

## NORTHUMBERLAND COUNTY COUNCIL

### TYNEDALE LOCAL AREA COUNCIL

At a meeting of the **Tynedale Local Area Council** held at Hexham House, Gilesgate, Hexham, Northumberland, NE46 3NH on Tuesday, 14 February 2023 at 4.00 p.m.

#### PRESENT

Councillor T Cessford  
(Chair, in the Chair for agenda items 97-99, 107)

A Scott  
(Vice-Chair (Planning) in the Chair, agenda items 100-106)

#### MEMBERS

A Dale  
SH Fairless-Aitken  
C Horncastle  
I Hutchinson  
D Kennedy (103-107)  
N Morphet

N Oliver  
JR Riddle  
A Sharp  
G Stewart  
H Waddell

#### OFFICERS

N Armstrong  
K Blyth

T Crowe  
C Harvey  
R McCartney  
H Parkin  
M Patrick  
D Rumney  
N Turnbull

Principal Planning Officer  
Development Management Area  
Manager (West)  
Solicitor  
Senior Planning Officer  
Highways Infrastructure Manager  
FCERM Officer  
Highways Development Manager  
Highway Asset Manager  
Democratic Services Officer

#### ALSO PRESENT

10 members of the public and 1 member of the press.

#### 97. MINUTES

**RESOLVED** that the minutes of the meeting of Tynedale Local Area Council held on 13 December 2022, as circulated, be confirmed as a true record and signed by the Chair.

Ch.'s Initials.....

## 98. DISCLOSURE OF MEMBERS' INTERESTS

Councillor Stewart confirmed that he would be speaking as the local member on agenda item no 7 planning application 20/00230/FUL and would sit at the rear of the room and not participate in that item.

## 99. LOCAL TRANSPORT PLAN PROGRAMME 2023-24

The Local Area Council received a report which set out the draft Local Transport Plan (LTP) programme for 2023-24 for consideration and comment 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. (A copy of the report is enclosed with the signed minutes).

The Highways Infrastructure Manager reported that final confirmation from Department for Transport funding (DfT) was awaited; but a programme totalling nearly £23.5 million had been assumed, based on the allocation received the previous year. A sum of £62,500 would be retained by the North East Joint Transport Committee to cover central support costs.

The programme was split across four keys areas, sustainable transport, safety, roads and bridges, structures and landslips, with the detail set out in Appendices A – D.

The final LTP Programme would be reviewed and refined in line with the actual level of funding received from the DfT and following consideration of feedback from the Local Areas Councils.

The following information was provided in response to questions:

- Work on the A6097 at Acomb was scheduled in 2 phases across 2023/24 and 2024/25. Detailed evaluation was still to be carried out with the work being accelerated if it was determined that the second section was more urgent. Councillor Cessford was concerned that the section identified for phase 2 was in a worse condition than phase 1.
- Installation of changes to horizontal kerb alignments was expensive and therefore not used frequently.
- Due to the landslip between Corbridge and Riding Mill, part of the right of way had fallen into the river. Councillor Dale requested urgent action and information for the parish council. It was understood that the creation of an alternative route was being investigated. An update would be obtained from the Area Countryside Rights of Way Officer.

**RESOLVED** that:

- a) The report be received and noted.

- b) Members' comments be considered in the finalisation of the LTP Programme for 2023-24.

## **DEVELOPMENT CONTROL**

### **100. PROCEDURE TO BE FOLLOWED AT MEETINGS**

The Chair advised members of the procedure which would be followed at the meeting.

### **101. DETERMINATION OF PLANNING APPLICATIONS**

The committee was requested 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.

### **102. 20/00230/FUL**

**Full planning permission for 63no. dwellings with associated infrastructure and landscaping (as amended)  
Land south of Broomhouse Lane, Station Road, Prudhoe,  
Northumberland**

There were no questions arising from the site visit videos which had been circulated prior to the meeting.

