

**NORTHUMBERLAND COUNTY COUNCIL**  
**CASTLE MORPETH LOCAL AREA COMMITTEE**

At the meeting of the **Castle Morpeth Local Area Committee** held at Council Chamber - County Hall on Monday, 15 May 2023 at 4.00 pm.

**PRESENT**

J Beynon (Chair) (in the Chair)

**MEMBERS**

L Darwin  
L Dunn  
M Murphy  
D Towns

R Dodd  
J Foster  
G Sanderson

**OFFICERS**

M Bulman  
C Harvey  
M King  
R Laughton  
L Little  
P Lowes  
S Milne  
J Murphy  
M Patrick  
E Sinnamon

Solicitor  
Senior Planning Officer  
Highways Delivery Area Manager  
Senior Planning Officer  
Senior Democratic Services Officer  
Neighbourhood Services Area Manager  
Senior Planning Officer  
South East DM Area Manager  
Highways Development Manager  
Planning Manager

Around 13 members of the press and public were present.

**104    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.

**105    APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Dickinson, Jones and Wearmouth.

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106 **MINUTES**

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

107 **DISCLOSURE OF MEMBERS' INTERESTS**

In relation to agenda item 8, Councillor Dodd advised that whilst he was a customer at the Beresford Arms he had no financial or any other kind of interest and would take part in deciding the application.

In relation to agenda item 7, Councillor Sanderson advised that he had a personal but not prejudicial interest and whilst he would not leave the Chamber, he would take no part in deciding the application.

108 **THE NORTHUMBERLAND COUNTY COUNCIL (LAND AT HEBRON HILL FARM HEBRON, MORPETH, NORTHUMBERLAND) TREE PRESERVATION ORDER 2023 (NO 01 OF 2023)**

**THE NORTHUMBERLAND COUNTY COUNCIL (LAND AT HEBRON HILL FARM HEBRON, MORPETH, NORTHUMBERLAND) TREE PRESERVATION ORDER 2023 (NO 01 OF 2023)**

A late representation was circulated to Members of the Committee and public speaker and time allowed for this to be read. A copy has been uploaded to the Council's website with the Committee papers.

An introduction to the report was provided by J Murphy, with the aid of a power point presentation.

W Sharp addressed the Committee speaking in objection to the confirmation of the Tree Preservation Order (TPO). His comments included the following:-

- A TPO had two principal components, amenity and expediency. Amenity – was there a reasonable degree of public benefit. Visibility was not sufficient to warrant an Order and even if amenity was sufficient a TPO still might not be required if there was no expediency. Expediency – was there a risk to the trees; was there good woodland management.
- On the TPO under the reasons for making the order it stated that the trees were “prominent features in the surrounding landscape”; “valuable visual assets”; and “contribute to visual amenity”, however contribution was not a reasonable degree. The only recognised benefit was visibility and the law stated that was not sufficient. There was only one factor relied upon, out of a list of 20 in the law and there were no valid reasons for this TPO.
- What was not included in a legal document was as important as what was included and missing words, by law, were to be assumed to be deliberately missing. There was no mention of expediency or woodland management as there were no issues. The residents had proven to the Council that

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there was no risk to trees and there was exceptional woodland management and the Council clearly agreed otherwise expediency would be stated in the Order.

- The legal document was insufficient and the Order must not be confirmed. There was insufficient amenity and no expediency and there were many other reasons why the TPO should not be confirmed. Multiple industry qualified experts also agreed that there should not be a TPO.
- It was clear that the TPO document was legally insufficient and the Council recommending a TPO was a serious error of reasoning.
- The officer report should have fairly and impartially summarised the details, but unfortunately it did not do that. It was incomplete, inaccurate and biased, and like the late unlawful representation inaccurate. It ignored objections which were listed and not answered, ignored multiple experts and ignored TPO law. There were new comments such as expediency which did not match the TPO.
- The TPO legal document and the report were totally different and after months of investigation the Council's sole evidence to support such a substantial change of opinion was the original public hearsay, which had proven to be false. The Council believed public hearsay over multiple industry qualified experts.
- A TPO was for the public but the sole evidence to support the TPO was not in the public interest and so was concealed and not released until moments before the case which was foul play and wrong. However the fact was that the TPO remained legally insufficient and could not be modified with last minute changes of Council opinion. They were too substantially different, against TPO law, restricted public opportunity and a fair trial and the TPO must not be confirmed.
- The Council stated that the TPO would not prevent works from taking place, this was incorrect. If the site history was accurate you would see this. It was nearly impossible to do safety works recommended by a qualified expert. Of the safety works accepted there had been nearly six months of delays and of the rejected safety works the Council had actually said they wanted to see a tree start to fall before they would consider any works. That tree would fall on his house and in the last set of safety works, the 3 trees closest to his property were rejected and the level of negligence was incomprehensible and unacceptable.
- The Social Ombudsman had seen value in conducting a full formal investigation into this matter however The TPO had been rushed to this Committee before a verdict had been given.
- He asked Members to allow him to live in safety and not to be harassed. Legally and morally the TPO at Hebron Hill was wrong and must not be confirmed.

