

NORTHUMBERLAND COUNTY COUNCIL

STRATEGIC PLANNING COMMITTEE

At the meeting of the **Strategic Planning Committee** held at Meeting Space - Block 1, Floor 2 - County Hall on Tuesday, 5 October 2021 at 4.00 pm.

PRESENT

M Robinson (Vice-Chair) (in the Chair)

MEMBERS

C Ball	L Darwin
R Dodd	B Flux
G Hill	JI Hutchinson
J Lang	J Reid
G Stewart	M Swinbank
A Wallace	A Watson

OTHER COUNCILLORS

J Watson

OFFICERS

N Armstrong	Principal Planning Officer
T Crowe	Solicitor
G Horsman	Principal Planning Officer
L Little	Senior Democratic Services Officer
R Murfin	Director of Planning
K Robbie	Senior Planning Officer

Around 7 members of the press and public were present.

34 PROCEDURE AT PLANNING COMMITTEES

The Chair outlined the procedure to be followed at the meeting.

35 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Foster and Thorne.

36 MINUTES OF PREVIOUS MEETINGS

RESOLVED that the minutes of the meetings of the Strategic Planning Committee held on Tuesday 3 August 2021 and Tuesday 7 September 2021, as circulated, were agreed as a true record and signed by the Chair.

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37 **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.

The Chair advised that the running order of the meeting would be changed to accommodate public speaking and that application 21/02638/VARYCO would be heard first.

RESOLVED that the information be noted.

38 **21/02638/VARYCO**

**Variation of condition 15 of planning permission 20/03342/VARYCO to amend construction delivery hours in respect of development for 285 dwellings with associated infrastructure and landscaping.
Land North East of New Hartley, St Michaels Avenue, New Hartley, Northumberland**

There were no questions on the site visit videos circulated in advance of the meeting.

G Horsman provided an introduction to the application with the aid of a power point presentation. He advised that should Members be minded to approve the application that the wording of condition 15 be amended as follows:

“The Construction Method Statement and other construction work mitigation details approved on the 23 March 2021 under planning application 19/00674/DISCON shall be adhered to throughout the construction period with the exception of construction deliveries which are permitted between the hours of 8am to 6pm Monday to Friday (**excluding bank holidays**) and for the avoidance of doubt no construction deliveries in respect of the proposed development shall take place outside of these times **and no vehicles delivering construction materials/plant to the application site or removing materials/plant related to construction activities from the application site shall access and/or egress the application site through New Hartley village via Double Row, Bristol Street and St.Michael’s Avenue to the west of the site.**

Reason: In the interests of highway safety and amenity in accordance with Policies DC11 and DC21 of the Blyth Valley Development Control Policies DPD.”

Mr J Barrell addressed the Committee speaking in objection to the application. His comment included the following:-

- The planning system was broken with builders doing what they liked without any penalties.
- The issue of construction traffic was first raised in 2015 and Network Rail (NR) had been assured that the Construction Management Plan