The Principal Planning Officer introduced the application with the aid of a powerpoint presentation and made reference to the following updates:

- The LLFA had requested Condition 28 regarding groundwater and springs. Plan references in the condition needed to be updated to refer to the latest SuDS Location Plan as Revision K. The following sections should now read:

“28. Prior to the commencement of development, a scheme to mitigate groundwater and springs emanating within the development shall be submitted to and approved by the Local Planning Authority. This scheme shall be in general accordance with QD1600-00-05 Rev K “SuDS Location Plan” from Queensberry Design and provide further information / details on:....

- E) Dwelling foundations (in the golden hatched area as denoted in drawing QD1600-00- 05 Rev K “SuDS Location Plan” from Queensberry Design) shall be submitted.”

- Reference to “Part C) Land drainage interceptor details within the apartment area;” be deleted from Condition 28.
- In condition no 43, the reference to Condition 41 should be replaced with reference to Condition 42. It should now read:

“43.No plot construction works shall be undertaken until a validation and verification report demonstrating that any required ground stabilisation and remedial works to address any identified ground stability issues highlighted by the intrusive site investigation in Condition 42 have been undertaken, and which has been approved in writing by the Local Planning Authority.”

Mr David Sinclair spoke in objection to the application and raised the following concerns:

- He was speaking on behalf of residents. Many were opposed to the access from Tilley Crescent, flooding and other issues.
- They were concerned about highway safety due to congestion on Tilley Crescent with parked vehicles. Access for service and emergency vehicles would be nearly impossible, particularly in the evening.
- Homes on Tilley Crescent had parking provision for one car although most owners had 2+ cars. If there were another 24 properties added, assuming most had 2 cars, there would be another 100 vehicle movements on Tilley Crescent daily.
- The area at the top of Tilley Crescent where 2 cars could be parked would be lost to create the access to the new houses, if the planning application was granted.
- A recent traffic survey indicated that there had been a massive increase in the number of vehicles using Castlefields Drive from December 2018 to April 2022. To add more vehicles would be unacceptable to residents and a danger to the public.
- Speeds of 51.3 mph had been recorded eastbound and 54.1 mph westbound.
- Large numbers of families and children lived in Tilley Crescent, chosen for its cul-de-sac location. Their safety would be compromised.
- Nearby roads were used a school route from the Castlefields Estate, increased traffic would result in serious safety concerns.
- The site was prone to flooding, particularly Broomhouse Lane which always floods after a downpour.

Councillor Stewart spoke as the local member. He stated that:

- He had spoken with a large number of residents when visiting properties close to the application site.
- He had spoken about the application on social media and in the press as he had wanted to raise awareness that the application was not appropriate. There had been some tweaks but were short of the needs of the community.
- The site visit had been enlightening and worthwhile for members.

- There were a large number of objections from residents, and also the Town council, who had raised real and serious concerns after consideration of all of the facts. The proposals had led to anger and sleepless nights as residents feared for the future of the estate.
- Residents from neighbouring streets had also been impacted by the increase in traffic as well as from the recently opened retail park.
- Page 46 of the officer's report referred to a recent nearby traffic survey.
- Tilley Crescent was used as a safe walking route to a nearby first school. Parents had indicated that in the future they would drive their children to school rather than walk.
- Tilley Crescent and Cross Street were quiet cul-de-sacs where children would no longer be able to play. This would also have an impact on community spirit.
- A request had been made that the access from Tilley Crescent be removed and consideration given for a route via Castlefields Drive/Broomhouse Lane. Whilst it might be more cost effective to use Tilley Crescent, monetary interest should not be put above the safety and welfare of many.
- Officers were requested to elaborate on how the narrow street would cope with the change.
- There was a lack of footpaths from the site to the town centre, which was a concern and would create additional problems.
- The area was renowned for flooding issues and a history of contamination and answers were sought as to how these issues would be solved. A SuDS pond at the foot of a steep bank close to a home was not the answer.
- The main access route off Station bank was a steep road, close to a junction and not far from the busy town centre. This would be difficult for construction traffic and deliveries and there was a fear that access for construction would be sought via Tilley Crescent.
- It was queried whether the community contributions for affordable housing and education were sufficient.
- The site had been untouched for years and had its own eco system for birds and other wildlife. There was also no plan for screening for the benefit of nearby homes.
- The profits of the developer should not be placed ahead of the welfare and safety of many residents. The aforementioned reasons should be sufficient to refuse the application.

