

NORTHUMBERLAND COUNTY COUNCIL
CASTLE MORPETH LOCAL AREA COUNCIL

At the meeting of the **Castle Morpeth Local Area Council** held at County Hall, Morpeth, Northumberland, NE61 2EF on Monday, 14 June 2021 at 4.00 pm.

PRESENT

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

MEMBERS

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

OFFICERS

D Hadden	Solicitor
SJ Imrie	Principal Highways Development Management Officer
R Laughton	Planning Officer
L Little	Senior Democratic Services Officer
R Murfin	Director of Planning
R Soulsby	Planning Officer
A Wall	Environmental Health Officer

Around 7 members of the press and public were present.

1 MEMBERSHIP AND TERMS OF REFERENCE

RESOLVED that the Membership and Terms of Reference for the Castle Morpeth Local Area Council agreed by Council on 26 May 2021 be noted.

2 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Dickinson.

3 MINUTES

RESOLVED that the minutes of the meeting held of the Castle Morpeth Local Area Council held on Wednesday 21 April 2021, as circulated, be confirmed as a true record and signed by the Chair.

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4 **DISCLOSURE OF MEMBERS' INTERESTS**

Councillor Foster advised as she would be speaking as local member on behalf of residents on application 20/01768/FUL she would withdraw as Chair for that item and would withdraw from the meeting once she had spoken on the item and take no part in the determination of that application.

5 **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.

6 **APPOINTMENT OF CHAIR**

RESOLVED that Councillor Beynon would take the Chair for the following item.

7 **20/01768/FUL**

**Change of use: vehicle depot to material recycling facility (B2 Use Classes)
Watsons Yard, Barrington Road, Bedlington, Northumberland
NE22 7AH**

R Soulsby, Planning Officer provided an introduction to the application with the aid of a power point presentation.

P Johnstone addressed the Committee speaking in objection to the application. Her comments included the following information:

- She was addressing the Committee speaking on behalf of residents who were very upset about this application from three separate parishes.
- The application site was on Barrington Road and was not on the industrial estate, and had historically been used for commercial/storage purposes and it should not be allowed to be used for industrial purposes.
- A number of new housing estates and individual properties had been built in close proximity to the site and the officer at the previous meeting had not been aware of a new property which had been built just 50m away from the application site. These were not part of the original settlement of Bedlington Station. The lack of knowledge of the local area was apparent.
- Residents were aware that if this application was refused at this stage and the applicant appealed and won then the County Council would be liable for costs, however the residents considered it was the duty of the County Councillors to support their residents and this support was much needed in this instance.
- The site visit did not take in any views from residential properties and

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no skips were in operation at the time and therefore Members did not experience the noise from the site. The applicant had also moved wagons after 6pm the evening before, which was in contravention of the existing permission, to hide the views and proximity of the residential properties.

- She questioned the suitability of the metal shed to house the machinery to be used as buildings such as this were notorious for containing asbestos.
- The photos contained in the objections showed how close the skips were to properties and the type of waste and rubble collected.
- The noise currently from the site with the skips already caused distress to neighbouring residents once the trommel was introduced this would cause more noise and disturbance. This would rotate for 30 minutes per hour for 10 hours per day with all rubble being tipped inside. A front loading machine would also be used inside the building. All this with skips coming in and out for 10 hours per day and 6 hours on a Saturday, provided that the timescales were adhered to. This amount of noise had not been accounted for and policy GP23 was read out to the Committee.
- This was not the right place for this type of facility, they could not stress how close this was to residential properties. She highlighted a YouTube video in which the Director of Planning had stated that outdoor space was important to towns and communities and how people shouldn't be forced into cars to seek out this type of area.
- Just because this area had become more industrialised it was not right to continue to allow more industrial uses. There were already 3 other recycling centres within 2 miles of Bedlington.

Councillor Foster addressed the meeting speaking on behalf of residents as the Local Ward Councillor. Her comments included the following:-

- Residents feared there would be an adverse effect on their quality of health and wellbeing if this application was approved.
- She had represented residents a few years ago in relation to another recycling centre, located on the Barrington Industrial Estate, which had been further away from properties and had mitigation provided for dust and noise, however these were not sufficient and residents had continued to suffer and this site would be no different.
- She had been pleased that the application had been deferred at the last meeting in order for a site visit to be undertaken, but had been contacted by residents the evening before the visit was to take place to advise that trailers were being moved along the boundary of the site. She had been very disappointed on attending the site visit that trailers had been parked all along the boundary in order to screen the residential properties. However there was a small gap and Members were able to see how close it was to the property which reinforced the views of the residents.
- It had been confirmed that there was asbestos in the building and it was stated at the site visit that this would be stripped out and replaced. She would ask that the Committee request a condition be imposed to any permission granted requesting a scheme be submitted for building works.

