

NORTHUMBERLAND COUNTY COUNCIL

TYNEDALE LOCAL AREA COUNCIL

At a meeting of the **Tynedale Local Area Council** held at County Hall, Morpeth on Tuesday, 10 August 2021 at 4.00 p.m.

PRESENT

Councillor T Cessford
(Chair, in the Chair for agenda items 27 - 28 and 33)

(Planning Vice-Chair Councillor A Scott in the chair for items 29 - 32)

MEMBERS

A Dale
C Homer
C Horncastle
I Hutchinson
D Kennedy
N Morphet

N Oliver
JR Riddle
A Sharp
G Stewart
HR Waddell

OFFICERS

K Blyth
M Bulman
M Francis
J Hitching
M Payne
E Sinnamon
N Turnbull

West DM Area Manager
Solicitor
Senior Planning Officer
Senior Sustainable Drainage Officer
Consultant Engineer
Development Service Manager
Democratic Services Officer

3 members of the press and public were also present.

27. PROCEDURE TO BE FOLLOWED AT PLANNING MEETINGS

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

28. MINUTES

The minutes of the Tynedale Local Area Council held on 13 July 2021 were to be submitted to the September meeting.

Ch.'s Initials.....

DEVELOPMENT CONTROL

Councillor Cessford then vacated the Chair, for Planning Vice-Chair Councillor Scott to chair the development control section of the agenda, as was the arrangement for all Local Area Councils.

29. 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.

30. 20/02417/FUL

Residential development of 9 detached and semi-detached dwellings, single and two storey, plus associated infrastructure (amended description)

Land North of Lonkley Lodge, Lonkley Head Allendale

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 reported the following:

- An additional condition from the Lead Local Flood Authority was recommended:
“Any land drainage found on site during construction shall be diverted and reconnected accordingly. Where additional land drainage is installed, this shall connect to the existing underground storage tank.
REASON: to ensure the effective drainage and passage of ground water to offsite sources in accordance with Tynedale Core Strategy Policy GD5 and the NNPF.”

Mr. T. Sparke and Mr. P. Barber spoke in objection to the application. They represented other residents and owners that lived around the site and raised the following concerns:

- Proximity - Only plots 8 and 9 had a rear garden of at least 10 metres, if the gardens facing the road were considered to be rear gardens, in accordance with policy H32(e) of the Tynedale Local Plan.
- Policy H32(f) required 25 metres between opposing rear walls of 2 storey properties. The distances between plots 3 to 5 and properties in Dale

Park ranged between 13 – 15 metres whilst there was only 7 metres between Plot 8 and Lonkley Lodge.

- The pond was to be built up so ground level would be level with the top of existing dry-stone wall of Almora and would overlook gardens and upstairs windows of several properties.
- The distance to habitable rooms at Lonkley Lodge was less than 7 metres and not in line with policy H32(f) which set out minimum guidelines to avoid overlooking and ensure privacy for all parties.
- Given the rural setting, too much was proposed for the site. The layout of the scheme needed to be reviewed to reduce the impact on privacy and density of the development.
- They objected on the grounds that the proposals did not meet the criteria of policy H32.
- Flood risk was a significant concern. Locally there was known to be significant amounts of underground water on the site as it flooded at the bottom end on a regular basis.
- Concern was expressed regarding the lack of investigations at the site as it appeared the reports were based on desktop exercises by experts located elsewhere who had not visited the site.
- No account has been taken of existing ground water in the proposals and what existed on site.
- Work that had been carried out had located 1 of 2 underground tanks and drainage within the field.
- There was a lot of underground water along the bank behind the Shilburn Road and Allenfields estate.
- Information had come from the previous landowner who had closely supervised access over the field to ensure the existing drainage was not disturbed and flooding caused further down the hill.
- The development presented a significant flood risk without a full account being taken of existing underground water.
- The additional LLFA condition was welcomed but it did not go far enough and should be extended to consider all ground water at the proposed site.
- Negotiations with Northumbrian Water were needed to ensure that all risks were carefully considered.
- The open space be designated as a SUDS feature and protected from future development
- They objected on the grounds that current plans took no account of existing ground water and as such presented a significant flood risk to new and neighbouring properties.

Mr. A. Herdman architect and civil engineer spoke in support of the application. He wished to address the following points raised by the objectors:-

- Discussions with the planning officer had resulted in changes to the site layout to increase the distance between the side elevation on plot 8 to the boundary of Lonkley Lodge by 2.5 metres, to 6 metres. Plot 8 was also positioned on a lower level and would not overlook Lonkley Lodge. The landscaping plan in the presentation was prior to the redesign of Plot 8.