Mr Alastair Willis, Planning Director at Lichfields spoke in support of the application on behalf of Northumberland Estates. He commented as follows:

- The officers report and presentation were endorsed. A lot of work had been undertaken to ensure that the best scheme was delivered on the site. This was also reflected in the amount of time taken to get this stage and number of different options tested to address concerns raised by the speakers.
- Planning permission had been granted previously, but due to the recession, the site had not been developed. The scheme included detail

which had previously not been available including details of ground conditions which allowed a better understanding of the construction requirements for the site. Additional evidence provided greater clarity on a variety of issues raised by residents including surface water flows and ground stability. It had been demonstrated that the technical details of the site were suitable for the proposed development and concluded that previous schemes would not have been deliverable with the site constraints.

- Various changes had been made to the scheme including a reduction in the unit numbers from 89 dwellings (including 15 apartments) down to 63 dwellings with no apartments. There had also been changes to proposed elevations which had previously been more of a contemporary style.
- The number of properties access from Tilley Crescent had also been nearly halved from 46 to 24 dwellings.
- The original consent for the site permitted 118 dwellings and approval for 70-80 dwellings had been granted in a later application.
- No objections had been raised by the following consultees:
  - Highways
  - Northumbrian Water
  - LLFA - contribution to local drainage works
  - Public Protection
  - Built heritage
  - Ecology
  - NHS - contribution to local healthcare provision
  - Education - contribution to local school provision
- They were aware that whilst officers supported the application, access from Tilley Crescent was one of the main concerns for local residents which had led to a rigorous assessment of alternative options which had been submitted with the application. These included:
  - Access to the site solely from Station Road involving wide sweeping roads and significant retaining walls to achieve required levels. It had been agreed that this was a worse design solution.
  - Access from Broomhouse Lane and / or Castlefields but due to changing levels there would be extensive tree loss along the northern boundary resulting in a worse design solution to the proposed development.
- The Council's Highways officers had agreed that Tilley Crescent was suitable for the proposed development.
- Benefits of the proposed development included:
  - Development of a sustainable location identified as a main town in the Council's recently adopted Local Plan.
  - Development of properties which could easily be adapted for sustainable future energy sources, including air source heat pumps, roof mounted PV and wastewater heat recovery.
  - Delivery of affordable homes.
  - Development of homes to the M4(2) accessible and adaptable homes standard.
  - Provision of public footpath connections and on-site open and play space.

- 2/3 bedroom homes amounting to almost 60% of the proposed scheme.
- In summary, the development was in a sustainable location with good access to services and facilities in Prudhoe Town Centre, consistent with policy in the recently adopted Local Plan and NPPF and should be supported in line with the officer's recommendation.

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

- The planning application had been submitted some time ago with officers concerned about the scale, design, layout, character, number of houses and impact on amenity of opening the access via Tilley Crescent. The developer had been requested to consider all options before the current scheme had been presented. This scheme included fully worked up plans including the roads, which had not been available previously. Other options had been discounted by the applicant due to practicalities. Access to the lower northern section via Station Road would require sweeping roads, large embankments and retaining walls beyond the site boundary. This would also have sterilised part of the site. There were no objections from Highways on safety grounds however there were concerns with the scale and design, the cul de-sac road and the visual impacts this would have and the impact it would have on amenity. Access via Tilley Crescent would be for an additional 24 properties and extend the cul-de-sac. The scheme presented was finely balanced and required determination by Members.
- Access via a central road north/south with horizontal branches would require a gradient of 1:6 which would be too steep. Significant engineering works would be required to create embankments and retaining walls and had been discounted by the applicant and their engineers. The steepest gradient accepted by Highways under modern standards for an adopted road was 1:12, although it was noted that other developments in Hexham, approved decades earlier, had steeper gradients which would not be acceptable now.
- The harm caused by proposals to amenity and highway safety were assessed by the relevant consultees. Members of the committee would need to weigh these and determine whether the application be recommended for approval.
- It was acknowledged that the proposed access via Tilley Crescent would change the character of the area. Tilley Crescent would become an extended cul-de-sac with the properties at the furthest end now being situated in the middle under the proposed scheme. The width of the road had been measured as part of the assessment to ensure that it could provide safe access to the additional properties.
- Tilley Crescent would not be an acceptable route for construction traffic and therefore a Construction Management Plan had been requested with access via Station Road. An element of access would be required when the builder broke through to connect the development to Tilley Crescent and would require advance permission.