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- The application was detrimental to residential amenity with the outdoor use of their properties restricted due to the impact of the noise and dust pollution coming from the site. Over the forthcoming warmer months this would increase as residents would have windows open for ventilation and were trying to use their outdoor spaces. It was likely that doors to the building housing the machinery would also be open at these times.
- It stated in paragraph 7.15 that the nearest residential property was 50m away from the site, it was in fact only 20m from gardens of some properties according to google earth. One property was only 40m from the boundary of the site.
- There was also a food establishment very close to the application site and excess dust would be of a concern where food was being prepared and served.
- The intensification of work at the site would lead to increased noise impacts for residents and would affect their wellbeing.
- Whilst increased employment opportunities were welcomed this application would create very few jobs at the expense of the amenity of a lot of residents. There was also the question of whether another recycling facility in this area was needed so close to a larger site which although was not running at full capacity at the current time would shortly return to pre-Covid levels.
- She asked that the Committee listen to residents and refuse the application.

K Wood, Agent for the applicant spoke in support of the application. Her comments included the following:-

- She hoped that the site visit helped Members appreciate the proposed development and the reason why it would not impact on the residents. It was recognised there were a number of residential properties surrounding the site and the operations had been discussed in detail with Public Protection Officers. The operations would also require an Environment Agency permit which would set out exactly how the site would need to operate in order that it would not have an impact on residential properties. Following the previous meeting she had forwarded details of what this could include and the dust management plan which would be incorporated within this.
- Whilst the applicant has another operational site on Barrington Road the empty skip wagons were already stored at this site and had been for a number of years. The waste collected in the skips returning to the site was expected to be mostly demolition or excavation waste and would be tipped and recycled inside the building.
- In relation to concerns regarding the trommel and the asbestos, there were no proposals to alter the external appearance of the building at the current time.
- All the waste would be tipped and recycled inside the building and any unexpected waste would be isolated and taken to another appropriate facility. The applicant also intended to provide a concrete skim inside the building to reduce any noise impact.
- The site was located on an established industrial estate with two concrete batching plants close by.

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- Local and National planning policies support the reuse of the building as a recycling facility. The applicant already operated a skip hire business from this yard and currently all waste went to the Ellington Road Landfill which had no recycling facilities as the Remondis site was currently shut. This was not in accordance with waste hierarchy and increased greenhouse gases by increasing road haulage and he wished to be able to recycle on his own site.
- It was proposed to alter the access to the estate to allow the Football Factory to have its own vehicular/pedestrian access. The impact of additional traffic on Barrington Road had been considered carefully with transport consultants.
- Concerns from residents had been discussed in detail with Public Protection and the applicant would continue to do this. The Environment Agency (EA) permit will ensure it operated with no impact. If there was a complaint then EA Officers could come out and alter the permit to address any concerns.
- There were no objections from statutory consultees and therefore she asked that the recommendation to approve the application be supported. She advised that the applicant would seek to work with residents to prevent to ensure there were no impacts on them.

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

- It was a long established industrial estate with this type of use acceptable and a range of other industrial activities already taking place on the estate.
- A condition would be attached to any permission granted which would restrict the operation of the site to 8 am to 6 pm Monday to Friday and 8 am to 1 pm on Saturday with no Sunday or Bank Holiday working.
- Condition 10 would be imposed to control dust during the construction phase of the development and the Environmental Permit would control dust when the site was operating. Other standard conditions would also control dust and noise from the site.
- In respect of possible asbestos disturbance within the building, the submission of a Full Construction Method Statement for the building could be conditioned which would provide details of any works the applicant wished to undertake, steps to be taken and materials to be used.
- A concrete boundary wall was proposed along the northern boundary of the site, but nothing was proposed for the eastern boundary which ran alongside the railway line, however this could be done under permitted development rights, or this could be conditioned if Members required this to be undertaken.
- Works to be undertaken inside the building did not require planning permission however it was indicated that a concrete skim would be incorporated in the existing premises.
- A statement could be included in the management condition which would state that the doors of the existing building were to remain closed during operations at all times.
- The use of conditions was a belt and braces approach to this application as Legislation suggested that Public Protection should not seek to duplicate the controls which were imposed through the EA

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permit. It had to be presumed that conditions would work to control noise levels from the site with Public Protection providing reactive enforcement

- The EA permit would control the day to day operations on the site and would proactively carry out visits to provide spot checks with the number of these being dependent on the type of operations being undertaken and any complaints received which was the standard approach for waste management sites. The tools would be in place to rectify any problems and make sure the use of the site was acceptable. This was not a new site, it was on an existing industrial estate with a variety of uses and activities able to be undertaken.