- Plots 3 – 5 were single storey given the proximity of nearby dwellings in Dale Park. The proposed dwellings had been positioned to maximise the distance between them and existing properties and landscaping to ensure privacy between new and existing properties.
- There was no specific policy in terms of separation for single storey dwellings.
- There had been multiple visits and extensive site investigations and physical investigations to check ground conditions and water levels, filtration capacity, position of underground water tanks and discharge into the combined existing sewer to the satisfaction of the relevant consultees.
- They were aware of the existence of ground water, which was not uncommon on a sloping site and would be dealt with during the excavation to create routes for the water to travel with collection in the SUDS features at the rate requested.
- They had liaised with the LLFA and had incorporated everything that had been requested.
- Northumbrian Water had accepted a discharge rate of 2 l/s to the combined sewer if no other feasible option was found. The design incorporated restrictors and zoning would ensure the flow did not exceed the requirements.
- The specialist drainage consultants were satisfied that, whilst the site was challenging, the passage of water on the site to the existing combined sewer could be controlled and not exceed the allowable rate set by Northumbrian Water.
- As local businessmen, they did not wish to upset local people.

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

- Policy H32 of the Tynedale Local Plan had been taken into consideration in the assessment of the application. It related to distances between proposed 2-storey dwellings, the dwellings at the rear of the site were bungalows and therefore the distances within the policy did not apply.
- Plots 8 and 9 were set back and therefore it was considered that there would be adequate amenity space and that Lonkley Lodge would not be overlooked.
- All drainage on site would be positively collected via gulleys, permeable paving, rain gardens and collected underground in new pipes and tanks and disposed of at a rate of 2 l/s to Northumbrian Water's sewer. The proposed pond was purely for the collection of overland flows to provide additional protection in extreme events. Planting would also assist with drainage. The proposed additional condition regarding drainage found on site could be strengthened to include land drainage, watercourses and sewers; this would ensure that any drainage features found during construction would be mitigated against. The LLFA was satisfied that the flood risk off site would not be increased by development of this site.
- The area coloured green on the North West side of the proposed landscaping plan included a pond and grassland to assist with drainage and overflows and was not identified for future development. Any future

plans for this area would require separate planning approval and consideration of the affordable housing policy which was required for schemes proposing 10 or more units. Recent decisions by the Planning inspectorate had upheld decisions regarding safeguarded landscaped green areas to retain these areas as green spaces.

- Current policies did not require installation of solar panels, heat pumps or energy efficiency measures, although the layout of the drives and parking areas on the site should enable installation of electric vehicle charging points in the future. Inclusion of conditions requiring electrical vehicle charging points on other applications had been accepted as part of schemes, without being appealed by those applicants. Policies for incorporation of green measures were included within the emerging Northumberland Plan but did not have sufficient weight at the present time for inclusion of conditions at the present time. More focused discussions would be held with applicants regarding the green credentials of schemes in the future. Any additional conditions at or demands on developers at the present time needed to be reasonable in respect of green aspects without current policy support.
- Any water collected from hard standing, following development of the site, would not be connected to Issacs Well. Any water that naturally soaked into the ground from garden areas and public open space within the site and therefore into the underground storage tank, would continue to be maintained, post-development.
- The pond was separate to the drainage system; water was to be stored underground via large tanks and pipes, designed to cope with the 2 l/s restriction in place with slow release into the sewer system. The 2 l/s had been agreed with Northumbrian Water to prevent their system from being overwhelmed. In an extreme event, it would flow naturally into the pond rather than flowing onto the highway. The calculations met the requirements of the NPPF and were satisfactory. A condition was included for adoption and maintenance of the features, pipe network and restrictive device by Northumbrian Water, in perpetuity.
- No detail had been provided regarding safety features around the pond as it was not a SUDS feature. However, best practice required a slope gradient of 1 in 3 or 1 in 4. Any concerns could be addressed with the inclusion of additional condition regarding protective measures around the pond prior to occupation of the dwellings. Proposals would ensure that wildlife was not excluded.

Councillor Stewart proposed acceptance of the recommendation to approve the application subject the S106 agreement to secure sport and play obligations, the conditions contained in the officer's report and the following additional conditions:

- Any watercourses, sewers and land drainage found on site during construction shall be diverted and reconnected accordingly. Where additional land drainage is installed, this shall connect to the existing underground storage tank.

REASON: to ensure the effective drainage and passage of ground water to offsite sources in accordance with Tynedale Core Strategy Policy GD5 and the NNPF.