- The developer had been asked to create a road which meandered to slow traffic. A chicane could also potentially be installed in the northwest corner as long as it did not obstruct access to properties.
- The initial submission had not contained all of the information required to comply with the National Planning Policy Framework (NPPF), best practice and enable an assessment by the statutory consultees, including the Lead Local Flood Authority (LLFA). The report contained a summary of the key issues which had now been satisfied, subject to conditions. Drainage arrangements had been assessed against the likelihood of a 1 in 100-year flood event and for the life of the development. The financial contribution of £15,000 was the maximum amount the LLFA could request via a Section 106 agreement to put towards the improvement and maintenance of a filter drain to alleviate flooding in the vicinity of the development.
- Storm Desmond had been less than a 1 in 100-year flood event.
- The amenity, design and visual impact of the proposed scheme were finely balanced. Officers had concluded that the development would not have significant or unacceptable adverse impacts on the amenity of existing residents. Approval had previously been granted for 8 additional properties via Tilley Crescent. The change in character and increased disturbance had been mitigated by a reduction in the number of properties accessed via Tilley Crescent. Members would need to assess whether the harm from the proposed scheme outweighed the delivery of housing on the site.
- The addition of the development did not require funding for infrastructure improvements on Station Road to make the proposals acceptable. The Local Cycling and Walking Infrastructure Plans were evolving for the area.
- The proposed conditions required that further details be submitted in respect of climate change mitigation measures and sustainable design with the informative setting out the detail of measures expected for the condition to be discharged.
- The County Ecologist had recommended the inclusion of an informative regarding measures to protect hedgehogs.
- The contribution of £243,000 to mitigate the impact of the development on local educational infrastructure had been assessed by the Education team and based on capacity.
- The scheme had been reviewed by HDM who raised no objections to the application on highways safety grounds, subject to conditions.
- Fully worked up drawings had not been received in respect of the other options explored. Detailed discussions had been held regarding the layout of the site before coming to the recommendation. The decision was finely balanced.
- Provision of 8 affordable housing dwellings met policy requirements. The suggestion for shared ownership took into consideration affordable housing units to be delivered at the Prudhoe hospital site.
- Officers were unable to predict determination of an appeal by the Planning Inspectorate, particularly if HDM had no objection on highways safety grounds. The road at Tilley Crescent was an adequate width and acceptable to the highway network. The LLFA also had no objection subject to conditions with mitigation measures. The access at Tilley



Crescent had previously received planning approval, albeit for a smaller number of properties. It was suggested that if the applications were refused, it should not be on highway safety grounds and that other finely balanced issues could be considered, such as the impact on amenity and character of the area.

- It was believed the other highways options would be more costly, difficult to engineer, make visibility difficult and had therefore been dismissed by the applicant.
- The data from a nearby recent traffic survey had been taken into consideration by HDM before submission of their most recent comments. The speeds recorded near the retail park could not be associated with those on Tilley Crescent. Even with the anticipated increased number of vehicles at peak periods, the junction to access Tilley Crescent was suitable.

Councillor Horncastle proposed acceptance of the of the officer's recommendation to approve the application with the amendments to conditions requested by the Principal Planning Officer. The proposal was seconded by Councillor Dale.

Members discussed the application and raised a number of concerns including:

- The number of larger properties when the Strategic Housing Market Assessment (SHMA) suggested a greater need for smaller properties.
- The tenure of the affordable housing units which were proposed as shared ownership given that 80% of market value in an expensive area would not be affordable. Whilst the minimum requirement of 10% affordable housing was met, there was a suggestion that there would be greater demand for rented properties.
- The access arrangements and sloping nature of the site.
- The impact on the amenity of residents of Tilley Crescent given the relatively narrow width of the road.
- Whilst it was proposed that the dwellings would be easily adapted for sustainable future energy sources, it was cheaper for these measures to be installed at the construction stage.

