



**MINUTES OF THE DEVELOPMENT CONTROL COMMITTEE MEETING HELD ON
Wednesday 11th June 2008 AT NORTHUMBERLAND NATIONAL PARK
HEADQUARTERS, EASTBURN, HEXHAM**

In the Chair: Cllr A Murray

Present: Cllr S Bolam; Cllr D Edwards; Mr A Hinchcliffe; Cllr I Hutchinson; Mr P Nicholson; Cllr R Pearson; Cllr J Riddle;.

DCC 07/2008 Welcome and Apologies for Absence

Apologies were received from Mr J Vaughan. There were two vacancies on the Development Control Committee as a result of the County Council elections in May.

DCC 08/2008 Declarations of Interest: None.

DCC 09/2008 Minutes of Previous Meeting: 18th February 2008

Resolved that the minutes of the meeting held on 18th February 2008, as circulated, be approved as a correct record and signed by the Chairman.

Copies of reports under DCC 10/2008 are attached to the signed minutes.

DCC 010/2008 Applications for Planning Consent and Listed Building Consent

The Chairman of the Development Control Committee, Cllr A Murray, informed Members that reports with public speaking would be taken first, in the order they appeared on the agenda.

08NP0013 Proposed construction of marquee and change of use of former kitchen block to provide toilets and kitchen for function suite, together with car parking on former caravan site and associated landscaping within the walled garden at Otterburn Hall, Otterburn, Newcastle upon Tyne, NE19 1HE.

The Planning Officer, Mr D Coverdale, introduced the report and informed Members that discussions about materials had been held with the applicant, who was willing to try to find alternatives.

Public Speaking: Ms Karin Yiannakou of Douglas Wallace addressed the committee in support of the application. A Design and Access statement had been submitted.

The Planning Officer reported that, following the receipt by the Authority of objections regarding noise, Tynedale Council had been contacted but they had found no record of any noise objections.

The following points of clarification were raised:

- After a request for a condition stipulating when the marquee should be taken down, the Planning Officer agreed that this could be included, subject to approval of the application.

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- The acoustic survey would assess and establish the current baseline, what the increase in noise would be during use and suggest possible improvements for noise.
- Hours of operation would be agreed in consultation with the Tynedale Council Environmental Health Officer and Licensing Officers. Conditions 4 and 5 set down the agreed baseline with Environmental Health. If complaints are received regarding breaches of the threshold they would be brought to the Authority and Tynedale Environmental Health. Members of the public would also have opportunities to comment during the consultation on the licensing application to Tynedale Council.
- Sound insulation materials and attenuation measures could be agreed as part of Condition 4.
- Members were reminded that access (as referred to in the handwritten letter from the occupiers of The Cottage), legal ownership and land ownership were not planning matters. Members were also informed that the owners of Otterburn Hall were in the process of purchasing The Cottage and the current owner of that property had withdrawn their objection.

Cllr R Pearson proposed a site visit to acquaint Members with the site, given the objections of the Parish Council. Cllr Hutchinson seconded the proposal to see the impact on the surrounding area and the Listed Building.

The following points were raised during debate:

- The impact of noise was an important issue and it would be helpful to have the Acoustic Survey information before a site visit and the application was considered again. However it was recognized that it would be difficult to ascertain the noise level before the development commenced.
- Discussion of the number of months that the marquee was up was needed. Cllr Bolam felt a lot of information was missing from the report and needed to be produced for the next meeting.
- The applicant would need to apply for an Entertainment Licence.

The motion for Members to undertake a site visit was agreed.

Resolved that a site visit be undertaken to Otterburn Hall to assess the impact on the surrounding area before a decision is taken.

08NP0018 Retrospective application for change of use from agricultural land to domestic garden at The Badger, Swindon, Sharperton, Morpeth, Northumberland, NE65 7AP.

The Planning Officer, Mr D Coverdale, introduced the report and reminded Members that although this was a retrospective application consideration of the issues should be made as if it was a fresh application.

The Development Control Manager, Ms L Butler, emphasised that the condition regarding removal of Permitted Development Rights was being introduced as a control mechanism not an embargo on development. It was also clarified that structures greater than 10 cubic metres in volume constituted development but not decking which was lying flat.

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Public Speaking:

Dr William Pickering, applicant, addressed the Committee in support of the application. He stated he had owned the property for 25 years and clarified that there was natural stone paving on the site, not decking. There had been an increase in native plants and an increase in the diversification of hedgerow and plant life.

