NORTHUMBERLAND COUNTY COUNCIL

PLANNING COMMITTEE

At a meeting of the Planning Committee held in the Council Chamber, County Hall, Morpeth, NE61 2EF on Tuesday 22 November 2016 at 2.00 pm.

PRESENT

Councillor A Tebbutt
(Vice Chair in the Chair)

MEMBERS

E Armstrong
L H Cairns
K O Graham
J J Gobin
L Grimshaw
C W Horncastle

J I Hutchinson
J Lang
A H Murray
B Pidcock
A W Reid (part)

OFFICERS

D Feige
M Ketley
D Lathan
T Lowe
N Masson
K Norris
D Puttick
J Sharp
R Sittambalam
C Thompson

Principal Ecologist and AONB Officer
Head of Planning Services
Senior Environmental Health Officer
Senior Planning Officer
Principal Solicitor
Democratic Services Officer
Planning Officer
Planning Technician
Planning Officer
Principal Highways Development Engineer

ALSO PRESENT

Press: 1
Public: 34

89. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Dale, Douglas and Woodman.

Ch.’s Initials……….
It was noted that Councillor Eileen Armstrong had replaced Councillor Trevor Thorne as a member of the committee.

90. MINUTES

RESOLVED that the minutes of the meeting of the Planning Committee held on Tuesday, 25 October at 2.00 pm, as circulated, be confirmed as a true record and signed by the Chair subject to the following addition:

Minute No. 81, page 22 - comments from Mr Guy Munden - to include that the proposed site had been recommended to him by a Councillor.

It was noted, however, that this was not a material issue as the Councillor was not a member of the Planning Committee and no declaration of interest was required.

91. DETERMINATION OF PLANNING APPLICATIONS

The report outlined the procedure members should follow when considering and deciding each application and set out the material planning considerations to be taken into account. Details of the public speaking procedure were also provided.

It was reported that two items had been withdrawn from the agenda:

i) Item no. 7, 15/03531/FUL - due to ongoing legal issues regarding highways

ii) Item no. 9, 16/01875/VARYCO - amended plans were expected which would then go out to consultation.

RESOLVED that the information be noted.

92. 16/03017/FUL - Change of use from Sui Generis to Class A1 (Retail) to allow the occupation as a convenience food store, including alterations to the building, installation of plant equipment and associated car parking, Wylam Garage, Main Road, Wylam, Northumberland, NE41 8DN.

Daniel Puttick, Planning Officer, introduced the above application and circulated an update for members' information (a copy of which is attached to the report and filed with the signed minutes). The Council’s Ecologist had recommended that a bat risk survey assessment be carried out on the building prior to determination of the application, the recommendation had therefore been amended to:

Minded to approve planning permission subject to the findings of a bat survey. Thereafter, delegated powers are sought to allow the Head of Service to attach appropriate conditions where necessary, or return the application to committee for further consideration.

It was reported that comments from Public Protection had been received recommending a number of conditions. To take account of those comments, it was
proposed to include 5 extra conditions to the recommendation, details of which were set out in the update provided.

At the request of the Chair, some additional information from Instinctif was also circulated to members (copy attached to the signed minutes).

In response to a question it was stated that Sui Generis meant that the application did not fall into any use class, it was of it’s own kind.

The Planning Officer then presented the application with the aid of a slide presentation.

Jennifer Power, objector, spoke against the application and her comments included the following points:

- The proposal had produced a great deal of disquiet in Wylam, 97 people had objected to the application and 108 to the alcohol licence application in the summer.
- The garage was in a residential area with houses on 3 sides. The bedrooms of the nearby B&B were 20m from the front entrance, Ingham Terrace was just across the road and the bedroom of 1 West View was 15m from the lorry reversing point.
- Residents were concerned about noise and light pollution. It was a quiet area, especially at night. The use as a garage had created an acceptable noise level within business hours of 8 am - 6 pm, limited traffic and no 24 hour service plant.
- A convenience store would increase noise substantially for all immediate residents.
- It would have very long opening hours (7 am - 11 pm, 7 days a week). Site noise would start when staff arrived before 6 pm, the paper lorry before 7 am then there would be noise until after 11 pm with lorry deliveries on a Sunday.
- Why were such long hours necessary?
- The 24 hour service plant would produce constant background night time noise.
- A convenience store would increase light pollution.
- Many objectors had expressed concern for the safety of pedestrians, especially children.
- It was a difficult stretch of road to negotiate and parking congestion had increased in recent years. Cars parked on both sides of the road narrowing it to a single lane and children often crossed alone to the playing field and school bus stops close to the site entrance.
- The planning application noted that some staff would have to park off site and suggested they use a lay-by next to the entrance but that was often full so where would they park?
- Wylam was a vibrant, active village and that was partly because it had a well defined village centre where 5 small shops sold the same ‘high quality fresh produce and essential household goods’ that would be provided by the convenience store.
She asked members to consider whether the planning application to introduce a considerably larger retail unit 500m down the hill would allow Wylam to maintain the current ‘vitality and viability’ of its thriving village centre.

