

NORTHUMBERLAND COUNTY COUNCIL

STRATEGIC PLANNING COMMITTEE

At a meeting of the **Strategic Planning Committee** held in the **Council Chamber, County Hall, Morpeth, NE61 2EF** on **Tuesday 3 January 2017** at **2.00 pm**.

PRESENT

Councillor P. Kelly
(in the Chair)

MEMBERS

Castle, G.
Dodd, R. (Part)
Gobin, J.J.
Horncastle, C.W.
Lang, J.
Swithenbank I.C.F.

Tebbutt, A.
Thorne, T.N.
Wallace, A.
Watkin R.J.D.
Webb, G.

OFFICERS

Armstrong, N.
Carter, T.
Hitchings, J.
Ketley, M.
Little, L.
Masson, N.
Rawlinson, A.
Sharp, J.
Stanners, I.
Thompson, C.

Senior Planning Officer
Principal Planning Officer
SuDS Officer
Head of Planning Services
Democratic Services Officer
Principal Solicitor
Principal Planning Officer
Planning Officer
Affordable Housing Officer (Rural)
Senior Development Control Officer

ALSO PRESENT

Councillor J. Woodman
Press/Public : 58

73. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors S. Davey, J. Fearon and S. Dickinson.

74. MINUTES

RESOLVED that the minutes of the meeting of the Strategic Planning Committee held on Tuesday, 1 November 2016, as circulated, be confirmed as a true record and signed by the Chair with the following comment to be noted:

Ch.'s Initials.....

The Principal Planning Officer advised that concerns had been raised by an objector in relation to Minute Number 66 in connection with overlooking and loss of daylight and overshadowing to 22 and 23 Mariners View which the Officer advised had been covered in the report. The Officer had advised Members that a sunlight assessment had not been undertaken in respect of number 22. The Agent subsequently advised that this assessment had been undertaken but had not been seen by the Local Planning Authority. Concern was raised that Members had taken this assessment into account in their consideration of the application. It was clarified that this assessment had not been taken into consideration by the Officer.

The Chair reminded those present that the minutes were not a verbatim record of a meeting.

75. DECLARATION OF INTEREST

Councillors R. Dodd and T. Thorne declared personal interests in application 16/04005/MAST as they were friends of the applicant and would leave the Chamber whilst the application was considered.

Councillor Castle advised that he had a personal non prejudicial interest in application 16/03770/FUL as Alnwick Town Council of which he was a Member had commented on the application. He advised that he had taken no part in the Town Councils discussions on the application.

Councillor Webb advised that he was a Board Member of Arch however dispensation had been given by the Standards Board.

76. 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 procedure at Planning Committees was appended for information.

RESOLVED that the information be noted.

77. 16/01688/OUT

**Outline application for the development of 45 no. residential dwellings, including all ancillary works; approval sought for access, landscaping, layout and scale; appearance is a reserved matter (as amended by plans received 13/10/16 - layout of access road)
Land South of Kennedy Green, Beadnell, Northumberland**

The Senior Planning Officer introduced the application to the Committee with the aid of a powerpoint presentation. He advised that 11 additional objections had been received since the committee report was prepared. These raised further similar concerns and objections to those that had already been highlighted within the report, particularly in relation to the scale of development; need for further housing in this location; and adverse effects of the housing and new road on the character of the area and the AONB.

N. Allan, Chartered Town Planner and Planning Lawyer addressed the meeting on behalf of residents objecting to the application. Her comments included the following:-

- The application whilst stating 45 properties included phasing with hammerheads into further pockets of land which would result in up to 69 properties.
- It was accepted that permanent housing could rebalance the community however this must genuinely meet local needs and only if the proposed S106 agreement worked. There had been no proper assessment of local needs and Members could not be sure this scheme complied with policies.
- Case law Megavissey was highlighted in relation to exceptional circumstances, which was a statutory duty to consider under the Countryside and Rights of Way Act and NPPF with great weight to be given to conserving special qualities of AONB. Exceptional meant something of a rarity.
- The Landscape and Visual Impact Assessment had been dealt with in the briefest of terms with the Officer advising that the access road crossing open fields would be harmful in visual terms and whilst this might be mitigated by landscaping and reduced lighting this was not certain.
- There would be destruction of Medieval rig and furrow and harm to undesignated assets.
- The balancing act was not equal, the quantum harm to the AONB was substantial and great weight should be given to this; some weight had been given to the provision of permanent housing this should be less; and no weight had been given to community facilities.
- In relation to the S106 agreement regarding 100% permanent occupation the terms were imprecise and only required 40 weeks occupation - why not 52? Only the Local Planning Authority could monitor and enforce the S106 and this would be impossible to do.