Mr Richard Kerven, objector, addressed the Committee in opposition to the application. He informed the Committee that the house had been unoccupied over the last 25 years except for occasional tourism use.

The following points of clarification were raised:

- When a planning application was submitted in 2007 it highlighted a discrepancy in the plans which brought the change of use to light.
- Granting change of use would not give any additional weight in future applications.

Cllr I Hutchinson proposed the recommendation in the report and noted that the plan reproduced in the report did not show the applicant's ownership of the adjoining field. The Planning Officer responded that the red outline reproduced in the report related purely to the application site whereas the plans on file, marked with a blue line, showed ownership. Cllr Hutchinson felt that this should be shown to the Committee.

The recommendation in the report was seconded by Mr A Hinchcliffe.

The following points were raised during debate:

- Several Members expressed concern about possible future activity on the site and the risk of setting a precedent for similar 'backdoor' applications gaining development rights.
- Cllr Bolam had significant concerns regarding the extension to the garden which she felt was out of keeping with the natural boundaries of the area. She considered that as the applicant owned the surrounding land there was an opportunity to diversify [the natural history] without a garden. She drew attention to a precedent in Rothley, adjacent to the National Park, where Alnwick District Council had refused permission as being inappropriate activity in a rural hamlet. Cllr Bolam stated that she did not support the application because of the implication to other settlements and the 'creeping' nature of the development.
- Cllr Hutchinson sympathized with Cllr Bolam's views. However he felt that taking this application on its own merit it was acceptable, marginally. However he did not like gardens extended into agricultural land.
- Cllr J Riddle was not in favour of the proposal. He noted that the Authority had known about the situation for some time but had not taken action.

Members voted on the proposal to grant permission:

For 4 Against 4

The Chairman used his casting vote against the recommendation. The motion was not carried.

Cllr Bolam proposed that permission be refused on the grounds that it was an inappropriate garden extension into agricultural land in a wholly rural area. Cllr D Edwards seconded the proposal.

Members voted on the proposal to refuse permission:

For 5 Against 1 Abstention 2

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The motion to refuse permission for change of use was carried.

RESOLVED that permission for change of use from agricultural land to domestic garden at The Badger, Swindon be refused on the grounds that it was an inappropriate garden extension into agricultural land in a wholly rural area.

08NP0019 Construction of Garden Shed at The Badger, Swindon, Sharperton, Morpeth, Northumberland, NE65 7AP.

The Planning Officer, Mr D Coverdale, informed Members that the report was based on the assumption that the change of use was approved. It was requested that the application be deferred to a later meeting so that Members could receive an amended report.

Cllr Hutchinson proposed that the application be deferred. Seconded by Cllr Bolam. This was agreed.

RESOLVED that the application for construction of a garden shed at The Badger, Swindon be deferred to a later meeting.

The Historic Buildings Adviser, Mr P Rogers, was present for this item.

08NP0020 Conversion of agricultural building to provide 1 live-work unit; conversion of agricultural building to bed and breakfast holiday accommodation; conversion and extension of agricultural building to provide café, art gallery and performance space with staff accommodation on the first floor; conversion of agricultural buildings to craft studios, farm shop and storage; change of use of land to camp site with up to 20 pitches; and new vehicular access at Charlton Farm, Charlton, Bellingham

The Development Control Manager, Ms L Butler, introduced the report and updated Members on consultation responses received.

- Bellingham Parish Council – no objections
 - Tarset and Greystead Parish Council (neighbouring parish council) – no objections but with observations:
 1. wetland area which could lead to road problems
 2. campsite not in keeping with the area
 3. development may seek new range of buildings in the future
 4. significant economic benefit was aspirational not supported by projections
- It was confirmed that Cllr R Pearson, a member of Tarset and Greystead Parish Council, had declared an interest at the Parish Council meeting and was therefore not associated with the comments put forward.
- Peter Atkinson, MP – expressing support
 - Country Land and Business Association – supporting the application.
 - Harry Talbot Rice - raised several issues. The Development Control Manager responded on items not already addressed in the report:
 - restricted access to land around site and roads not being suitable for walking were not justifiable reasons to refuse permission.
 - each application is considered on its own merits. Sequential consideration of sites is not appropriate
 - economic viability of the scheme is a matter for the applicant/developer. It is not a reason for refusal.