The decision members made would have an impact on the character of the village for the foreseeable future.

Peter Wolf, objector, questioned the propriety of the public speaking protocol and said he proposed to read out his objections to the case which incorporated serious matters relating to the public speaking protocol. He said he had been informed that he would have 2 ½ minutes to speak not 2 minutes. Mr Wolf then questioned the quasi judicial nature of the committee and natural justice.

At that point the Chair stated that the arrangements for public speaking were well documented and publicised. He informed Mr Wolf that he only had 40 seconds of his speaking time remaining.

Mr Wolf said there were a number of defects in the report dated 4 November and in the report by Pegasus. He referred to a complaint he had made to the Chief Executive regarding incorrect information which was still outstanding and had not been resolved.

At that point Mr Wolf was informed that his speaking time was up. In response to comments by Mr Wolf, the Chair confirmed that if he wished to challenge the public speaking procedure he could do so but each public speaking slot was given the same length of time and the rules were strictly adhered to.

Chris Beebe then spoke in support of the application and his comments included the following points:

- He thanked the Planning Officer for his recommendation to approve the application.
- Should planning permission be granted the store would be operated by the Co-op.
- In terms of the planning issues raised, he could only defer to the Planning Officer’s report and his recommendations.
- The Co-op was an experienced operator and would never operate a store unless it could be done so safely and well. They had an obligation to their staff and the public to do that.
- There were strict conditions to which they must adhere and they were happy to comply with those conditions.
- The new store would provide many benefits and would support local causes which would be chosen by the local community.
- The proposal would create between 20 and 25 jobs.
- It would benefit those people who did not have the use of a car.
- It would re-use a vacant site, increase customer choice of food and groceries at a fair price and provide a free to use cash machine.

Members’ Questions

Ch.’s Initials………
Planning Committee 22 November 2016
In response to questions the following information was provided:

- There was a delivery management plan with an identified protocol for deliveries which identified the size and frequency of delivery vehicles. It would require a certain amount of parking spaces to be clear when deliveries were made which would then become available again once deliveries were complete.
- It was acknowledged that 0700 hours to 2300 hrs was a broad span for deliveries but that was considered to be reasonable.
- Although the Co-op had been identified as the applicant, permission was being sought for the change of use to A1 retail use, so approval or disapproval was not linked to the Co-op.
- The proposal was for 185 sq m of floorspace so in comparison to an application for a residential scheme of 35 houses it was considered small scale.
- Viability was a planning issue. Officers had considered if footfall would be increased and when the impact was assessed it was not felt that it would be direct competition to other businesses.
- Opening hours were 0700 hours to 2300 hours.
- With regard to the plant there was a noise limit to which it must comply. The standard would allow people to sleep with an open window and any justifiable complaints would be investigated. The onus was on the applicant to resolve any identified issues. Public Protection was confident that, with conditions in place, noise from the plant should not be an issue.
- There may be capacity for more than 13 parking spaces but only 13 had been proposed and that was found to be acceptable.
- If consent was granted, A1 retail use would become the established use.
- The type of brickwork was covered by a condition in the report.
- With regard to newspaper deliveries, the applicant would specify times and locations and if problems arose these could be picked up under nuisance legislation.

Councillor Hutchinson moved that members be minded to approve the application in line with officer recommendation but with an amendment to condition 5 that deliveries could only be made between 9:00 am and 6:00 pm (not including newspapers). The motion was seconded by Councillor Cairns.