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- (CMP) would be agreed before construction started detailing the number and type of vehicles and the hours of operation it was not.
- As part of the CMP the delivery hours were agreed by the Planning Inspectorate in 2017 to mitigate against concerns by NR and also the effect that the development of 285 houses would have on such a small village and on the one road through the village and the increased levels of traffic on the only road.
 - An analysis of delivery times had indicated that there would only be one wagon per hour between the hours of 9.30 am and 4.30 pm and residents now stated that in excess of four enter/leave before 9.00 am.
 - The report stated that there were no schools nearby the site, however New Hartley First School was less than 500m from the site and children attending Seaton Sluice Middle School and the High and Middle schools in Seaton Delaval walked, cycled and were driven along the single narrow road along with other commuters.
 - There was no one size fits all for delivery hours to sites. The designated route was not wide enough in places for vehicles to pass without mounting the footpath which was the only route between New Hartley and Seaton Sluice and was unlit. Three coaches used the route for pupils attending the schools and the restriction in hours was to remove risks during these times.
 - Barratts had proposed the avoidance of these times and that vehicles would enter via The Avenue to avoid the village and had ample time to implement these obligations and yet two months after approval they were seeking more changes.
 - Since construction commenced in October 2020 they had blatantly breached their own conditions and investigations had been undertaken to ascertain if enforcement action was necessary for non compliance.
 - Workers currently arrived on site at 7 am and started construction work shortly afterwards with deliveries arriving early and by the incorrect route. Some were allowed access to the site and others parked up and caused congestion problems. As part of the CMP there should be monitoring of compliance and work undertaken with suppliers to resolve any problems.
 - Regular liaison meetings identified issues with promises made by Barratts to remind suppliers, however these rules were still being flouted.
 - The variation for delivery times to be extended was to benefit building timescales and did not consider the health and wellbeing of local residents.
 - Workers left the site at 4.00 pm and their starting and finishing times could be changed to allow work to be completed.
 - House completions were on time and new residents who had moved in had no mains drainage which should also have been completed before occupation.
 - There was no justification in agreeing this request as with good management the houses could be delivered in time.
 - Asked that the Committee refuse the application to ensure the safety and wellbeing of everyone.

Councillor D Ferguson addressed the Committee speaking as the Ward Councillor. His comments included the following:-

- Since January 2021 there had been 15 meetings between residents and Barratts and at all the issues of deliveries before 9 am and not using the agreed route through the village were raised with logs kept.
- If approved the application would allow heavy construction traffic travel through the village at peak times which did not meet Section 3 of the Council's Corporate Plan which stated that positive choices were easy to make, that being out in your village, town or community was safe and welcoming, that you could enjoy walking and cycling.
- New Hartley First School was encouraging more walking/cycling to school and the plan suggested stopping cars at either the Memorial Hall or the Social Club and walking from these points. A pedestrian crossing was to be provided on Bristol Street but this was not yet in place. The plan could not be delivered with construction traffic accessing the village at peak times. A similar plan was being developed for Seaton Sluice Middle School which was attended by children from New Hartley and suggested they should use St Michael's Avenue which was also the agreed route for construction traffic. The road was not wide enough with buses already having to mount the pavement to pass other vehicles and allowing construction traffic at peak times would endanger pedestrians on a stretch of footpath which was also unlit.
- Paragraph 111 of the NPPF stated that applications should be refused if it would result in an unacceptable impact on highway safety.
- Residents had accepted the development of the houses and wanted them completed, however until Barratts showed compliance there was too great a risk mixing school and construction traffic, even on the accepted route this risk was still too great.
- If approved it showed that the needs of developers outweighed the safety of school children.

Councillor G Eastwood addressed the Committee speaking on behalf of Seaton Valley Community Council (SVCC). His comments included the following:-

- SVCC supported the views of residents which were outlined in the report.
- It had not been demonstrated that the proposed changes would not have an unacceptable impact on highway safety and road network.
- Pedestrians walking to school would be put at risk of harm by air pollution by the extended delivery times.
- Highways safety was a material planning consideration and during the Public Inquiry the applicant had proposed that delivery hours would avoid peak times and this had formed part of the Inspectors decision in assessing the overall impact of the development.
- 8 am – 9 am were peak hours and the use of the correct routing for construction vehicles was not happening with signage being ignored and vehicles were travelling through the village of New Hartley,

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passing the school, housing and pedestrians walking to school in clear breach of conditions.

- Both the current and emerging Local Plans policies stated that planning permission should not be granted unless it could be demonstrated that safe access could be provided. The application was also in conflict with DC11 of the Blyth Valley Development Control Policies and the emerging Northumberland Local Plan policy TRA2.
- Paragraph 111 of the NPPF stated that applications should be refused if it would result in an unacceptable impact on highway safety or cumulative impacts on the network would be severe which this would be.
- If approved this would result in increased in traffic at busy times of the day when people were travelling to school and work.
- SVCC endorsed the view of the residents and asked that the application be refused in accordance with the Development Plan to protect the health and safety of residents.