- the involvement of public funds is not a relevant planning matter.
- Spence and Dower – supporting application. The applicant had sought their design advice following the refusal of the previous application.
- Michael Walton – supporting application.
- Butler Haig Associates, agent, responding to the objections received.
 - affordable housing would be contrary to policy in this location
 - without employment the development would not increase sustainability
 - Charlton is a settlement with mixed use
 - applicant has stated that villagers are free to express their views
 - the applicant does not want to evict tenants
 - Charlton is en route to Kielder with passing tourist traffic
 - new access will be safer but the existing means of access will still be available for residents and also for services to Charlton Old Farmhouse
 - proposed developments (café) will benefit residents as well as visitors and will appeal to a range of visitor sectors

The Development Control Manager highlighted the amendments to the previous proposals. Members were informed that a cat slide roof was now proposed for the lean-to on the pole barn. The applicant had been advised that if a new application was submitted for the bunkhouse it would accord with policy C1 and CD1 if proposed within the cattle shed footprint and resulted in improvements to the appearance of the building.

The Historic Buildings Adviser, Mr P Rogers, considered that there had been significant improvement in the quality and detail and welcomed the involvement of a conservation architect. He emphasized that Listed Building Consent was also being considered, separately, and noted that Charlton met the criteria for future Conservation Area status.

The Historic Buildings Adviser reiterated the points made in his consultation response. He reported that the minor concerns relating to attention to detail on Building 4 could be incorporated into conditions. He recommended keeping the agricultural style for the bed and breakfast unit where possible and retention of the Yorkshire sliding style windows which were rare in the National Park.

He stated that subject to the concerns raised he supported the application.

The Development Control Manager reminded Members that whilst there was a lot of emerging policy supporting live work units, the Committee had to consider this application under the current adopted Local Plan. Paragraphs 5.2 to 5.2.6 set out the reasons that the live work unit was considered contrary to Policy CD8. However Officers were recommending departure from policy, as set out in 5.2.7, which was a crucial part of the consideration and one of the reasons the application had been brought to the Committee for decision.

The following amendments to the text were reported by the Development Control Manager:

- paragraph 1.5.8: extension to the pole barn has been reduced by 1 metre, not 1.7m as stated.
- Paragraph 5.2.11: refers to circular 11/95, not 11/05 as stated.

Five conditions also needed clarification:

- Condition 9: pointing mix – advice to be sought from Historic Building Adviser
- Condition 37: change to 'existing west vehicular access'

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- Condition 42: change to include the word 'upheld' applied to complaints to ensure that refers to well founded complaints only.
- Condition 43: The agent contended that the hours were unreasonable. However as these have been recommended by the relevant statutory body, the Environmental Health Dept, the Development Control Manager suggested that their advice should be accepted.
- Condition 44: currently too vague. Amend to read 'an acoustic survey, including a baseline'

Public Speaking:

The Chairman informed Members he was exercising his discretion to allow Jerome Stonborough to speak as he accepted that extenuating circumstances had meant that Jerome Stonborough had given a late indication of his participation.

Keith Butler, Agent, addressed the Committee in support of the application. He considered the Historic Building Adviser's suggestions were impractical. He referred to a report from the Authority's Forward Planning Manager and asked that the Committee agree that the proposals accord with Policy CD8 therefore the case need not be forwarded to the Government Office North East (GONE), which would prevent further delay.

Jerome Stonborough addressed the Committee in opposition to the application, on behalf of 20 writers of objections. It was considered that the revised plan did not meet their basic objections.

The following points were then clarified:

- Listed Building Consent would be dealt with under delegated powers by the Development Control Panel, 11th June 2008, as there were no policy reasons for it to come to the Development Control Committee.
- It was commented that Yorkshire lights could be draughty. Condition 12 addressed double glazing proposals.
- Advice would be taken from the Historic Building Officer regarding energy conservation in the listed building. Other buildings had no specific limitations other than consideration of the quality of the vernacular buildings.
- It was noted that the Historic Building Officer provided specialist advice which then formed the basis for useful and reasonable debate between the planners and the applicant to produce agreement. The Historic Building Officer did not have a veto and his viewpoint did not always prevail.
- Cllr J Riddle questioned the rationale behind the definition of 'far removed from basic services'. Members were informed that policy was interpreted by the qualified Planning Officers who then present their advice to committee who take a decision. The appeal process ultimately clarifies interpretation via the Planning Inspectorate.
- Clarification was required on Condition 25 relating to the campsite as no mention was made of caravans, yet the applicant had referred to up to six caravans at the Site Visit. The Development Control Manager stated that under General Permitted Development Orders permission is given for a limited number of caravans without the need for planning permission. Members considered that Condition 25 be amended to read '20 flat pitches, for tents only', as this was a major application, it was important to get the detail right and tents should not be considered as permanent dwellings. The Legal Advisor, Ms E Sinnamon, advised the Committee could add to the recommendation by granting authority to

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the Development Control Manager to revise condition 25, preventing the ten pitches from becoming permanent dwellings.