Members commented as follows:

- The best aspect of the application was the parking spaces available as parking was restricted where the other shops were located.
- If approved, it was likely that the Co-op would expand.
- There were no planning reasons to refuse the application but local businesses would be affected.
- The site was previously a garage and was no longer in use. The proposal could provide a shop for the community and although it may be competitive to other shops in the area, that was not a reason to refuse it.
• There was a difference between living in Wylam and being on the Planning Committee.
• There was potential for the Co-op to deliver additional facilities to the community.
• Opening hours of 8:00 am to 6:00 pm would be more acceptable but that was a personal view.
• Restriction to delivery times could add to traffic congestion.

Upon being put to the vote, 3 members voted in favour and 7 against, the motion was therefore lost.

Councillor Graham moved that members be minded to approve the application in line with officer recommendation which was seconded by Councillor Grimshaw.

Members agreed that restriction to delivery times could have an adverse affect on traffic congestion and could cause problems.

Upon being put to the vote the motion was unanimously agreed and it was therefore:

RESOLVED that members be minded to grant permission subject to

(i) the findings of a bat survey (thereafter, delegated powers be sought to allow the Head of Service to attach appropriate conditions where necessary, or return the application to committee for further consideration).

(ii) the conditions, with reasons, set out in the report .

(iii) the following conditions, with reasons, as set out in the update provided:

13. Noise from the air handling equipment, when measures using BS4142:2014, shall not exceed a noise rating level of 37dB LAeq (1 hour) between 07:00 and 23:00 and 36 dB LAeq (15 minutes) between 23:00 and 07:00 at the nearest noise sensitive receptors.

Reason: To protect residential amenity and provide a commensurate level of protection against noise in accordance with Policy CS22 of the Tynedale Local Plan.

14. The development shall not be brought into use until full details of the air handling equipment and mitigation measures required to achieve the permitted limits specified in Condition 13 have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the air handling equipment shall be installed in accordance with the approved details.

Reason: To protect residential amenity and provide a commensurate level of protection against noise in accordance with Policy CS22 of the Tynedale Local Plan.
15. The development shall not be brought into use until a commissioning test of the air handling equipment has been undertaken by a suitably qualified acoustic consultant. The test shall assess the level of noise emissions from the air handling equipment at the nearest noise sensitive properties. The test shall be undertaken in accordance with the methodology described in BS4142:2014. A copy of the test and a validation report based on the findings of the test shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be brought into use in accordance with the approved details.

Reason: To ensure the air handling equipment operates in accordance with the requirements of Condition 13, in order to protect residential amenity and provide a commensurate level of protection against noise in accordance with Policy CS22 of the Tynedale Local Plan.

16. Within 21 days from receipt of a written request from the Local Planning Authority notifying the operator of a justified noise complaint, alleging disturbance at a dwelling, the Operator shall commission an assessment of the level of noise emissions from the development at the complainant’s property.

The assessment shall be undertaken in accordance with the methodology described in BS4142:2014). A report based on the findings of the assessment shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure residential amenity and provide a commensurate level of protection against noise in accordance with Policy CS22 of the Tynedale Local Plan.

17. No new external lighting shall be installed on the building until full details have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the lighting shall be installed in accordance with the approved details and shall not exceed a value of E2 when assessed using the Institute of Lighting Professionals Guidance for the Reduction of Obtrusive Light.

Reason: To ensure residential amenity and provide a commensurate level of protection against light pollution in accordance with Policy CS22 of the Tynedale Local Plan.

Councillor Reid left the meeting at 3:50 pm

93. 16/01871/OUT - Development of 9 dwellings on land off Hillside Road, including ancillary works, with all matters reserved, land east of Dovercrags, Hillside, Rothbury, Northumberland.

Tony Lowe, Senior Planning Officer, updated members stating that correspondence had been received which proposed an alternative layout incorporating a single access point and track from Hillside Road West. This had been submitted by a
member of the public and did not form part of the proposal. Correspondence had been received enquiring why the Fire and Rescue Service were not consulted. It was stated that the Council’s consultations with Fire and Rescue were determined by the scale and type of application and as this was a minor application they were not a consultee.

Following the Chair’s briefing and further discussions with the Highways Officer, Conditions 10 and 12 had been revised and there was a new condition, Condition 20.

Condition 10 to read:

At point i - ‘details of temporary traffic management measures, temporary access/road widening, routes and vehicles’.