- Delegated authority be given to the Director of Planning, following consultation with the Vice-Chair (Planning), to add an appropriately worded condition regarding installation of electric vehicle charging points at each of the 9 units.
- Delegated authority be given to the Director of Planning, following consultation with the Vice-Chair (Planning), to agree amended wording for condition 10 on landscaping to include submission of further details and drawings regarding safety measures and fencing to be provided around the pond.

This was seconded by Councillor Homer and unanimously agreed.

RESOLVED that the application be **GRANTED** permission for the reasons and with the conditions as outlined in the report and set out above and subject to the signing of a Section 106 agreement in respect of financial contributions for Sport and Play including the sum of £17,350 for play/informal open space and £9,850 for outdoor sport.

31. 21/00826/FUL

**Proposed development of rural worker's dwelling
Land to south and east of North Side Farm, Harlow Hill**

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

The West DM Area Manager introduced the application with the aid of a powerpoint presentation and provided the following update:

- The objection received for the application at Northside Farm was to be disregarded as the objector's address had been unable to be verified.

Mrs. Lockey, the applicant and owner, addressed the Committee to speak in support of the application. She stated:

- In 2010 the farm had been diversified to include a wedding venue, glamping pods and cottage in addition to the farm, livestock had recently been introduced.
- The business had grown and expanded following reinvestment over the years. However, as it grew the demands and requirements on site had increased making it more difficult when not on site.
- The lack of on-site presence was putting a strain on the family and business.
- There was a greater security risk with livestock on the farm and an essential need to live on site.
- They had withstood an 18-month closure due to the pandemic but to operate effectively, it was essential they lived on site.

- They had followed advice of the original case officer and had withdrawn the original application submitted in 2019 and had resubmitted when the livestock were on the farm. They were frustrated with inconsistencies and new issues being raised by the second case officer, such as Section 106 financial contributions.
- The application sought permission for the development of a rural workers dwelling in the Green Belt. There was a genuine essential need for a dwelling on site which would amount to very special circumstances. This type of development was supported by the NPPF which seeks to support a prosperous rural economy and promote the development of land based rural businesses. The principle of development was acceptable as the essential need to be on site had been demonstrated and confirmed within Alan Jackson's report. The proposal should therefore be looked at positively.
- Permission was not being sought for a standalone dwelling, if approved it would satisfy a genuine essential need.
- The NPPF enabled the provision of homes where there was an essential need for a rural worker; the development was needed to ensure animal health and welfare, deal with emergencies, ensure security on the farm, daily livestock management and manage up to 270 guests and staff as part of the wedding business. They believed there was no other suitable accommodation which could accommodate their family and requirement to be on site.
- The essential need to be on site had been demonstrated by the Council's independent surveyor and evidence presented to the case officer illustrated the development was in accordance with relevant planning policy.
- The case officer did not support their application as he did not deem there to be an essential need to live on site, just a functional need. This was against the advisor's findings and recommendations. They did not understand the difference and asked for clarification of the definitions.
- They did not want to destroy the Green Belt; this was their livelihood and a lifetime's work and dedication to the farm and business.
- Members were asked to support the application, business and employees and would be invaluable to ensure the business could continue to grow and thrive.
- They welcomed a site visit if this would be useful to members.

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

- Officers needed to assess whether it was essential for someone to live on site or desirable, the distinction between these was important. The independent assessment had found that there was some functional need to live on site and equated to 0.5 of a rural worker to be on site. Permission could not be granted unless this was at least one full time employee and given the size of the farm holding, it would be unlikely to require one full time worker. All of the land-based businesses had been considered when coming to this conclusion. The business was operating

at present without anyone living on site, and whilst the applicant was finding this more difficult and it would be desirable for them to live on site, it was not classed as essential as the business could operate without this.