Dr N Bunn, Director of Tetra Tech the independent Highways Consultants appointed to review the request, addressed the Committee speaking in support of the application. His comments included the following:-

- The original delivery times stated in the CMP were 9.30 am – 4.30 pm although this was not a requirement from the Planning Inspector or on the planning condition which the Inspector stipulated.
- It had since become apparent that the restriction on delivery hours was causing problems regarding construction efficiency and congestion on St Michaels Avenue which this application sought to address.
- Construction vehicles arriving prior to 9.30 am and not being permitted to enter the site were waiting on St Michaels Avenue, the number of vehicles varied daily, however it could be up to 5 vehicles waiting 10-15 minutes which caused an inconvenience to other road users. If the delivery hours were extended to normal construction hours and vehicles could enter the site immediately then this would reduce the number of vehicles waiting to access the site and reduce the inconvenience to other road users and this would be the main highways benefit.
- The number of delivery vehicles was not expected to increase and the movements would reduce from an average of 2.3 per hour to 1.6 per hour which would also benefit the road network and reduce on site congestion.
- The change of hours to 8 am to 6 pm would improve congestion on St Michaels Avenue and reduce the vehicle movements per hour and remove on site congestion.
- The restriction in hours was not a requirement of Condition 15.

Mr S Wooldridge, Technical Director Barratts Homes North East, addressed the Committee speaking in support of the application. His comments included the following:-

- There were no technical reasons which would preclude the desire to

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extend the delivery hours to the site and he hoped that the Committee recognised the importance of the request in assisting with the economic recovery of the North East.

- The current delivery hours impeded the delivery of housing on the site and it was imperative that materials were delivered at the start of the working day at 8 am to ensure a productive day of building.
- It was difficult to find construction workers and when materials were not available then the workers' earning potential dropped which was not good for local workers relying on this and construction on the site would take longer.
- The sustainable timber frame kits were delivered on a just in time basis to allow them to be built in a day and it was imperative that these were delivered early especially now that light was going earlier in the day.
- The applicant hoped that the Committee recognised the opportunity to support the economic recovery and help achieve the Government's target for the delivery of new homes.
- The extension of 3 hours to the delivery hours would benefit the road network.
- The benefits of new housing delivery, the economic benefit to the North East, the continuation of construction jobs on the site should be recognised along with the benefit that the new homes would bring to the village with new residents to support the local economy.

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

- Enforcement Officers had visited the site to observe and logs had also been supplied by residents. There was no consistent pattern to breaches and it might be that there were some days or weeks that no breaches occurred and significant numbers of breaches were not occurring on a regular basis. The overall view was that the number of breaches compared to the number of vehicle movements was small scale. A liaison group met monthly where site issues were discussed with Barratts seeking to address the problems and put in place measures to address any breaches. Delivery notes to suppliers included information that the agreed routes should be adhered to and directional signage was provided. The difficulty was that suppliers were not directly employed by the Developer and they were reliant on drivers adhering to the rules. It was the view of officers that in the main the rules were being complied with.
- Any enforcement action to be taken had to be seen to be proportionate and reasonable and it was the Officers' view that whilst they acknowledged that there had been breaches these were not of such an extent sufficient warrant formal enforcement action.
- It was recognised that vehicles unable to access the site and parking up was a concern for residents and it was the Officer view that by granting the additional delivery hours there was the potential to reduce this problem and deliveries could be spread out.
- There was no potential to widen the St.Michael's Avenue east of the site as part of the S106 contributions due to adjoining land ownership and there was nothing that the developer could do to

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prevent vehicles having to pass each other at the current time, although traffic calming works were being progressed with NCC Highways as required by the approved Section 106 Agreement. There were not large amounts of traffic using this road as it only provided access to the village and was not used to access other settlements.