Cllr I Hutchinson proposed the recommendation in the report, amended to delegate authority for Condition 25 to the planning department. Seconded by Mr A Hinchcliffe.

The following points were raised during debate:

- Cllr Bolam supported the change of use which would ensure use of farmbuildings which were no longer suitable for modern farming. However Cllr Bolam had concern about the live work unit and alternative uses if it was ultimately non viable. Cllr Bolam did not support referral to GONE although she recognised the Authority was on difficult ground because the Local Development Framework was not yet in place. She considered the proposals were not a departure from CD8.
- the Development Control Manager was seeking a steer from Members on what was considered to be 'far removed'. Local Plan Policies CD4 and CD5 direct attention to specific settlements therefore according to the Development Control Manager the sites outside those settlements are 'far removed'.
- Members felt it was important to resolve the issue of 'far removed from basic services' which had also been prominent in discussions at the last meeting. Several local Members expressed the opinion that in the context of sparse rural areas such as the National Park, two miles was not far removed or isolated. It was also noted that some of the smaller villages in the National Park do not have any services.
- Members noted that the application had to be considered against the current adopted plan. Cllr Hutchinson felt that the Local Development Framework was the right place to discuss the policies to ensure that definitions were clear when the Local Development Framework was introduced.
- Cllr Bolam considered there was a need for just as many services for tourist accommodation as for permanent dwellings and advocated dropping the 'tourist' definition in Condition 19 as she felt this was too restrictive.
- Cllr J Riddle felt that Cllr Bolam's point re tourism and the debate regarding Policy CD8 were linked and requested removal of the tourism stipulation. The Legal Advisor highlighted that if the operation of the live work unit did not work out then it was open to the applicant to make a further application asking that the condition be varied.
- Cllr J Riddle did not feel it necessary to refer the decision to GONE. Cllr Murray however considered that the additional 28 days for referral to GONE was not a long delay.
- Cllr Hutchinson reminded Members that this was a major application and he felt it was right to refer it to GONE. If GONE considered the decision to be wrong they would take a decision and make a ruling. If they agree with the decision it will then be rubberstamped.

Cllr Hutchinson, the proposer of the motion under consideration, summed up, stating that he was pleased that a new application had been brought back because he held it had altered a lot and was more acceptable. He also felt that it was right to refer the decision to GONE.

Members voted on the proposal:

For 8 Against 0

The motion was carried.



RESOLVED that conditional permission be granted subject to:

- a) referral to Government Office for the North East as a departure from Policy CD8 of the Northumberland National Park Local Plan;
- b) the conditions set out in the report; and
- c) authority for agreeing the wording of Condition 25 being delegated to the Planning Department.

The Chairman adjourned the meeting for a refreshment break.

06NP0056 Variation of condition no.2 of planning permission reference 91/E/432 to extend the working life of a sandstone quarry until 30th September 2021, at Cop Crag, Byrness

The Development Control Manager, Ms L Butler, introduced the report and highlighted the reason for the site visit would be to assess the impact of the proposals before considering their merits.

The recommendation in the report was proposed and seconded.

RESOLVED that Members hold a site visit to familiarise themselves with the site and assess the impact of the proposal before considering the merits of the application at a future Development Control Committee meeting.

08NP0014 Replace existing mechanical targets with ten electrically activated targets and provide two sets of eight fixed firing positions at Longtae Range, Otterburn Training Area

The Development Control Manager, Ms L Butler, introduced the report which related to a major application because of the size of the battle shooting area and therefore was being brought to the Committee for determination.

Members were updated following additional information received from Defence Estates.

- The site was 250m from the Scheduled Ancient Monument
- Overshoots fall within the Danger Area
- Batteries will be removed at the end of the session
- Heather burning will take place.

The recommendation in the report was proposed and seconded.

Following an enquiry whether the visual condition of the shooting positions could be improved, Members were reminded that Condition 4 required their removal after 18 months.

RESOLVED that permission be granted subject to the conditions set out in the report.

DCC 011/2008 Urgent Business. There were no items of urgent business.

The Chairman thanked Members for their patience and integrity. The meeting closed at 1.30 pm.