The development of the site was welcomed although the cost of engineering solutions was not a matter of relevance to Members. Reference was made to the layout on similar steeply sloping sites in Hexham. Whilst there had been some reassurance from the information given by the officers from the LLFA and HDM, it was felt that there should have been further exploration and discussion of other options which did not require access from Tilley Crescent.

Members of the Local Area Council discussed the grounds on which the application could be refused. It was noted that there had been no objections from statutory consultees on the scheme presented. The Solicitor and Development Management Area Manager (West) made reference to the presentation given by the Principal Planning Officer and areas which were subjective and where he had stated that the recommendation had been finely

balanced including visual impact, impact on future residents of the development and current nearby residents, house design, location of properties on the northwest corner of the site. It was not recommended that any refusal refer to highway safety grounds or flooding.

Upon being put to the vote the results were as follows: -

**FOR: 3; AGAINST: 6; ABSTENTION: 2.**

The motion failed.

Councillor Morphet proposed that the application be refused, contrary to the officer's recommendation that the application be approved. Clarification of the reasons were sought by officers. He confirmed that this was due to housing mix, as the number of bedrooms were more than was needed, and also the impact of the development on the amenity of the residents of Tilley Crescent from increased noise and disturbance through the creation of the new access.

The proposal to refuse the application was seconded by Councillor Scott.

Upon being put to the vote the results were as follows: -

**FOR: 6; AGAINST: 4; ABSTENTION: 1.**

**RESOLVED** that the application be **REFUSED** permission on the grounds of housing mix and the impact of the development on the amenity of the residents of Tilley Crescent from increased noise and disturbance through the creation of the new access.

Councillors Horncastle and Dale requested that the minutes record that they had voted against the motion. At the end of the meeting the Solicitor sought clarification that a named vote had not been required.

### **103. 21/03314/FUL**

#### **Retrospective planning application for two dwellings**

#### **12 And 13 The Forge, Gilsland, Brampton, Northumberland CA8 7TF**

There were no questions arising from the site visit videos which had been circulated prior to the meeting.

The Senior Planning Officer introduced the application with the aid of a powerpoint presentation and made reference to the following updates:

- The second sentence in paragraph 7.21 of the officer report, should refer to No. 12 and No.13 The Forge, and not No.11.
- The last sentence in paragraph 7.21 of the officer report, should state that the southern boundary fence would have to be moved back by 4.5m for it to be where it was previously approved, not 1.5m.
- Paragraph 7.21 should read:

“7.21 It is noted that Thirlwall Parish Council strongly object to this retrospective application due to its impact upon Hadrian’s Wall World Heritage Site and scheduled monument. It suggests that the southern boundary of the rear garden of 12 and 13 The Forge be reinstated to its position as approved in 2015. These concerns have been taken into consideration when compiling this section of the appraisal. However, given that both the Council’s Archaeologist and Historic England have taken a pragmatic approach when appraising the proposals, and both consider it would be unreasonable to refuse this retrospective application on the grounds of archaeological impact, the application, on balance, can be supported in this respect, subject to the condition to remove permitted development rights from the rear garden, despite not being fully in accordance with Policies ENV 1, ENV 7 and ENV 8 of the Northumberland Local Plan. It is also considered that if the Local Planning Authority were to request the southern boundary of the rear garden be relocated 4.5 metres further north, back to its position as approved under the 2015 application, this would result in a very limited, insufficient amount of outdoor amenity space for the dwelling which would be unacceptable from an amenity perspective.”

Mrs Deborah Humble, the applicant, spoke in support of the application. She made the following comments:-

- They were the owners on 13 The Forge. This unusual situation had arisen through no fault of their own, which had been confirmed by the Planning Department and stated several times in the report.
- The developer had issued various plans in relation to the site. She and her husband had not seen the plans displayed in the powerpoint presentation when they had purchased the house.
- The uncertainty regarding the position had now been outstanding for 2 years and they would like the issue resolved.
- They were concerned regarding the proposed conditions which would not give them enough amenity space and would be contrary to their human rights.
- They had been innocent victims which was the reason for the planning fees being waived.
- Some responsibility had to be passed to the planners as there would have been various inspections at different stages.
- It would be ludicrous to only have 2m of rear garden space.
- The situation had adversely affected their mental health and had led to them being stressed, depressed, with anxiety and panic attacks through no fault of their own and should be taken into account.