Condition 12 revised to read:

Development shall not commence until details, including a programme of works, of road widening on Hillside Road West and the proposed footway and pedestrian crossing, together with associated works, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details including the programme of works.

Reason: In the interest of highway safety, pedestrian connectivity and in accordance with the National Planning Policy Framework and saved policy S11 of the Alnwick Local Plan Saved Policies.

New Condition 20 to read:

Development shall not commence until details of a temporary turning area for construction vehicles have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented prior to the commencement of development and retained throughout the construction period.

Reason: In the interests of highway safety and in accord with the provisions and intentions of the NPPF.

Reference was made to the site visit which had been carried out the previous day and it was noted that during the course of the application a tree preservation order had been placed on a crab apple tree on the southern side of Hillside Road West.

Mr Lowe then summarised the application with the aid of a slide presentation.

Josephine Ellis, objector, spoke against the application and her comments included the following points:
There was more than a sufficient supply of housing land available and there was no need to allow developers to cherry pick the most desirable sites or allow development on marginal sites.

Approval would set a precedent for urban sprawl with car dependant ribbons.

All documented policies agreed that development in the countryside should not be permitted except in special cases.

There were limited facilities within the village hampered by the absence of safe walking routes and the scant bus services had been reduced.

The Highways Authority had raised concerns in 2015 when a single house was proposed on Hillside West.

Until this application was submitted, Hillside Road had been discounted for development and no-one had explained what had suddenly made it suitable.

There were concerns about the disposal of foul and surface water and doubts about the capacity of existing infrastructure to deal with the projected flows.

Cesspits in the area could affect human health and amenity.

There were spectacular views which would be lost despite the curious statement that visitors could peer through gaps between the dwellings.

Mr Munden had stated that 30% of objections came from visitors but this showed how important the site was to them.

There was no public benefit from the proposal and delivery of an appropriate balance of size, type and tenure in housing was a planning responsibility.

No officer had been able to say if the required road improvements could be carried out without the loss of trees.

There was no public benefit but it was recommended for approval and this cavalier attitude was deeply troubling.

Fiona Cowley also spoke against the application stating that almost all of the views to the west would be permanently destroyed for locals and visitors if the application was approved. The proposed 9 households would benefit from spectacular views at the expense of others. She asked members to refuse the application not only for the objectors but for future generations as the area was outstanding even in this beautiful location.

Guy Munden then spoke in support of the application and his comments included the following points:

- He represented Northumberland Estates, the applicant for the proposal which had been brought to committee last month and had been deferred for a site visit.
- He wished to stress the key points - there were no objections from statutory consultees; no outstanding planning technicalities; the site was immediately available and was a suitable, viable, deliverable site as set out in the NPPF.
- The number of objections received was misleading as over 30% of them were not from local people which called into question if they were for private interest.
- This type of housing was not widely available in Rothbury.
- Self build and custom built housing was a key element of the Government’s agenda to increase housing supply.
- Local planning authorities were required to provide land for self build plots.
The proposed development offered an opportunity to provide 9 plots for this in accordance with local and national policy.

Many representations in opposition to the development stated there was no demand for self build plots, this was not the case and evidence for this could be provided by local estate agents.

He referred to a representation received the previous day from a person who had been looking for a self build plot for over a year.

The proposal offered economic, social and environmental benefits and would support the rural economy.

It was in a sustainable location and widened choice.

He respectfully asked for the planning officer’s recommendation to be upheld and that the application be approved.

Members’ Questions

In response to questions the following information was provided:

- Sometimes there could be confusion between custom built dwellings and self build dwellings. Custom build were developments which came forward in a pre-fabricated way, self build were to the applicant’s own design.
- The application was an outline application for self build units, a full planning application would be required at reserved matters. If at that time the proposal was not for self build units it would fall outside the scope of the application.
- To benefit from outline consent, all 9 units would need to be started but, if for example there were only 8 built, officers would accept that the principle had been accepted. An application for the one remaining would need to be submitted.
- With regard to condition 12, if an engineer was to say it was a physical impossibility then consent could not go ahead as it was a requirement of the planning application.
- It was possible to construct a retaining wall to support the highway but it would need a structural engineer to design it.
- If members were minded to approve the application, the Head of Planning Services would seek delegated authority to review the wording of condition 12 as it would be preferable to have the road widened in advance of the plots being developed.
- The carriageway outside of the site was narrow and it would be desirable to widen Gravelly Bank but it was not considered to be severe in respect of the NPPF to insist on the additional improvements. The lower section of Gravelly Bank would see a 3.6% increase in traffic, then a 10% increase in traffic between Pinfold junction and Hillside Road West. There would be a 10% increase in traffic on Hillside Road West. A 10% increase was not considered to be severe. Reference was made to paragraphs 7.46 and 7.47 of the report which gave details of when passing places were required. It was considered that the carriageway of gravelly bank was sufficient to allow two cars to pass and the impact of larger vehicles associated with 9 dwellings was not considered severe enough to impact on the planning application. However, if members wished to extend the provision of passing
places to Gravelly Bank then it would be possible for passing places to be created within land controlled by the applicant.

- The style and type of dwellings would be considered at reserved matters but they would need to be in accordance with the character of the site.
- Outline consent was to establish the principle for building on the site and allow flexibility. Each plot would come forward as a reserved matters application.
- Members could request that reserved matters come to committee for determination or they could require a condition for a design code on the outline consent.

Councillor Pidcock moved approval in line with officer recommendation, the amendments to conditions 10 and 12 and new condition 20 as circulated.

Councillor Cairns seconded the motion with the addition of conditions for a design code and passing places to be created on gravelly bank.

Councillor Pidcock confirmed he was happy to accept those extra conditions as part of his motion.

Councillor Cairns added that she was not happy with the application as it was development in undamaged countryside, however, she felt that there were no planning grounds for refusal which could be upheld at appeal.

In summary Councillor Pidcock said he considered it to be an unviable financial proposition that would not happen.

The Solicitor pointed out that reasons were needed for the extra condition for passing places on Gravelly bank. In response Councillor Cairns said they were needed for highways safety and the amount of traffic using the road. A Wagon and a car would be unable to pass so passing places were needed in order that traffic, such as construction vehicles, could pass each other safely.

The Head of Planning Services would be given full delegated powers to review the wording of condition 12.

Upon being put to the vote the motion was unanimously agreed and it was therefore:

RESOLVED that the permission be granted subject to

i) the expiration of the press notice and the conditions, with reasons, set out in the report with amendments to conditions 10 and 12 as follows:

   Condition 10 to read:

   At point i - ‘details of temporary traffic management measures, temporary access/road widening, routes and vehicles’.
Condition 12 - full delegated authority be given to the Head of Planning Services to review the wording of this condition.

Reason: In the interest of highway safety, pedestrian connectivity and in accordance with the National Planning Policy Framework and saved policy S11 of the Alnwick Local Plan Saved Policies.

ii) New Condition 20 to read:

Development shall not commence until details of a temporary turning area for construction vehicles have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented prior to the commencement of development and retained throughout the construction period.

Reason: In the interests of highway safety and in accord with the provisions and intentions of the NPPF.

iii) The addition of a design code.

iv) Passing places to be provided on Gravelly bank (exact wording to be agreed by officers).

94. 15/03531/FUL - Demolition of 1960s extension, construction of replacement extension, renovation of Fenwick Summerhouse and construction of 3 new build holiday let/staff accommodation units with new vehicle access. Changing of use of Lemmington Hall from 'Residential' to 'Residential with Function Use', Lemmington Hall, Alnwick, Northumberland, NE66 2BH.

As stated earlier the above application had been withdrawn from the agenda due to ongoing legal issues on highways matters.

95. 16/00447/FUL - Proposal for 3 new dormer styled bungalows (Resubmission), land south Of Belmont Gardens, Belmont, Haydon Bridge, Northumberland.

Tony Lowe, Senior Planning Officer, introduced the above application and pointed out a typing error at recommended condition 2, approved plans, - drawing number 2 should read revision E not revision D.

In paragraph 2.2 detailing materials, members were asked to note the roof material was to be zinc.

A new condition relating to works close to a railway line was proposed to read:

Prior to commencement of development a Method Statement detailing a scheme for the proposed method of construction, including boundary fencing, lighting and risk assessment in relation to the railway and construction traffic management plan,
shall be submitted to and approved in writing by the local planning authority. Thereafter the approved scheme shall be implemented and maintained throughout the construction period.