- Officers were not aware of any other sites with the 9.30am to 4.30pm delivery hours as they usually reflected the construction hours of 8 am to 6 pm.
- A log of incidents was held by the Enforcement Team with the liaison group discussing all issues and incidents. The developer had tried to prevent breaches however they were dealing with third parties and had no overall control of the drivers.
- Members could if they wished request that permission be granted for the extended delivery hours for a trial period of 12 months to allow monitoring to be undertaken to ascertain if there had been any benefits or if the situation had been made worse and vehicles were arriving even earlier. If the parking of HGVs was found to still be a problem then steps could possibly be taken under the highways legislation if this was found to cause a demonstrable problem.
- A pedestrian crossing was to be provided as part of the S106 Agreement and was in a part of the village where delivery vehicles should not be accessing. The timescale for the provision of the crossing was set out in that Agreement and it was prior to the occupation of 70 open market dwellings. A lot of work had already been agreed in the detailed specification. A report by Technical Services in 2016 had looked in detail at the highway through the village and measures within the S106 agreement were derived from that report.
- The main walking routes to the school were identified on the plan by Mr. Horsman.

Councillor Hutchinson proposed acceptance of the recommendation to approve the application as set out in the Officer's report with the amended condition 15 as outlined above for a period of 12 months which was seconded by Councillor Stewart.

In debating the application comments were made on the original appeal decision and likelihood of losing a further appeal if the application for the extension to the delivery hours was refused, with some Members advising of their wish to get the development completed in a timely manner. Other Members advised that they could not support the application as they considered that the situation could become worse and residents amenity and highway safety would be affected.

A vote was taken on the proposal as outlined above as follows: FOR 8; AGAINST 4; ABSTENSIONS 1.

RESOLVED that the application be **GRANTED** for the reasons and subject to the conditions as outlined in the report with amended wording for condition 15 as outlined by officers in their presentation and with extended construction delivery hours of 8am to 6pm Monday to Friday (excluding bank holidays) being approved only for a trial period of 12 months.

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**Variation of Condition 5 (restoration) of approved planning application 13/01492/VARCCM in order to allow for the restoration of the site to be completed as amended on 26 February 2021 and 16 June 2021
Halton Lea Farm, Brampton, Northumberland, CA8 7LS**

Members confirmed that they had viewed the drone footage and had no questions.

K Robbie, Planning Officer provided an introduction to the application with the aid of a power point presentation. Members were advised that the date on the report should be 5 October 2021 and not 7 September 2021 and that the S106 Community contribution had now been agreed as £30,474 and would be paid within 14 days of the agreement.

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

- The worst case scenario in mineral planning had happened in that the operator of the open cast site had gone into administration after all the coal had been removed. The Council had followed good practice and had requested funds be deposited in the Council's bank account for remedial works at the outset however, the American funder behind the open casting site had offered a restoration bond instead of depositing the funds. It had been estimated that restoration of the site would be between £400,000 to £800,000 however when the operator went into liquidation it had debts of more than £9m and the Council was not a secured debtor. If enforcement action had been taken to force them to pay the full restoration costs they could have just walked away from the site as there would be no inducement for them to do anything. Officers looked at providing a restoration scheme that would tackle the issues on the site and would provide good practice biodiversity on the site rather than restore it for agricultural use and they had also negotiated a 30 year maintenance period for the land. There had also been a Community Bond as part of the S106 that could not now be enforced, however working jointly with the American funder on the restoration scheme it had been agreed that any funds left from the restoration bond, once all bills had been paid, would be provided for the Community, with an initial figure being offered of £20,000, which had since increased.
- The piece of land which it was proposed to transfer to the Parish Council, if they wished to accept, had not formed part of the open casting operations and did not need to be restored. If the Parish Council wished to do anything on the land then a separate planning permission would be required.

Councillor Hutchinson in proposing acceptance of the officer's recommendation as outlined in the report and amended to take account of the agreement of the

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Community contribution thanked Rob Murfin and Katherine Robbie for all the work undertaken on this advising that this had gone on for 10 years and had been terrible for both local people and officers. The proposal was seconded by Councillor Flux.