Carole Field also addressed the Committee speaking in objection to the application. Her comments included the following:-

- She had been a resident in the village for nearly 30 years and involved in the development the tourist economy.
- This application would lead to indiscriminate building on the edge of the settlement with another sprawl of units sitting empty.

- The already stretched infrastructure of the village was not geared to cater for this explosion in the number of properties.
- The application should not be decided prior to the agreement of the emerging Neighbourhood Plan.
- The S106 agreement would be undeliverable.
- There had been over 200 letters of objection with 100 of those from local residents with not one letter of support for the development.
- The application should be rejected.

G. Martindale, Chair of Beadnell Parish Council addressed the Committee speaking in objection to the application. His comments included the following:-

- He had been a Parish Councillor for 10 years and Chairman since 2013 and was a Member of the Steering Group for the emerging Neighbourhood Plan. During his Chairmanship, the Parish Council had taken every opportunity to engage in the democratic process and he was satisfied with the developing relationships being forged with Councillors, Officers and the permanent and extended visitor communities were worthwhile and positive. The Policy of Beadnell Parish Council was that any development should be proportionate, stimulate business interest and make a positive contribution to the Community and the response to the application was measured against those guidelines.
- In 2011 Beadnell had a second and holiday home to permanent ratio of 55% since that time development has continued with 45 new holiday homes currently being built in one development as well as several in-fill houses, conversions and self-contained extensions for holiday lets. As people move their houses become almost without exception second or holiday homes. The County Council's own recent figures confirm that 80% of the houses in Beadnell were being used as second or holiday homes and with the completion of the abovementioned 45 properties this will increase to 82%.
- Beadnell had an aging population and struggled to attract younger families due to there being no school, poor transport links, low paid employment and vastly inflated house prices. Fourteen affordable houses were built 5 years ago and the result was a small but very vibrant young sustainable community. Beadnell was desperate for more developments of this type.
- Bungalows and two-bedroomed houses which were energy efficient, low maintenance, environmentally friends and most importantly affordable were needed to help rebuild the community and bring back vitality to the area. The current application provided none of this.
- Not only did the current application destroy a much loved and well used open space, across which was a public footpath, it was a major development in an AONB and failed entirely to make any case for this as required by paragraph 116 of the NPPF. It ignored paragraph 115 which stated great weight be given to conserving landscapes and scenic beauty in an AONB and there was no community benefit offered to

mitigate the complete absence of any demonstrable need for further luxury housing of this type.

- It had been stated at a recent planning training event run by the Council's Planning Enforcement Team that planning legislation was heavily weighted in favour of Developers and that S106 agreements were not worth the paper they were written on and could not be enforced.
- Beadnell had already proved a rich resource for developers who had made extensive profits from the sale of holiday homes with no regard to the detriment and destruction of the community which must stop now.
- The provision of truly affordable housing, protection of open spaces and footpaths, respect of the designated AONB and listening to the Community were all required to assist Beadnell.
- Irresponsible planning applications, provision of more large, expensive houses, disregard for the community and the outrageous view that Section 106 agreements were meaningful and could be enforced would condemn Beadnell.
- The application should be rejected.

C. Barnes addressed the Committee on behalf of the application speaking in support of the application. His comments included the following:-

- The proposed development would bring forward the site for development in the centre of Beadnell. The site was considered as infill development. Extensive talks had been undertaken including with the Parish Council and site was identified for development in the emerging Neighbourhood Plan.
- 80% of Beadnell were holiday homes and the social fabric of the community was being worn away making the village unsustainable.
- Most properties sold were bought as second homes which had a negative impact.
- There were no objections from any statutory consultee.
- Representations were not all from local people a lot were from second homeowners.
- If Beadnell was not to become a ghost town it needed permanent residents and this application sought to provide this with no holiday homes and 20% affordable housing.
- The applicant had sought to resolve problems and felt that a number of objectors had misinterpreted the application. The site was not available for second homes.
- A considerable amount of time had been spent to ensure that the S106 agreement was sound and would stand up to scrutiny with a number of smaller units and affordable housing provided.

Councillor Dodd entered the Chamber during this item. He took no part in deciding the application.