Councillor Dodd proposed acceptance of the recommendation to approve the application as outlined in the report with the additional conditions discussed relating to a construction/works management plan including details of any removal of asbestos; internal concrete skim; perimeter treatment to the eastern boundary; and that doors should remain closed at all times whilst recycling operations took place with the precise wording of these additional conditions to be delegated to the Director of Planning in consultation with the Chair, which was seconded by Councillor Jackson.

It was clarified that in requesting details in the construction management plan then Planning Officers would consult with Public Protection to ensure that the most appropriate information would be provided.

In debating the application, Members stated that whilst they were not particularly happy with the application and had sympathy with local residents they considered that any refusal would lead to an appeal and a subsequent loss of control over any conditions imposed on the site.

A vote was taken on the proposal to approve the application with the conditions as outlined in the report and additional conditions and delegated authority as outlined above as follows:- FOR 9; AGAINST 0; ABSTENTIONS 2.

RESOLVED that the application be **GRANTED** for the reasons and with the conditions as outlined in the report and additional conditions related to a construction/works management plan including details of any removal of asbestos; internal concrete skim; perimeter treatment to an existing boundary; and that doors should remain closed at all times whilst recycling operations took place with the precise wording of these additional conditions to be delegated to the Director of Planning in consultation with the Chair.

4.50 pm Councillor Foster returned to the room at this point and took the Chair. Councillor Dodd left the meeting.

- 8 **20/03389/FUL**
Proposed residential development of four dwellings (as amended
21.12.2020)
Land South Of Centurion Way , Centurion Way, Heddon-On-The-Wall, NE15
0BY

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R Laughton, Senior Planning Officer introduced the application to the Committee with the aid of a power point presentation. Members were advised that a late representation had been received in objection to the application which did not raise any additional issues but reiterated objections in respect of the height of the proposed dwellings and the justifiable need for additional housing in Heddon.

L Twizell addressed the Committee speaking in objection to the application on behalf of residents. Her comments included the following:-

- She lived opposite the proposed development and was speaking on behalf of other residents as she felt so passionate about this development and the effect it would have.
- The village had been phased to spill down, keeping roof lines one under another affording residents wonderful views over the Tyne Valley. This could be achieved on this development, however the developers had decided to ignore this option and had chosen to build two storey dwellings which they attempted to disguise by saying there were single storey from the road with a pitched roof making it almost double the height
- Previous applications which had been granted all had been restricted to 1m roof level below the road and she asked why had this not been required on this application which would have a bigger impact.
- The village would lose precious open space feeling and it was not just the loss of view which was an issue.
- The benches on either side of the site were left by the Mining Institute for the people of Heddon to enjoy the view and were part of the cultural heritage of the area. The benches were used by the local nursery, provided respite for a local family who came to enjoy watching the birds of prey, were used for social occasions such as firework displays, New Years Eve celebrations or just by residents to enjoy the sunset.
- The houses if constructed would totally take away the view and feeling of openness which would be replaced by tarmac drives and the view into the windows of new properties.
- A possible extra 16 vehicles would have a detrimental effect on noise levels, pollution and road safety, with the safety of children who ride their cycles and skateboard down the hill at great speed and play in the street at risk.
- Traffic problems already existed with large delivery vehicles required to reverse the length of the bending road when they couldn't get through with cars already being damaged by passing vehicles as the road was so narrow.
- After being asked at the site visit would she prefer these dwellings or a barn, not that it should be a choice between the two, she advised she would prefer the barn as a garage would be constructed 15m away from her and her neighbour's front window, with even less distance to the garden boundary. The light and openness would change with just bricks and mortar to look at rather than greenery.
- There was no need for this type of development as 50,000 new homes had been built within a radius of 6 miles, with plenty of this type of dwelling already available within the village and nearby Darras Hall. Any development should be extraordinary, eco friendly and use innovative green heating and water.

