

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, 28 March 2023 at 4.00 p.m.

PRESENT

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

MEMBERS

SH Fairless-Aitken (117 - 122)	JR Riddle
C Horncastle	A Sharp
I Hutchinson	G Stewart
D Kennedy	H Waddell
N Morphet	

OFFICERS

N Armstrong	Principal Planning Officer
K Blyth	Development Management Area Manager (West)
T Crowe	Solicitor
R Murfin	Interim Executive Director of Planning & Local Services, Regeneration, Commercial & Economy
M Patrick	Highways Development Manager
N Turnbull	Democratic Services Officer
N Watson	Senior Sustainable Drainage Officer

ALSO PRESENT

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

117. PROCEDURE TO BE FOLLOWED AT PLANNING MEETINGS

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

Ch.'s Initials.....

118. APOLOGIES

Apologies for absence were received from Councillors Cessford, Dale and Oliver.

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.

119. DISCLOSURE OF MEMBERS' INTERESTS

Councillor Stewart confirmed that he would be speaking as the local member on agenda item no 5 planning application 20/00230/FUL and would sit at the rear of the room and not participate in that item.

DEVELOPMENT CONTROL

120. PROCEDURE TO BE FOLLOWED AT MEETINGS

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

Tessa Crowe, Solicitor commented that there had been a procedural error when planning application 20/00230/FUL had last been considered at committee as the proposer of the motion left the room during the debate. Due to the fact no-one could be certain on what parts were missed, it could not be said that the proposal was made after a full consideration of the facts.

In order for a proposal to stand there had to be evidence of full consideration of the facts. This did not mean in every case if someone leaves the room a decision will be invalid, it will depend on who left, at what point and whether they were a proposer, a seconder or a voter.

Members were reminded that they should not leave the room whilst a matter is being heard. Officers of the Council will speak up if they see something they feel could affect procedure, if they see it. In this case, no officers saw the member leave the room and were only told about it after the meeting had ended by other members.

With regard to predetermination, it was noted that Members had considered this application before. However, this should be treated as a new application with new debate, questions and discussions. Different members were present at the meeting, some who were present last time were not present today and vice versa.

It was an approved procedure to bring a matter back where an error has occurred.

Members were entitled to be predisposed to particular views. However, they should not take part if they had pre-determined the application. If anyone felt that they had any predetermination, they must not take part.

Members could arrive with a predisposition accepting that they may vote in a particular way but being open to the fact that the questions, debate and views expressed were capable of persuading them to vote differently. If members knew they could not be persuaded and did not want to be persuaded, were not open to being persuaded, they must not participate.

121. 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.

122. 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. He made reference to the following updates:

- A further objection had been received since the agenda had been published. It raised concerns in respect of matters of flood risk, drainage and highway safety. This included concerns over information presented within the submitted Flood Risk Assessment and application documents, and issues in respect of sewer flooding; untreated sewage flows into the River Tyne; incorrect drawings/filter drain; and road access via Tilley Crescent. The objection had been shared with the Lead Local Flood Authority, Northumbrian Water and Highways Development Management. It was not felt that any new issues had arisen.
- The applicant's agent had submitted a briefing note in respect of Alternative Access Options.

Mr David Sinclair spoke in objection to the application on behalf of residents of Tilley Crescent and Castlefields and raised the following issues:

- The concerns particularly related to the proposed access through Tilley Crescent which was a quiet family cul-de-sac.
- There were serious historic flooding issues associated with the proposed development site due to underground watercourses. Despite a high number of objections, the application had been presented for approval, despite the recommendation being finely balanced. There had been only one comment in favour of the application.
- He thanked members for attending the site visit as it was important to see the reasons for declining the application around access, flooding and road traffic safety.
- Tilley Crescent, although a quiet cul-de-sac, was already congested with parked cars, particularly at evenings and weekends. Properties had only been built with provision for 1 car although many families had 2 or more cars which meant the road was used for parking. It was too narrow for additional through traffic with 2 visitor bays at the top being lost if a through road was permitted.
- An NCC traffic survey on Castlefields Drive in April 2022 showed an increase of 16,000 vehicles per week since the previous survey in December 2018.
- The speed limit on Castlefields was 20mph but the survey recorded daily speeds in excess of 50mph in both directions. Therefore it would be reckless to consider using Castlefields as an access route.
- The safety of children would be compromised if access was granted through Tilley Crescent as they played in the front gardens and at the top of the cul-de-sac. It was also used as a route for children walking to various schools in Prudhoe. The proposed access route and increased traffic would result in serious safety concerns. The road was also too narrow to introduce traffic calming measures such as those on Castlefield's Drive.
- Paragraph 7.82 of the report recommended that permitted development rights be withdrawn from 3 plots to minimise flooding.
- The proposed location of a SUDS basin would only be metres away from a property in Tilley Crescent. If the SUDS basin could not cope, there was concern that this would lead to flooding in surrounding properties. The area of green land was a natural soakaway. Where would water go if houses and roads were built? Residents of Castlefields and Northumberland Court had experienced flooding and / or backflow of raw sewage when the sewers had been unable to cope. It was questioned whether the existing drainage network would cope if the proposed site was connected.
- Plans on the website were incorrect as they showed a filter drain from Station Bank to Tilley Crescent on Broomhouse Lane, but it stopped 100 metres west of Tilley Crescent with no further drainage.
- Broomhouse Lane regularly flooded, even in the summer. The main sewer ran from Tyne View Terrace through the site. Residents of Tyne View Terrace and Cranleigh Grove had experienced sewage back flow issues during a storm in November 2022.