Reason: In the interests of public safety.

Mr Lowe then summarised the application with the aid of a slide presentation.

Pat Hirst, objector, spoke against the application and her comments included the following points:

- She was representing several residents of Haydon Bridge objecting to the proposal.
- Tony Lowe, the Case Officer, agreed that it should be viewed as three 2 storey dwellings.
- Inaccuracies in the report included residential buildings to the west, when there was only a school sport's hall with associated effluence.
- Surveys revealed that the site sat on Alluvium so the use of permeable material to prevent flooding would be of no benefit. Reference was made to paragraphs 4.2 and 4.7 of the flood risk assessment which were substantiated by the Lead Local Flood Authority. With restricted water discharge blockages could occur by the inappropriate disposal of non-flushable household items which was not met in the requirements.
- The site was at the bottom of a steep hill which was not mentioned in the documents. Immediately south the land was compacted by 150 years rail traffic and had never been dry in the 40 years she had lived there.
- How viable was a detention basin on a site designed for family use?
- There was little to address the changing nature of water courses and little reference to water and flooding east down North bank that happened last year.
- There was limited reference to 33% increase in flooding events but no consideration of fluctuating water tables.
- The rail franchise had recently changed hands and was in the process of negotiations for increased use necessitating a review of noise pollution which had not been considered.
- It was a conservation area with TPOs and the proposal would have an unacceptable impact on services and the environment with loss of privacy especially for residents south of the railway. That it would not be visible from the north bank was irrelevant.
- Supporting documents stated the development would enhance the economic, social and environmental aspects of the village which were important considerations in the NPPF though there was no fire station which was a vital factor in any increase in the fabric of the village.
- With significant development of housing to the south west, Haydon Bridge would over deliver on housing need in fewer than 2 ½ years.
- The unadopted access lane was inadequate, too narrow for large vehicles to pass leading to congestion at a dangerous junction close to a railway crossing. There should be no infringement of private land adjoining the lane.
The drainage and sewerage systems were old and subject to constant maintenance. Apart from surface water there would be at least 11 more bathrooms and additional household appliances. The drain ran down the side of her property and had been regularly water blasted after blockages.

In response to concerns of a Belmont resident before the latest flood, the Council had stated that ‘due to the condition of the above systems there should be no further development west of Roseville and the former Belmont Hotel’ yet had recently agreed to 2 dwellings in the grounds of the latter. What evidence was there that the policy had changed and where could she find that evidence?

The land was designated as a strategic green space, it was in conflict with Tynedale Core Strategy policy and contrary to planning condition 6, paragraph 206 of the National Planning and Practice Guidance. The site had been significantly degraded by the owner.

Tynedale Core Strategy was sited as irrelevant in several places within the documentation yet was often referred to in support of the application.

She said her objections could be seen as nimbyism, with which she would have agreed were it not that the development was inappropriate, unsuitable, unnecessary and contrary to the Tynedale Core Strategy.

She was concerned for future owners who would find it impossible to contain water ingress or insure their properties.

It was stated that recommendations in favour of granting permission must be accompanied by suitable conditions and justifications to meet 6 tests. Applications should be necessary, precise and reasonable but given this water logged site the application was not precise, necessary or reasonable.

Robin Wood then spoke in support of the application and his comments included the following points:

He was speaking on behalf of the applicant, Keith Duffy.

A lot of the issues raised were covered in the officer’s report but he would stress the main points.

The site was located in the built up area of Haydon Bridge which was a service centre and an appropriate location.

The NPPF stated that housing applications should be considered in the context of the presumption in favour of sustainable development in the absence of a 5 year plan or an out of date development plan.

As was always the case, members should be guided on technical issues by officers. All officers and consultees were satisfied including the SUDS Officer so objections on technical grounds were not sustainable.

Separation distances were far in excess of the 25 m required minimum.

Some of the guidance regarding strategic green space was from a historic policy and the development was designed to enhance the retained green space which would outweigh that lost as set out in paragraph 8.2 of the report.

The level of harm was outweighed by the benefits and there were no adverse impacts upon the landscape or the amenities to local residents.
● In the context of current policy the proposal should be granted and he asked members to support the officer’s recommendation.