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- Residents understood that others wished to come and live in the area and the developer wished to get a good return, however there should be more consideration given to the decision given the lifechanging effects this would have on residents. The Committee were requested to refuse the application.

J Ridgeon, Agent on behalf of the application addressed the Committee speaking in support of the application. His comments included the following:-

- Hamilton & Willis were a locally based small scale developer, who were from the North East and employed local staff.
- Policies supported infill developments within settlement boundaries and this development would provide high quality homes within the settlement boundary.
- Members had the opportunity to visit the site and gain and insight into how it would fit into Heddon. To address concerns regarding density raised at the previous meeting, additional information had been provided and information on how the development was appropriate and fit into the special character was provided in the report.
- Additional details had also been provided on car parking arrangements with sufficient space for existing and new residents and a visitor space provided on Centurion Way.
- From visualisations when viewed from Centurion Way the new buildings would appear as single storey bungalows and use the slope to provide 2 storey aspect to the south in keeping with other properties along Heddon Banks.
- The applicant had worked with the Case Officer and any design changes requested had been made and the application was acceptable for all consultees.
- The view through the development would be retained along with the views from the benches, which had been restricted due to vegetation growth.
- If this application was approved then a S106 legal agreement would ensure that the approved agricultural building, which would have a significant impact would not be built.
- A construction management plan would control the route of construction traffic to the site which would predominately come from the south through the field.
- The development would provide 4 properties of an exceptional design in a sustainable location. Concerns had been mitigated and the development would fit in with the surrounding street scene and landscape without impacting on the Green Belt, in line with the NPPF and the emerging Local Plan.
- The separate distance from the front of the house to the garages was 23m.
- The proposal accorded with all planning policy and Members were requested to approve the application.

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

- The car parking arrangements for each property had been changed in

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order to provide 4 spaces for each and the Highways Officers were satisfied with these arrangements. Parking had previously been a reserved matter, however following concerns expressed at the previous Committee more information had been provided which Highways had checked and confirmed that the proposals were deliverable and achievable.

- The eaves of the proposed properties would be 2.3m with a ridge height of 4.5m from the street level. The neighbouring properties had access to the side of dwellings and were able to be set lower however these required access from Centurion Way. There were mixed styles and characters of properties in Heddon and it was considered the proposed properties fit into the character of the village.
- There was strong policy support for development of the site for residential use and an assumption that development would take place on the land as applications had been approved in the past. It was the case that people in one property had no right to a view through another piece of land and Members should not place weight on this. Members were required to consider if the development of the site be carried out in such a way that it would be incongruous or an unnatural aspect to the landscape in such that it would cause harm in terms of design/ scale/ massing. Members were advised to place more weight on those issues /merits of the scheme rather than a fall-back position of the agricultural building.

Councillor Jackson proposed that the application be refused as the building had to be appropriate to the community and the setting. There would be harm to the community amenity and visual amenity, he considered that it was overdevelopment on the site due to the access from Centurion Way which was generally down to one lane with large and emergency vehicles having trouble accessing. Lower height restrictions had been imposed on previous applications and this application would have been acceptable had that been the case. The character of Heddon-on-the-Wall was based on terraces with the full benefit for the community of the special location. There was harm to the character of the area and community and the houses did not fit in. This was seconded by Councillor Jones.

During discussion of the application, some Members expressed surprise that Highways had not objected to the application and were advised that guidance in the NPPF provided that applications should only be refused on highways grounds if a severe impact could be demonstrated. Highways had looked at this application at length and judged it against other schemes and this did not meet the criteria of a demonstrable severe impact. The developer had satisfied all that had been required from a Highways perspective.

Advice was provided that if Members felt that the design of the scheme was wrong for the area, i.e. that the scale/materials/massing did not fit in with the terraced character of Heddon-on-the-Wall, then whilst it would be difficult to defend at Appeal, refusal on highways grounds would be almost impossible to defend.

Councillor Jackson clarified that he did not wish to refuse the application on highways grounds, but he did advise that there was a considerable loss of

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community amenity and the design of the houses did not fit in with the terraced character of Heddon-on-the-Wall.

The Solicitor asked that clarification of the reason for refusal be provided.

Councillor Jackson proposed refusal for the reason of its impact on the local area and the local community, the design and character of the application did not fit within the street scene of Heddon-on-the-Wall with the precise wording of the reason for refusal to be delegated to the Director of Planning and the Vice-Chair (Planning), which was seconded by Councillor Jones. A vote was taken as follows:- FOR 6; AGAINST 4; ABSTENTIONS 0. One Member did not vote.