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

- It was the neighbouring Farmer and owner of some of the woodland that had requested the TPO.
- The Forestry Act was separate legislation and it was understood that it did offer some protection for woodland up to a certain size where a licence would be required. The Local Authority had a statutory duty to protect trees if they met the legal test and notwithstanding any other licence that

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may be needed. Members were required to make a decision based on TPO legislation.

- Two key factors had been looked at, amenity and expediency. In relation to impact on amenity, this was a planning judgement and Officers gave their view in the officer report on how this should be assessed. Members must look at the immediate and wider landscape and the impact if all or some of the trees were felled. Due to the prominent feature of farm steading and trees and wider views it was considered this would impact on the wider views of Hebron Hill, the Church adjacent to Hebron Village and Hebron Village. In Officers view the test had been met. There was not a lot of case law in relation to expediency and again this was a planning judgement. Officers did consider that it had passed the expediency test as there was intention for some trees to be felled and some work had been undertaken since the temporary TPO.
- Officers believed that amenity and expediency had been demonstrated and considered that making a TPO was the best way to protect the trees. A TPO did not prevent works from being carried out and a number of works had been undertaken whilst the temporary TPO had been in place with the Council responding quickly to ensure that work especially in relation to safety was undertaken. The Council did have a role to play in the protection of trees as they play a role in the wider landscape character of the area..
- The first option available to protect the trees was the creation of a TPO and that the Council has a statutory duty to consider the request. The Council could not facilitate or become involved in any other private transaction in relation to the trees.

Councillor Sanderson proposed acceptance of the recommendation to confirm the TPO as outlined in the report which was seconded by Councillor Murphy.

Councillor Towns advised that he had received correspondence and had discussions with the objector, residents and Parish Council. He agreed with the amenity as there was a lot of thick tree cover and that was possibly why residents had purchased their properties due to the screening it provided and why he thought it was negligible that the amenity was at risk as he did not consider that residents would wish to fell all the trees. The management company had been set up to ensure that the trees were well managed and if trees were not safe then residents should not have to jump through hoops. He did not see that the expediency test had been met and would prefer an alternative compromise. He did not like blanket TPOs but would like a more targeted TPO or a review to be undertaken to see if it was necessary, however he would listen to colleagues views during the debate.

It was acknowledged that there was no community consensus opposing the TPO and there was some disagreement and that was why regulation was required. The conclusion on page 16 of the report was highlighted in which it was stated that the trees made a positive contribution to their surroundings.

A vote was taken on the proposal to accept the recommendation to confirm the TPO as follows:- FOR 7; AGAINST 0; ABSTAIN 1 and it was

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**RESOLVED** that Northumberland County Council (Land at Hebron Hill Farm, Hebron, Morpeth, Northumberland) Tree Preservation Order 2023 (No 01 of 2023) be confirmed without modification.

109 **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.

110 **22/00369/FUL**

**Redevelopment of existing land and buildings and the erection of 6No dwellings  
Katerdene , Fulbeck, Morpeth, NE61 3JX**

R Laughton, Senior Planning Officer provided an introduction to the report with the aid of a power point presentation. A further letter of objection had been received regarding the increase in traffic and the unsuitability of Fulbeck Road for heavy traffic or pedestrians due to the lack of footpath and limited street lighting.

A Byard, addressed the Committee on behalf of Morpeth Town Council (MTC) speaking in objection to the application. Her comments included the following:-

- MTC had objected to the previous application which was refused and whilst noting the changes the reasons for the original objections still stood in that the application was contrary to Morpeth Neighbourhood Plan (MNP) Policies Sus1 and Set1 and paragraph 79 of the NPPF.
- There were no services or facilities and would therefore be reliant on cars and therefore did not support services nearby in a sustainable method which was contrary to Sus1 of the MNP and the NPPF as it did not promote sustainable development in a rural area.
- The site was not defined as brownfield or as agricultural development, was within the Green Belt and did not meet rural housing needs.
- It was inappropriate and harmful development in the Green Belt and constitutes encroachment.
- The harm to the Green Belt was not outweighed by very special circumstances contrary to the NPPF.
- The development did not protect, enhance or respect the character of the site and its rural surroundings and was contrary to DS1 of the MPN.
- Additional windfall houses were not needed in Morpeth and the location traffic on Holly Lane where there was no pavement or lighting and impact on pedestrian safety.
- MTC requested that the application be refused.