- The first application on the site had resulted in a High Court judge questioning basic calculations by NCC for water discharge and lack of detail, which had cost taxpayers £40,000.
- The health and wellbeing of residents would be compromised due to noise pollution, loss of green space and a well-maintained wildflower border. Wildlife and birds would lose their natural habitat through loss of trees and vegetation including bats, bull finches, chaffinches, owls and other birds.
- The proposed site was on previous mine workings which required properties to be fitted with gas monitoring systems to detect Stythe gas or black dam, which was a concern property owners should not need to live with in 2023.
- In summary, the site was not suitable for residential housing in any form, contrary to the agent's briefing note. It should not have been presented to committee with concerns regarding flooding, road safety, mine gases, fictitious plans around drainage. It was stated that other access routes had been investigated but weren't suitable. However, a previous application for 118 dwellings in 2012 had been passed with no access through Tilley Crescent.

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

- Members had received papers, watched site videos, considered the local objections and participated in a site visit and the previous long debate. It was unfortunate that not all members had been able to be present for the extra meeting with one member ill, but understandable.
- Mr Sinclair had outlined concerns and members had been sent emails from Mr Gallagher and Mr Robson who had raised queries regarding:
 - Mine gasses
 - Flooding
 - Sewer's flooding
 - Flow into the River Tyne
 - Filter drain
 - Access via Tilley Crescent
- requested that Members asked searching questions of the officers.
- A valid point had been raised regarding the 2012 application for 118 houses which had not required access via Tilley Crescent and therefore queried why this was now required in the quiet cul-de-sac.
- For those members who had previously voted against the application, he suggested that nothing had been said to change the decision.

Mr Alastair Willis, Planning Director at Lichfields spoke in support of the application on behalf of Northumberland Estates. He wished to concentrate on the following pertinent issues:

- It was clear from the report that officers had put a lot of work into ensuring the best scheme was delivered on the site. This was reflected in the time taken to get to this stage and the amount of different opinions tested, including alternative access arrangements.

- The site had previously had planning permission for a greater number of houses, although due to market conditions following the recessions, it had never been developed. The scheme now submitted also included detail not previously available, including details of ground conditions which provide a more informed understanding of the issues raised by members.
- In response to comments received during the application, Northumberland Estates had made various changes to the scheme, including a reduction in unit numbers from 89 dwellings (including 15 apartments) to 63 dwellings with no apartments. Significant changes had also been made to the proposed elevations, originally presented in a more contemporary style.
- The changes, significantly, had also resulted in a reduction in properties accessed from Tilley crescent, 46 dwelling down to 24, nearly halved.
- There were no objections from the statutory consultees, including Highways, Northumbrian Water and the LLFA, amongst others.
- Whilst the proposed development was supported by officers, access from Tilley Crescent was one of the main concerns of local residents. In response to this there had been a rigorous assessment of alternative options. Details had been submitted with the application and recirculated following the previous meeting. These were summarised as follows:
 - The whole site accessed from Station Road. This would result in significant amounts of wide sweeping roads and retaining walls to achieve the levels required. This was agreed to be a significantly worse design solution than the proposed development.
 - Access from Broomhouse Lane and / or Castlefields. Due to the change in levels, this would require extensive tree loss along the northern boundary which resulted in a significantly worse design solution than the proposed development.
- The Council's Highways officers had agreed that Tilley Crescent was suitable for the proposed development. Officers had previously advised that other solutions would result in unacceptably steep roads within the site. The access at Tilley Crescent would have no through traffic and result in a cul-de-sac little different from many others across the county.
- Other concerns raised related to housing mix. The Local Plan requirements do not relate to Prudhoe, but the county as a whole which exhibits a huge difference in requirements from one area to another. The Local Plan evidence provided very little detailed analysis of Prudhoe, but noted:

"Agents at Prudhoe described a local housing market that was a product of its industrial past, with terraced housing in abundance, many with on street parking. Agents told us there was a shortage of semi-detached homes needed for move on accommodation from the terraced housing.... This would be for local need as the town attracted few incomers."
- On this basis, the market indicators for Prudhoe, which the proposed development is based upon, are as valuable to the decision making process as a document which covers the whole county and its many different housing requirements.
- Benefits of the proposed development include development in a sustainable location, listed as a Main Town in the council's recently adopted Local Plan as well as:

- Development of properties which are easily adapted for sustainable future energy sources, including air source heat pumps, roof mounted PV and waste water heat recovery.
- Delivery of affordable homes.
- Development of homes to the M4(2) accessible and adaptable homes standard, in excess of policy requirement.
- Provision of public footpath connections and on-site open and play space.
- Two and three bedroom homes amounting to almost 60% of the proposed scheme.
- In summary, the development of the proposed homes was in a sustainable location with good access to the services and facilities in Prudhoe Town Centre. It was clear at the last committee meeting that the principle of development was fully supported, consistent with the recently adopted Local Plan. It was hoped the additional information provided assisted in addressing the concerns some members had and would enable members to support the officer's recommendation.

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

- In 2007, a hybrid planning application had been granted with full permission for retail, office, apartments and outline permission for 118 dwellings at the northern end of the site. Only indicative plans had been submitted with 8 dwellings being accessed via Tilley Crescent. Full details and plans had only been provided for the latest application.
- In 2013, an outline planning application had been submitted for 70-80 houses with an indicative site layout. Access for 8 dwellings was shown via Tilley Crescent, the remainder accessed from Station Road.
- The Lead Local Flood Authority (LLFA) had reviewed the drainage plans and risk of flooding on the site in great detail as well as correspondence received regarding the underground water springs.
- Development of the site would result in a positive position regarding the attenuation of greenfield run off into drainage on the site. Surface water would be stored on the site and released at discharge rates agreed by Northumbrian Water. Currently surface water runoff to the drainage system was at an unrestricted rate whereas after development it would be intercepted before reaching the filter drain.
- There was no local housing needs assessment for the Prudhoe area and therefore consideration had been given to the general countywide Strategic Housing Market Assessment (SHMA) where there was an identified need for smaller homes. The information provided by the agent might have merit but had not been independently verified. A large proportion of the dwellings on the hospital site were for smaller properties. With no evidence to the contrary, the application could not be refused on the grounds of the proposed housing mix.
- The proposal to deliver 8 affordable homes exceeded the policy requirement of 10% for that area of Prudhoe. It was proposed that the units would be shared ownership.

- Highways did not object to the proposed development on highway safety grounds, subject to conditions. The design, layout and amenity of the site were finely balanced. The impact of the development on the surrounding highway network had been assessed, traffic surveys had been carried out and the measurements of Tilley Crescent checked. All details were in accordance with national guidelines and therefore Highways had no reason to object.
- The National Planning Policy Framework (NPPF) stated that in order for a scheme to be refused due to highway concerns it would require proposals to have a severe impact on capacity or highway safety.
- Any built development would have an impact on the character of the area although not necessarily highway safety. If the degree of impact on amenity was severe, it could perhaps be a reason for refusal.
- The site was located close to the town centre boundary with Prudhoe being categorised as a Main Town within the Local Plan.

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

Members discussed the application and when the following matters were raised:

- There was a lack of level access bungalows.
- Information was required on the source of materials to be used.
- The number of 3- and 4-bedroom properties when there was an identified need for more 2 bedroom properties across the county and no housing needs assessment for Prudhoe. Whilst the town was a sustainable location, a member enquired whether it would be appropriate for the matter to be deferred in order that a local housing needs assessment be undertaken.
- The impact of the development would cause harm to the residents of Tilley Crescent.
- Lack of clarity regarding home energy efficiency measures.
- Whether extra conditions were required to secure details of additional planting along the northern boundary and protection of the wall. It was confirmed that conditions no 5 and 13 addressed concerns.
- Whether a contribution could be requested from the developer for a path to the railway station which would improve the sustainability of the scheme.
- The site was located within a densely populated area of the town, in a sustainable location where there was demand for properties.
- 8 of the 63 dwellings would be affordable which exceeded the policy requirement of 10%.
- Highways did not object to the application, subject to conditions. The network had capacity for the additional residential properties.
- The officers report had presented the advantages and disadvantages of the scheme.

With regard to a suggestion from Councillor Morphet that a contribution be sought from the developer to enhance off site local walking and cycle path infrastructure, Councillors Horncastle and Kennedy sought reassurance that the Section 106 agreement amounts, already negotiated and agreed, would not be reduced, particularly with regard to education and healthcare provision.

