Riverbank Road with officers. Riverbank Road had not been included as a priority last year, but would be considered in the U and C roads for next year
- The Senior Programme Officer would investigate why traffic calming had not been considered suitable at Front Street, Ellington.

The Officers were thanked for the report and their attendance.

RESOLVED that the information be noted.

CHAIR

DATE