T Michie, the applicant, addressed the Committee speaking in support of the application. His comments included the following:-

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- The report summarised where it had changed from the last application in that the size of the site and number of units being proposed had reduced as Members had decided the previously proposed development was too large. He had worked with the Planning Department to find a suitable scheme and was pleased to see that it was now recommended for approval.
- There were now to be 6 units in an existing yard.
- The proposed development was sustainable and fit into the MNP with the new scheme not impacting into open countryside or road network. It would use an existing access and highways had requested the removal of a proposed footpath.
- Initially the properties were to have garages however these have been removed and had been replaced with cycle sheds and the footprint of the buildings decreased on the site.
- The mitigation planting scheme had been developed through discussions with Planning Officers.
- The development was in line with policies and the application now matched what had been requested through working with the Council.

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

- On the previous application there had been some confusion regarding brownfield use. It was now confirmed that some of the site was on previously developed land and also permitted development for 2 properties. There were still some policy conflicts but on balance the negative impacts were outweighed.
- The open area was to be maintained as open space for the residents.
- The difference between the previously refused scheme and this was that there was already buildings with permission and this was a better scheme. There was no requirement for affordable housing so the application could not be refused on those grounds. There was a metre wide strip of hardstanding which could be used by pedestrians, however, highways did not want to encourage its use. Morpeth was close, it was just that the connectivity was not in place. It was not the intention to say that there was no problem with the application, it was just that when other issues were considered, they tipped the balance in favour of approval.

Councillor Darwin proposed acceptance of the recommendation to approve the application as outlined in the report which was seconded by Councillor Beynon.

Councillor Towns advised at this point, that whilst his Company did work with Mr Michie's Company, there was no personal or prejudicial interest.

Members were pleased that the applicant had worked with the Planning Officers and had come back with a more appropriate design which would fit in and suit the locality. In relation to concerns regarding the setting of a precedent for this type of farm yard development, Members were advised that this application was finely balanced with a lot of constraints on the site and were reminded that each application must be judged on its own merits.

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A vote was taken on the proposal to accept the recommendation to approve the application as outlined in the report and it was unanimously

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

111 **22/04724/FUL**

**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**

C Harvey, Senior Planning Officer provided an introduction to the report with the aid of a power point presentation. He advised that policy ECN14 in Condition 7 should be changed to read ECN15.

R Hobson, applicant, addressed the Committee speaking in support of the application. His comments included the following:-

- Hospitality had been extremely hard hit by Covid and the financial crisis. As pub owners, they were proud to be at the centre of the community supporting village activities and employing 15 dedicated staff and were dedicated to maintaining the Beresford Arms as a village asset.
- Post Covid there had been a Plan B in case hospitality did not recover and permission had been gained to convert the B&B and events room at the rear of the buildings to two houses. However there was now a way forward to develop the business with additional accommodation, bringing more visitors to Northumberland, increasing tourism and promoting colleagues in local businesses.
- The additional accommodation of 2 double rooms, one being accessible, would double the accommodation revenue and place the business on a solid footing for the future.
- When making initial inquiries we were advised that planning permission would need to be resubmitted for the conversion with the time line for a decision being early February. Highways had a concern which was addressed to their satisfaction and it was well after the February deadline when the Heritage Officer objected to the existing structure of the external fire escape that was necessary for fire regulations and had been in place for over 20 years.
- The fire escape was not visible from the outside, the car park or the highway, to the public or neighbours or even patrons in the back beer garden and was only visible to patrons who were actually in the top garden.
- Delays had been caused to local workmen and businesses who were going to undertake the work and we had been unable to give any indication of a timeline to rebook their services for at least 8 weeks of work. If we had been able to start in February as planned then we would have been using the additional accommodation with the essential income to ensure that the business and village community asset continued to remain open. As a

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business we are now losing in excess of £3,000 per week of vital income which was unsustainable.

- Mr Harvey, Planning Officer was thanked for his work in helping them understand the nuances of the process and as the Conservation Officers comments were over an existing structure which was a legal requirement then the Committee were asked to support the application allowing work to commence as soon as possible.

There were no questions to Officers from Members of the Committee.

Councillor Towns proposed approval of the application in line with the recommendation outlined in the report which was seconded by Councillor Beynon.

Members expressed their support for the application stating that diversification allowing the survival of pubs in small villages was essential to the local economy and amenity of the area, helping with the sustainability of villages. It was refreshing to see the decision to turn the property into houses being changed to develop something which would help sustain the business.

A vote was taken on the proposal to accept the recommendation to approve the application as outlined in the report and it was unanimously

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

## 112 **22/04586/VARYCO**

**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  
Kylloe House, Netherton Park, Stannington, Morpeth, Northumberland NE61 6EF**

S Milne, Senior Planning Officer introduced the report to the Committee with the aid of a power point presentation.