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

- The reference to plans were those associated with the planning application approved in 2015.

- The error with regard to the siting of the building had been made by the developer/builder at the time of construction as the properties had not been built in accordance with the approved plans. Therefore, a retrospective planning application had been submitted to regularise the works.
- The properties had been bought by the current owners in good faith.
- Not all developments could be monitored. The issue had come to light following a complaint and investigation by colleagues in the enforcement team.
- Officers had tried to adopt a reasonable approach to lessen the impact on Hadrian's Wall, a scheduled monument and had therefore requested the removal of the structures in the rear gardens, reinstatement of the former ground level, archeological monitoring and removal of permitted development rights.
- The original planning permission had removed permitted development rights and they were also proposed to be removed under the current application therefore the owners would need to seek permission to move the location of the shed in the rear garden.

Councillor Dale proposed acceptance of the of the officer's recommendation to approve the application which was seconded by Councillor Cessford.

Upon being put to the vote, the motion was unanimously agreed.

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

**104. 22/00414/FUL**

**Retrospective permission change to holiday let with associated external changes including rear extension, creation of patio area to front and erection of stone wall**

**The Parlour, The Green, Acomb NE46 4PJ**

There were no questions arising from the site visit videos which had been circulated prior to the meeting.

The Senior Planning Officer introduced the application with the aid of a powerpoint presentation and confirmed that there were no updates.

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

- The application had been recommended for approval with conditions that the flue be painted matt black, the timber cladding be treated and the roof slates be replaced within a 3 month period.
- A condition required that a parking space in the ownership of the adjacent property be retained in perpetuity for use by occupants of the holiday let. Enforcement action could be taken if this was not adhered to. The

condition could be worded to ensure that promotion of the holiday let online and in leaflets referred to use of the parking space.

- Whilst parking on the highway outside the unit was legal, although not desirable on the brow of a hill, the condition required that the parking space was made available for the holiday let.
- Implementation of the conditions would be monitored.
- The Conservation Officer had not considered the colour of the roof slates acceptable as they did not match the predominantly Welsh slate in the conservation area. Natural grey slate had been accepted on the planning application for the adjacent property considered at the meeting in December. Whilst they were from Brazil, the colour of the slates on the extension had matched the colour of the original slates on the host building. It was suggested that the condition could be worded to request a sample of a new natural slate.
- Whilst upvc rainwater goods had been used, their appearance did not cause harm to the character or appearance of the Conservation Area to warrant replacement.
- Planning permission for the holiday let would have been granted independently of the White House although the condition of the parking space was considered necessary to secure the operation of the holiday let unit as ancillary to the occupation of the White House, in the interest of amenity and car parking provision. However, it was not believed that a condition was required for the properties to remain in the same ownership.

Councillor Oliver proposed acceptance of the of the officer's recommendation to approve the application which was seconded by Councillor Scott.

Upon being put to the vote the results were as follows: -

**FOR: 11; AGAINST: 0; ABSTENTION: 1.**

Councillor Fairless-Aitken left the meeting during consideration of this item and her vote was not counted.

**RESOLVED** that the application be **REFUSED** permission for the reasons outlined in the report.

**105. 22/02902/FUL**

**Retrospective use of riding arena for business use for individual training, riding and boarding of horses and erection of timber store (as amended) Land to South West of The Old Stables, Durham Riding, Prudhoe, Northumberland, NE42 5NX**

The Chair reported that this item had been withdrawn from the meeting.

**106. PLANNING APPEALS UPDATE**

The report provided information on the progress of planning appeals.

**RESOLVED** that the information be noted.

**107. DATE OF NEXT MEETING**

The next meeting would be held on Tuesday 14 March 2023 at 4.00 p.m.

**CHAIR** \_\_\_\_\_

**DATE** \_\_\_\_\_