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

- The Principal Solicitor advised that S106 agreements were derived from the Town and Country Planning Act 1990 and were legally enforceable. The Council regularly entered into S106 agreements and he was happy that this agreement would be able to be enforced. The conditions of the S106 agreement would be recorded as a Local Land Charge and anyone purchasing a property would be made aware of these.
- The “principal” residence did not mean only residence and there was no legal definition of the term principal. The Legal and Monitoring Officer would take a view on when it was not the principal residence.
- The principal residence clause of the S106 agreement stated :

The owner/occupier of any dwelling shall not permit such dwelling to be occupied unless in accordance with the following:

1. the dwelling shall be occupied by the owner/occupier for a minimum of forty (40) weeks in any calendar year;
 2. the owner/occupier shall not permit the dwelling to be occupied by anyone other than a family member or the owner’s guests;
 3. where the dwelling was occupied by a guest of the owner/occupier the owner shall also be in physical occupation of the dwelling;
 4. the owner/occupier shall provide the Council such information as it reasonably required to demonstrate to the Council’s reasonable satisfaction that the dwelling was being occupied as the owners only or principal residence.
- It was not possible to provide details of any Case Law regarding gaining possession of such properties during the Committee meeting.
 - It was not possible to provide information on the impact of house prices on the development due to the restriction on occupancy. In respect of the affordable rented units a set criteria would be used for the calculation.
 - Initial drafts of the S106 agreement had stated that if properties had not been sold within six months then the occupancy restriction could be removed after 12 months. Officers did not consider this to be exceptional circumstances to allow development and therefore the proposed S106 agreement was revised and the occupancy restriction would remain on all properties. An application would need to be made to the Local Planning Authority to remove this restriction in the future.
 - The Head of Planning Services advised that staffing resources had recently trebled in the Enforcement Team and a S106 Officer was in post. The monitoring of S106 agreements was time and resource intensive, however he was confident that the Council had the resources to do this effectively.
 - The ecology contribution of £25,000 for a Dog Warden was provided due to the closeness of the Coastal AONB and to minimise any potential impact and was provided as part of the overall community benefit of the provision of permanent and affordable housing at 20%.
 - Everything the Council as an organisation does has an impact on the Human Rights Act, however there were caveats that allowed for decisions to be made that were proportional. All Human Rights were

taken into consideration as part of the planning legislation and procedures.

- The potential to allow the relaxation of street lighting requirements was in response to concerns from the Parish Council and residents in relation to the Dark Skies and would be subject to further discussions with the Highway Authority. It was stated that the safety of residents would always be the paramount consideration.

Councillor Thorne advised that as the application to provide permanent dwellings for permanent residents would help to rebalance the community, and it had no objections from statutory consultees he would move acceptance of the recommendation to approve the application as outlined in the report which was seconded by Councillor Horncastle.

In debating the application Councillors highlighted the nature of the quasi judicial nature of their role and the need for sound planning reasons to reject an application. The requirement for the strict enforcement of the S106 agreement was of major importance.

Councillor Watkin advised that whilst he would like to accept a proposal which would provide the much needed permanent affordable housing within the Village, he did not agree that this application would provide this as there was no true definition of “principal residence” and he did not consider that the S106 agreement would be enforceable.

The Committee were reminded that whilst the application might not provide their vision of the ideal development for the Village this was the one they must decide. Any refusal or non determination could allow for a worse outcome.

A vote was taken as follows: For 10; Against: 1.

RESOLVED that the application be **GRANTED** permission subject to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure 20% affordable housing provision on-site; the restriction of 100% of the dwellings for occupancy as principal residences; a financial contribution of £25,000 and provision of signage in respect of ecological mitigation; a financial contribution of £5,500 to the funding of a Traffic Regulation Order; and subject to the conditions set out in the report:

78. 16/03770/FUL
Proposal for 20 no dwelling houses through conversion of existing buildings (10 units) and erection of 10 new build units, Allernburn House , Denwick Lane, Alnwick, Northumberland NE66 1YY

The Principal Planning Officer introduced the application to the Committee with the aid of a powerpoint presentation. The Officer advised that the Lead Local Flood Authority had now responded and in accordance with part 4 and paragraph 7.42 of the report, the update was the inclusion of two conditions and

an informative requiring a detailed scheme for the disposal of surface water for the construction phase and for the lifetime of the development and the encouragement for the use of permeable surfaces.