Members’ Questions

In response to questions the following information was provided:

● With regard to condition 8, officers were not expecting the highway to be adopted only to be maintained to a suitable standard.
● Officers considered the wording of condition 8 to be acceptable, they expected the streets to be maintained following occupation of the first dwelling.
● On a point of clarification the Solicitor pointed out that the condition was in two parts. Details of arrangements regarding the management and maintenance of the streets would need to be submitted before the development commenced and then it must be maintained to that standard following occupation of the first dwelling and thereafter.
● The Principal Highways Development Engineer added that the purpose of the condition was to establish whether the road was to remain private and what the maintenance of it would be. The road did not require any works to upgrade it.
● With regard to flooding issues, the Senior Planning Officer assured members that the application had been robustly examined and the conditions put forward in the report would address any flooding concerns.
● With regard to the loss of strategic green space, a significant amount of green space would be retained and the loss was considered to be minimal.
● The Senior Planning Officer could not clarify what the exact loss of trees would be but said there was a landscaping proposal in place.

Councillor Hutchinson moved approval in line with officer recommendation which was seconded by Councillor Armstrong.

Upon being put to the vote 9 members voted in favour of the motion. It was therefore:

RESOLVED that permission be granted subject to the conditions, with reasons, set out in the report and the extra condition as follows:

Prior to commencement of development a Method Statement detailing a scheme for the proposed method of construction, including boundary fencing, lighting and risk assessment in relation to the railway and construction traffic management plan, shall be submitted to and approved in writing by the local planning authority. Thereafter the approved scheme shall be implemented and maintained throughout the construction period.

Reason: In the interests of public safety.
96. 16/01875/VARYCO - Variation of condition 2 (Approved Plans) pursuant to planning permission 15/00712/FUL in order to widen the industrial unit by 1.5 metres and add another single door to the south east gable end, Unit 3, 17B Coopies Haugh, Morpeth, NE61 6JN.

As stated earlier the above application had been withdrawn from the agenda as amended plans were expected which would go out to consultation.

97. 16/03021/FUL - Retrospective application for retention and remodelling of dormer roof extension to west elevation, 45 Harbour Road, Beadnell, NE67 5BJ.

Ragu Sittambalam, Planning Officer, introduced the above application and read out a late representation from Councillor John Woodman who could not be in attendance.

Councillor Woodman stated it had been a difficult application as the applicant was originally advised by the Council that planning permission for the roof extension was not required and accordingly built it without seeking permission. However, in giving this advice the Council had not realised that the house was in the AONB, on a sensitive position at the coast, so permission should have been applied for.

A retrospective application was refused at planning committee and on appeal because the extension was unsuitable. It was now subject of an enforcement notice.

It was unfortunate because it wasn’t the applicant’s fault. The applicant now sought to modify the extension - not in scale but in appearance to reduce its negative impact. The application was recommended for approval but Councillor Woodman said his main concern was that if approved the special circumstances should be noted and that it did not become a precedent for future requests to change the row of traditional fishing cottages.

Mr Sittambalam then summarised the report with the aid of a slide presentation and clarified that the original application had not been appealed.

Deborah Baker, Beadnell Parish Council, spoke against the application and her comments included the following points:

- The following comments had been made by Councillors, officers or the AONB in relation to the proposal.
- The Chair of Strategic Planning Committee had said the Planning Authority needed to provide clear and consistent guidelines to developers within the AONB;
- The Head of Service had said the proposal raised significant design issues in the context of the Northumberland Coast AONB and should be given due consideration by the Committee.
The Planning Officer had said The AONB Design Guide to the Built Environment stated on page 74 that “the insertion of large flat roof box dormers will not be acceptable but a number of smaller types of dormer could be considered in certain positions. These should be small scale, closely related to the size and position of the existing windows”. The planning application for 45 Harbour Road should be measured against the AONB criteria in order to be consistent with the decision for the adjoining property at 47 Harbour Road where the Planning Officer rejected it citing the unambiguous guidance from the AONB which stated that box dormers were not acceptable and did not accord with AONB design principles.

The AONB partnership had said the box dormer was overly large and so intrusive that the original roof plane had become invisible. The work did not respect the historic character, scale or mass of the original building. It was the opinion of the AONB Partnership that it would be disingenuous to grant permission for the box dormer on the grounds of it being a retrospective application which was contrary to guidance.