Councillor Darwin proposed acceptance of the recommendation to approve the application in line with the report which was seconded by Councillor Sanderson. 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.

## 113 **APPEALS UPDATE**

In discussing the purpose of the report and if any learning could be achieved, it was agreed that Members found the report useful and would like to continue to receive this. Members were advised that whilst costs were rarely awarded

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against the Council any learning would be picked up in training sessions and would not be discussed at Committee.

**RESOLVED** that the information be noted.

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

114 **PUBLIC QUESTION TIME**

No questions had been submitted.

115 **PETITIONS**

**(a) Receive New Petitions** – No new petitions had been received.

**(b) Petitions Previously Received – Island outside Blossom Park, Pegswood**

M Patrick, Highways Development Manager provided an introduction to the report which outlined the actions to be taken in response to a petition of 329 signatures which raised a series of concerns pertaining to the traffic island to the west of the entrance to Blossom Park, Pegswood. The residents felt that the introduction of the traffic island had created a highway safety issue resulting in accidents and requesting action to be taken to rectify the situation.

Councillor Towns, the Ward Member advised that whilst the issue had already been raised and was being investigated, he welcomed the petition as it let the Council know the strength of feeling on this matter. The traffic island had been damaged and had been surrounded by cones for over 12 months. It was noted that whilst residents wished to see the island removed before the end of the summer and whilst these expectations should be managed, he would like the matter resolved as soon as possible. It was clarified that there was no timescale for resolution at the current time.

**RESOLVED** that the actions proposed to be undertaken as set out in the report be accepted.

**(c) Updates on Petitions previously received – On-going Planning Issues and Environmental Destruction on land to the South of St Mary's Park, Stannington.**

J Murphy, Planning Area Manager - Development Management introduced the report which outlined the progress since the previous report (October 2022) with photographs shown comparing the site now to those taken following receipt of the petition. She advised that Officers had walked the site with Bellway Officers on two separate occasions, the first being to understand the extent of the issues and the second to observe the subsequent improvement and progress made. Two fresh planning applications had been made to address some of the matters and these would be brought to this Committee in June 2023. A site visit would be

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undertaken in respect of these applications and Members would be able to see the progress for themselves.

Officers advised that they understood Members frustrations but it was common for developers of large sites to take time to comply with all conditions on an application, with work undertaken by the Council to ensure that all conditions were complied with. The Developer was now taking the matter seriously and a representative was in attendance. The Council were working in partnership with the Developer to progress this.

**RESOLVED** that the proposed actions set out in the report be accepted and it be noted that Planning Officers were proactively monitoring the site.

## 116 LOCAL SERVICES ISSUES

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

**Waste Service** - Residual and recycling waste collection services continued to perform well. Demand for the bulky waste service remained high but performance was good. Garden waste service was up and running, adjusted routes were bedding in and overall the service was performing well.

**Grass Cutting** - Summer seasonal staff started at the beginning of April and had settled in well. Core grass cutting started early April. The very wet start along with the bank holidays had been challenging for the teams, but work continued to bring the grass up to standard.

**Weed Control** - The spraying of obstacles to aid in the grass cutting had been undertaken and would continue going forward. A good start had also been made on the hard surface weed control and this would continue to be progressed as quickly as possible.

**Verge Cutting** – This would start within the next month with the work running through June and July. Cutting schedules remain unchanged from last year and if a return would be made to areas if re-growth caused any visibility issues.

It was confirmed that the glass and food waste collection trials had been well received and were continuing. An update would be requested on problems with refuse collection around Gordon Terrace West. It was highlighted that feedback from residents on the wild flower areas had been positive. The Officer was unable to clarify the position regarding the possible cessation of glass collections which had been raised at a meeting of Ponteland Town Council. Clarification would also be sought that the use of blue dye during the weed spraying was continuing and no spraying had been undertaken by the Council without this being added.

M King, Highways Area Manager provided an update, a full version of which would be shared with Members following the meeting. He advised that any delays were due to the service still having difficulty in recruiting suitably qualified staff.

In response to a query if Members would receive training on accessing data from the new "Fix my Street" application, it was thought that Area Managers would be able to provide information to Members and that the system would advise if any works were required and when a job had been completed. It was thought that a briefing was to be provided to Members, however it was mainly a reporting tool for use by the public allowing them to report issues quickly and easily with a facility to upload photographs.

A report of a problem with street lights at Prestwick Road Ends would be passed to the relevant section. In relation to street furniture on the C403 it was clarified that there was a slight issue regarding the procurement of materials. The issue of lines on the roundabout approaching the A69 would be raised with D Laux.

**117 DATE OF NEXT MEETING**

The meeting of the Local Area Council was scheduled for 4.00 pm on Monday 12 June 2023, subject to the Diary of Meetings being agreed by Annual Council on 17 May.

**CHAIR.....**

**DATE.....**

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