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

- There had been no formal request for Tree Preservation Orders to be placed on any of the trees and this could not form part of any permission granted and therefore homeowners would be able to fell trees on their property if they so wished.
- The Affordable Housing Team had not required that the provision of affordable housing be on site and were happy with the £85,000 contribution to be used for off-site provision within the County.
- The access road serving the site would not be adopted by the Highways Authority and would remain under private control. The Highways Authority had requested conditions in respect of parking provision.

In proposing acceptance of the recommendation to approve the application, Councillor Castle advised that he would also like to formally request that a Tree Preservation Order be considered to protect the tree lined approach into the Town. He also asked that the £85,000 contribution towards affordable housing be used in the Alnwick Ward. It was confirmed that the terms of the S106 agreement was still being discussed and the request for the affordable housing to be provided in Alnwick could be included. The motion to approve the application was seconded by Councillor Thorne.

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

RESOLVED that the Committee be minded to **GRANT** permission subject to an off-site affordable housing contribution which would be secured through a Section 106 legal agreement.

79. 16/03939/VARYCO

Variation of Condition 2 (Approved Plans) pursuant to planning application 14/03206/FUL to allow a minor material amendment to the external appearance and roof plan for the demolition of the existing building and structures and the erection of a new B1 office building and associated structures, car parking, access, landscaping and engineering works.

Former Kwik Save, Walkergate, Berwick-Upon-Tweed, Northumberland, TD15 1DJ

The Senior Planning Officer introduced the report to the Committee with the aid of a powerpoint presentation. Updates were provided as follows:-

- Berwick Town Council today had been in contact with officers and expressed concern that they did not receive their letter advising of the

committee meeting until their Office opened on the day of the meeting and had suggested the item be withdrawn from the agenda. In terms of further comments on the development itself the following comments had been made by the Town Council:

“Members are concerned that the 4 air con/vent units are likely to cause noise as they are mechanically operated. One of the purposes of the vents is to remove odours and CO2 is mentioned. Members feel that more details are required. ‘

The issue of noise is addressed at Condition 19 which begins ‘Before the scheme is brought into use...’ despite the fact that you pointed out at para 2.2 that this is a retrospective application. Can you therefore confirm that the ventilation scheme is not yet in operation? If it is, have the noise measurements specified been taken, and will they be reported to today’s meeting?”.

- Further comments had been received from E Paterson, 4 College Place, who had already objected. She was unable to attend the meeting but raised concerns that leaving noise assessment to a further condition would be unenforceable should a problem be found and suggests noise readings needed to be taken from her property. In terms of visual impact she stated that 4 College Place was much more affected than other properties, the area was wholly residential to the rear beside the 4 nearest vents, and no explanation was given as to why they cannot be relocated to the commercial side of the building.
- A late representation had also been received from Town Councillor Eric Goodyer that referred to the adverse visual impact of the roof vents; adverse effect on heritage assets; noise from operation of the vents and nesting seagulls, and odour with adverse impacts on adjacent residents.

It was clarified that the ventilation scheme was for normal extraction from an office block and was not for cooking smells.

Councillor Watkin proposed acceptance of the recommendation to approve which was seconded by Councillor Thorne.

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

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

Councillors Dodd and Thorne left the Chamber at this point.

**80. 16/04005/MAST
Proposed Base Station Installation at South Farm, Eshott,
Northumberland.
Land South Of South Farm, Eshott, Northumberland**

The Planning Officer introduced the report to the Committee with the aid of a powerpoint presentation. Updates were provided as follows:-

- A late representation had been received this morning from the neighbouring farm owner approximately 500 metres to the north east of the application site, raising concerns that they had not been consulted about this application. There was no statutory requirement to consult with neighbours on this type of application however a site notice was posted at the site on 28th November. The representation also noted that negotiations were ongoing between the owner of East Farm and the applicant regarding the future of an existing mast on his land however this was not considered to be a material consideration in the determination of this application.
- In the interests of proper decision making the last sentence of paragraph 8.1 of the report should be amended to read "As the proposal is for a new mast, prior approval is required, however no further details of siting or appearance are required".
- The recommendation in section 9 of the report should be amended to read "That the Prior Approval of the Local Planning Authority is required and is Granted".

The recommendation as outlined above was proposed for acceptance by Councillor Lang and seconded by Councillor Webb.

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

RESOLVED that the prior approval of the Local Planning was required and was **GRANTED**.

81. URGENT BUSINESS

The Chair advised that an additional meeting of the Committee had been arranged for 1pm on Wednesday 15 March 2016 due to the large number of applications that were expected to be ready for Committee at that time.

CHAIR _____

DATE _____