- Officers had therefore concluded there was no need. However, if this had been demonstrated, they would look at other properties on or near the site. The site was located close to Horsley village, which could provide opportunities to live closer to the site. There was also an available house on the site, which was currently being used as an office, although it did not have planning permission for this use, it was a 3-bedroom dwelling. Previously approval had been sought to extend this property.
- Whilst Horsley village was the closest settlement, relevant distances were set out in para 7.54 of the officer report and not within walking distance of the site, along country lanes and would not be easy to get to without transport. A decision whether someone was needed to live on site all of the time or whether somewhere close by would be sufficient to serve the needs required by the site. Marketing research on other properties in the vicinity had not been undertaken as it had not been required with another property being available on site.
- There were no planning restrictions which prevented the wedding venue or holiday accommodation being used all year round, but the nature of the wigwam structures would likely make it more seasonal. Approximately 40 weddings per year were held at the moment, although this could vary.
- The 3-bedroom property on site had been tenanted and more recently had become vacant. Planning permission had not been sought for change of use, although it was currently being used as an office, it was still available as a dwelling. A significant extension had been refused planning permission and had been dismissed on appeal. This had been due to the design and scale of the extension in the Green Belt. A prior approval application, using permitted development rights, had been successful and would have substantially increased the size of the property. That approval had now expired but could be applied for again.
- The livestock included 16 Galloway heifers which would be put to a bull in 2022. The calves anticipated in 2023 would be reared until 20 months of age. They also had 160 lambs which had been purchased in January 2021.
- The original permissions for expansion were based on farm diversification had been approved some time previously. There was no specific policy which permitted glamping pods in the Green Belt. These were allowed as part of the farm diversification scheme of North Side Farm.
- The proposal was for a 5-bedroom house. There were no policies which determined the size of dwelling for an agriculture or rural worker's dwelling. The relevant test was whether there was an essential need as opposed to desirable need.
- Exceptions for appropriate development in the Green Belt included agriculture or forestry, however this typically meant buildings, not dwellings. There was no exception for a rural worker's dwelling in the Green Belt although some capacity was required to allow it given the amount of Green Belt in the county and amount of land-based enterprises where there was an essential need and enough to warrant very special circumstances.

- The farm was located on 27 hectares or 68 acres.
- Determination of the size of a rural worker's dwelling had previously been prescribed in PPS7 and related to the size of the enterprise rather than the needs of the applicant. However this policy was no longer relevant and the NPPG was less restrictive. The land-based enterprises on the site had been considered together with the agricultural holding.
- Whilst the assessment stated that it would be desirable for one worker to live on site, it would be unreasonable to say they had to live there alone, without family.
- Guidance stated that a dwelling between 150 m² and 250 m² would be reasonable; the dwelling proposed was 240 m² and therefore within these parameters. The case worker did not have concerns regarding the size which did not have to be commensurate with the size of the holding, but essential need must be demonstrated.

Councillor Horncastle proposed that the application be granted, contrary to the officer recommendation, as he considered this was very similar to another site within the Tynedale area where there was dual use. He believed that the 2 parts of the rural business should be considered together and referred to the independent assessment. This stated that, to cover the wedding venue, lodges and glamping pods enterprise with the livestock enterprise, it would be desirable to have one full time worker resident on the farm to meet the functional need and there was no suitable dwelling on site.

The West DM Area Manager explained that the independent assessment was treated as a consultee and officers formed their own view of his response. It was also important to make a distinction between the word desirable, which the consultant had used, and essential. She stated that the consultant was perhaps not aware of the status of the building currently used as an office but was in fact a three-bedroom dwelling.

The Solicitor sought clarification regarding the reasons for making the decision. It was confirmed that it was necessary to establish that there was an essential need, there was nowhere else available on the site and together these presented very special circumstances in the Green Belt which outweighed any harm that construction of the dwelling would cause.

She added that the motion would need to include reference to the addition of conditions, which would need to be delegated to the Director of Planning, following consultation with the Vice-Chair (Planning) and completion of Section 106 agreements for financial contributions towards outdoor sports facilities, children's play provision or open space facilities. Reasons would also need to be provided with reference to the very special circumstances and consideration of harm, purpose and impact on openness in the Green Belt.

The motion to grant permission was seconded by Councillor Homer.

The Development Service Manager summarised the reasons for the motion to approve the application expressed earlier by Councillor Horncastle. In his opinion, the application:

- Met the essential needs test as they had livestock together with the wedding venue on site, based upon the information in the Independent Assessment.
- Whilst it did not meet the exceptions in the Green belt, due to there being an essential need for a worker on site, very special circumstances had been demonstrated and outweighed the harm to the Green Belt.
- A legal agreement would be required and financial contribution of £4,352 to meet obligations towards sport and play arising from the development.
- Delegated authority be given to the Director of Planning to agree conditions for the application, following consultation with the Vice-Chair (Planning).

Concern was expressed by some members that this would set a precedent for future applications. Reference was also made to the dwelling that was currently being used as an office.

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

FOR: 3; AGAINST: 10; ABSTENTION: 0.

The motion therefore failed.

Councillor Hutchinson proposed acceptance of the officer's recommendation to refuse the application. This was seconded by Councillor Waddell.

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

FOR: 10; AGAINST: 3; ABSTENTION: 0.

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

32. PLANNING APPEALS UPDATE

The report provided information on the progress of planning appeals.

RESOLVED that the information be noted.

33. DATE OF NEXT MEETING

The next meeting would be held on Tuesday 14 September 2021 at 4.00 p.m.

CHAIR _____

DATE _____