A vote was taken and it was unanimously

RESOLVED that the application be **GRANTED** subject to the conditions as outlined in the report and the completion of a S106 agreement to secure the following obligations:

- Community contribution in lieu of the original Community Fund of £30,474.
- S39 agreement for the extended aftercare of the site for biodiversity management of the site.
- Remove obligations from the original S106 which were no longer relevant or required.

Councillors Wallace and Ball left the meeting at 5.45 pm

40 **16/04305/OUT**

Application for outline planning permission with some matters reserved for construction of residential development of up to 500 dwellings (including affordable homes), public open space, access to an existing highway and associated works

Land wouth and south-east of James Calvert Spence College, Acklington Road, Amble

N Armstrong, Principal Planning Officer introduced the application with the aid of a power point presentation. Members were advised that a late representation from Amble Town Council had been received and provided details as follows:

- The Town Council referred to their previous comments, which continued to be held, but due to the number of dwellings proposed it was strongly recommended that the infrastructure areas stated in the August 2017 committee report were applied.
- The Town Council referred to paragraph 7.70 of the 2017 committee report where reference was made to contributions for affordable housing and ecological mitigation as well as contributions in respect of off-site sport/recreation provision, education infrastructure, primary health care, and highway works.
- The Town Council also referred to paragraph 7.73 of that report, which referred to consultation with the Town Council to advise on specific areas/projects where contributions in relation to sport/recreation/leisure were required. The Town Council would urge these consultations are commenced again with urgency
- Amble Town Council believed that if 500 more homes were to be built then additional recreational facilities, healthcare cover which should also cover dentists were needed in Amble.

Mr C Martin, Pegasus Group addressed the Committee speaking on behalf of the

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applicant in support of the application. His comments included the following:-

- There had been two previous resolutions to grant outline planning permission subject to a S106 Agreement.
- The reasons why a fresh resolution was required was set out in the report and it concluded that the application still met the relevant Development Plan requirements and material considerations.
- This position was endorsed and the principle of development had been established and accepted.
- The applicant had worked closely with officers in Planning and Highways to ensure that the scheme could still be delivered.
- If the application was granted today then the S106 agreement could be finalised so outline planning permission could be granted and the reserved matters application would follow shortly.
- The details of the S106 contribution were outlined as including contributions to affordable housing, sports provision, education and health care provision along with the provision of pedestrian routes.
- The site was within the settlement boundary of Amble in the emerging Northumberland Local Plan as a minded to approve site. The site was a key component to ensure the supply of housing land over the Plan period and was in accordance with policies SPP1 and HOU2 in the emerging Northumberland Local Plan which set the minimum housing requirements for the County.
- The application would continue to provide a sustainable addition to Amble achieving sustainable growth and benefit the local economy with increased expenditure.
- Permission should be granted to allow the site's delivery.

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

- Affordable housing would be secured through the S106 agreement with a commitment all the way through the process to providing 15% across the site. A lot of input had been provided from the Affordable Housing Team regarding the tenure and type of affordable housing to be provided which would be agreed through the S106 agreement. Officers would take into consideration other sites to ascertain what would be required on this site and this would come forward as part of the reserved matters application.
- The Government's First Homes agenda set out a new approach whereby you should not be able to differentiate between what was affordable housing and those homes for sale, and affordable housing should not be of a lower quality.
- There were also more flexibility to the way S106 contributions could be allocated with more input from the Town Council on the sports contribution.

Councillor Flux proposed acceptance of the recommendation to approve the application as outlined in the Officer's addendum report which was seconded by Councillor Dodd. A vote was taken and it was unanimously

RESOLVED that the application be **GRANTED** subject to the conditions in the

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report and completion of a Section 106 Agreement.

41 **APPEALS UPDATE**

RESOLVED that the information be noted.

42 **S106 AGREEMENTS UPDATE REPORT**

RESOLVED that the information be noted.

CHAIR.....

DATE.....

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