The Parish Council’s unanimous view was that the proposed roof dormers and placement of the flat roof were considered to be an incongruous form of development within the Northumberland Coastal AONB. By virtue of the scale, mass and design they presented as incompatible features upon the host property and within the street scene and were contrary to Policy F2 of the Berwick upon Tweed Local Plan and the NPPF, as well as the emerging Core Strategy and Neighbourhood Plan.

The Parish Council had worked closely with Planning Officer in respect of the proposal and a similar proposal at 47 Harbour Road which was rejected in favour of a less obtrusive solution.

Planners made a mistake in June 2013 when the rejected the Parish Council’s assertion that the development needed planning permission. She asked Councillors to avoid another mistake and reject the proposed remodelling which did not fit with the local vernacular, did not reduce the size of the incongruous feature and did not accord with the AONB guidelines.

In accepting the proposal the credibility of Planning Officers, Enforcement Officers, the Committee and the Localism Bill would be irreversibly compromised. Approval would give an unacceptable and dangerous precedent for future development of applications in that important protected area.

Robin Wood then spoke in support of the application and his comments included the following points:

- He was speaking on behalf of the applicant and wanted to give some information regarding the history of the site.
- Construction had started in May 2013 on the belief that planning permission was not needed.
- Council officers had told the applicant that planning permission was not needed but when the dormer was fully completed and occupied the Council said planning permission was required.
Obviously if the correct advice had been given in the first place construction would not have taken place.

The decision was never tested at appeal.

As members would appreciate there had been a substantial error made by the Council and this had affected the applicant’s health.

Officers had worked with the applicant to try and find a solution and he commended Mr Sittambalam for the way in which he had worked with the applicant.

What was now before the committee was an imaginative solution to remodel the dormer, changing its appearance and style to reduce its visual bulk and improve its architectural quality.

It was not so prominent and was now supported by officers with no objections from highways.

The idea that box dormers were not acceptable did not set a precedent.

The changes would cost the applicant a significant amount of money but he was willing to do it.

He urged members to support the officer’s recommendation.

**Members’ Questions**

In response to questions the following information was provided:

- There were no conditions regarding colour but officers had requested to see samples of materials which would be timber, could weather and would be subject to an application in its own right.
- In response to a question regarding the views of the AONB partnership, David Feige, Principal Ecologist and AONB Officer said the AONB design guide gave strong advice but this was an extraordinary situation as the applicant had been advised that planning permission was not necessary. In weighing up that situation with the impact on the building and environment, it was a case of the applicant having to make the best of a bad situation. He understood the concerns that the AONB should have a consistent view but this was an extraordinary situation and he accepted that the applicant was doing everything he could.
- On a point of clarification the Planning Officer stated that the application was not recommended for approval because of the mistakes made, it was recommended for approval because of the exceptional design to improve the visual amenity of the area and was a stand alone application.

Councillor Graham moved that the application be approved in line with officer recommendation which was seconded by Councillor Hutchinson.

Councillor Cairns requested that it be put on record that she had found the advice very confusing as the Ward Member had suggested that a precedent should not be set because of mistakes made by the Council and the Conservation Officer had said it was an extraordinary situation, however, the Planning Officer had made it clear that was not why it had been recommended for approval.
Upon being put to the vote 8 members voted in favour and 2 against, it was therefore:

**RESOLVED** that permission be granted subject to the conditions, with reasons, set out in the report.

**TREE PRESERVATION ORDER**

98. **Land to the west of Wingates Village, Morpeth. Tree Preservation Order 2016 (no. 13 of 2016)**

Jon Sharp, Planning Technician, presented the above report with the aid of a slide presentation.

In response to a question it was stated that the trees to the north of the village protected properties against prevailing weather conditions, however the Parish Council perceived the bulk of Woodland Designation W1 could be under threat as the owner was understood to be a developer. The extent of W1 came about due to a breakdown in communications when the Council was making the TPO and exceeded what the Parish Council had requested.

Councillor Hutchinson moved that the Tree Preservation Order be confirmed with modification in line with officer recommendation which was seconded by Councillor Graham.

Upon being put to the vote the motion was unanimously agreed and it was therefore:

**RESOLVED** that the Tree Preservation Order be confirmed with modification for the reasons set out in paragraphs 7.1 - 7.3 of the report.

The meeting closed at 4:38 pm.

**CHAIR**

**DATE**