The Interim Executive Director of Planning and Local Services, Regeneration, Commercial and Economy commented that aspects of the application were finely balanced in weighing up the harm of the application against benefits. If a contribution for a cycle path provided an additional benefit which enabled members to support the application, this could be negotiated. He confirmed that this would be an additional contribution and would not reduce the amounts already agreed for open space, flood risk mitigation, education and healthcare provision. The wording of an additional condition would need to be delegated to the Interim Executive Director of Planning and Local Services, Regeneration, Commercial and Economy and the Chair of Planning.

The Solicitor suggested that if the additional contribution was required to mitigate the impact of the development, it would need to be proportionate as it had not previously been requested.

Councillors Horncastle and Kennedy agreed to an additional condition for the negotiation of a contribution to offsite cycling infrastructure.

Councillor Horncastle expressed his support for the officer's recommendation to approve the application. Although it was a controversial site, it was regarded as waste ground by residents. He also made reference to the fact that none of the statutory consultees had objected to the application, with appropriate conditions, including drainage.

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

FOR: 4; AGAINST: 5; ABSTENTION: 0.

The motion failed.

Councillor Morphet proposed that the application be refused, contrary to the officer's recommendation that the application be approved, for the following reasons:

1. There was a lack of information on local housing need, which could have assisted members in understanding the benefits of the scheme and how they might have offset the impacts.
2. The harm to the amenity of the residents of Tilley Crescent and the change in the character of the cul-de-sac by virtue of the general disturbance caused by increased traffic movements and activity.
3. The lack of information provided on proposed energy efficiency measures.

The proposal to refuse the application was seconded by Councillor Fairless-Aitken.

Some Councillors expressed concern that if the application were refused, it could be challenged as they were worried about the strength of the reasons for refusal. They commented that it was a sustainable location and were upset that the affordable homes would not be provided, and financial contributions lost.

Other members made reference to the wording used by the officers to describe the application as 'finely balanced'. The site was difficult, and they were of the opinion that the harm outweighed the benefits of the application.

The Interim Executive Director of Planning and Local Services, Regeneration, Commercial and Economy referred to the first reason for refusal which related to lack of information on housing mix. He suggested that the application could be deferred to obtain more information from the developer. This action would be welcomed by the Planning Inspectorate, if there were an appeal against a decision.

Councillor Morphet enquired if the application were deferred whether the developer could also be asked to look at the access arrangements.

The Interim Executive Director of Planning and Local Services, Regeneration, Commercial and Economy referred to the discussions that had taken place with the developer which had led to the number of properties access via Tilley Crescent, being reduced. He did not think it would be feasible for a scheme without access via Tilley Crescent.

Another member suggested that a determination should be made on the present application. Following the debate, Councillor Morphet confirmed that he did not wish to withdraw his proposal that the application be refused to allow the matter to be deferred.

Councillor Horncastle called for a named vote which was seconded by Councillor Riddle and agreed by 4 councillors.

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

FOR: 5 as follows:

Fairless, Aitken, SH	Scott, A
Hutchinson, I	Sharp, A
Morphet, N	

AGAINST: 4 as follows:

Horncastle, C	Riddle, JR
Kennedy, D	Waddell, H

RESOLVED that the application be **REFUSED** permission on the grounds of the lack of information on local housing need, harm to the amenity of the

residents of Tilley Crescent and lack of information provided on proposed energy efficiency measures. The wording of the decision and reasons for refusal to be delegated to the Interim Executive Director of Planning and Local Services, Regeneration, Commercial and Economy and the Chair.

Councillor Fairless-Aitken left the meeting.

123. 22/00937/FUL

Change of use and conversion of an existing agricultural storage building to provide ancillary accommodation for the main dwellinghouse and change of use of land to form residential curtilage (as amended) Stelling South Cottage, B6309 Mowden Hall Cross Roads to Welton, Stocksfield, Northumberland, NE43 7UU

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. There were no updates.

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

- The parish council had objected to the original plans for a larger building with a first-floor extension. The proposals had since been reduced in scale with the agricultural building now being converted in its current form. The proposals were not considered to result in inappropriate development in the Green Belt.
- Condition no. 3 required facing materials and finishes used in the construction of the development shall be in accordance with the details contained within the application. Officers had not been provided with information as to where the materials would be sourced.
- The objection from Highways Development Management was a standard response to proposed development in the open countryside which was not in a sustainable location as defined by the spatial strategy. However, as the application was for the conversion of an existing building, this was accepted, and conditions had been provided.

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

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.

124. PLANNING APPEALS UPDATE

The report provided information on the progress of planning appeals.

RESOLVED that the information be noted.

125. DATE OF NEXT MEETING

The next meeting would be held on Tuesday 11 April 2023 at 4.00 p.m.

CHAIR _____

DATE _____