The application was **REFUSED** due to its impact on the local area and the local community, the design and character did not fit within the street scene of Heddon-on-the-Wall with delegated authority to the Director of Planning and Vice-Chair (Planning) to provide the precise wording of the reason for refusal.

5.50 pm Councillor Sanderson left the meeting.

9 **APPEALS UPDATE**

RESOLVED that the information be noted.

10 **PETITION - PLANNING ENFORCEMENT IN LYNEMOUTH**

The report, which was introduced by the Director of Planning reviewed the issues raised in a petition received setting out concerns about a series of Planning Enforcement cases in Lynemouth and set out the background and matters arising in these cases along with the specific circumstances.

The Vice-Chair (Planning) advised that this was being dealt with by way of the Petitions Protocol.

S Nicholson, the lead petitioner addressed the Committee in support of her petition. Her comments included the following:-

- She appreciated the statement made by the Director of Planning in his introducing the report and understood the actions being taken and thanked the Committee for the opportunity to address them on behalf of the residents involved.
- Following research on the front elevation she quoted “the elevation which faces onto your private garden and is usually screen by fencing or walls etc is classed as the rear elevation” therefore lots of these sheds were in rear gardens and not the fronts.
- The residents had always classed these as their back gardens as it was where miners, as this was a mining village, grew their vegetables, just as if it was an allotment, often to enter into local competitions.
- Her husband, had during the course of his business as a builder, questioned Building Inspectors regarding planning permission being required for sheds, and they had all responded that they had not heard of this.
- The Council had caused a lot of stress and worry in the village as

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letters had only been sent to some residents and not others and had not stated to which structures they related to. This had affected the mental health and wellbeing of many residents with stress caused the thought of having to pay for this planning permission. She asked that the Council put the welfare of residents before legislation. She understood that this action had to be taken, but people were the priority.

- She was confused by the 4 year rule, stating that the newer sheds would look better and be in better condition and be more structurally sound than older ones and felt this was discrimination based on a number.
- This anxiety had all been caused by the actions of two residents out of the 1058 residents of Lynemouth.
- She questioned the actions taken in respect of some of the sheds and also the meaning of the word “expediency”.
- The village was already suffering due to the global pandemic. The village had always been a lovely place to live and she and others would continue to protect their way of life. These gardens gave pleasure to many residents allowing them their private outdoor space with the sheds being needed for the storage of gardening equipment and such like. Most residents were working class families or retired couples who only wanted to enjoy their quiet and peaceful gardens.
- She asked that this unnecessary action be ended.

The Director of Planning explained the precise term “expediency” in the planning system. He advised that there were a lot of things which could be breaches of planning control and an “expediency test” meant that even if something technically required planning permission it was not expedient to do so because the harm being caused did not justify the public cost in doing so, however there was no expediency test on whether complaints had to be investigated. All complaints must be investigated and if this did not happen then a complaint could be made to the Local Government Ombudsman. The expediency test in this instance had shown there was a need to investigate but no action was to be taken on the bulk of the complaints.

He advised that advice should be sought from the Planning Department on whether permission was required and residents should not rely upon builders etc to give advice. He did not disagree on some of the points made by the lead petitioner and shared her concerns. He hoped to be able to take a more pragmatic view on enforcement cases which were in fact more of a neighbour dispute in the future.

Councillor Dunn, the Ward Member advised that this issue had raised turmoil and anger in the whole of Lynemouth not just with those affected and had been seen by residents to be a money making opportunity for the Council. The petition could have had more signatures, however she acknowledged the report set out the position which the Council was obliged to take. She would urge Officers to deal with the 8 outstanding cases as soon as possible and welcomed the review of the Local Enforcement Strategy.

Members felt that more information and better communication with residents from the Council would have benefitted in this instance and possibly more research in

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this instance prior to letters being sent to residents. The Director of Planning would take these comments on board for the future.

RESOLVED that:

1. The issues raised in the petition be noted;
2. The Council's approach to Planning Enforcement within the context of national legislation/duties be noted and to further note that the County Council utilised suitable discretion in relation to this matter; and
3. This issue and "Harm/Expediency" gateway requirements be included explicitly in the review of the Northumberland Local Enforcement Strategy.

CHAIR.....

DATE.....

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