

**Minutes of the Tillside Parish Council Special Planning Meeting
On Monday 1st June 2009 in Chatton Parish Hall Chatton
Commencing at 19.00**

Present: Duncan Ord (Chairman) Eddie Brown (Vice-Chairman) Mrs S Dodds,
Neil Douglas Bob Scott, Mrs J Renner Mandy Nesbit Mrs D Pardoe, Margaret Waldie
& Jim Railton
County Councillor Mr A Murray
Colin Barnes, Northumberland Estates
Tony Lowe, Case Officer, Northumberland County Council (NCC)
20+ Members of the Public
Jane Pannell Minute Taker

Apologies for Absence:

Clerk I Hunter

Declaration of Interest: Jim Railton declared a personal and prejudicial interest due to living close to the development site.

Planning Application No 09/B/0230- Construction of 17 houses Land East of Mill Road Chatton.

The Chairman opened the meeting by explaining the background to it. At public meetings within the village a number of concerns had been raised about the planning application and amongst the issues raised were those relating to materials, high density, height and numbers of storeys to the dwellings, poor finish, low cost materials, mistakes about identification of trees, access and traffic issues and construction traffic during works. Whilst the village was not totally against development, there was concern about these issues and the potential negative impact of the development within the Conservation Area (CA).

The Chairman invited Colin Barnes to address the meeting.

Colin Barnes (CB) explained that he is responsible for all planning matters for Northumberland Estates (NE) and set out the background.

Some 3 – 4 years ago and following consultation on the existing Mill Farm development, the village had been concerned about the school and the post office and their viability. The first Mill Farm development had not improved the plight of the school and some of the houses had become second homes. The Estate came to the Parish Council (PC) in connection with the preparation of a village plan and had proposed sites for housing, workshops and leisure as NE's contribution to thinking about the future of the village.

At the time, the village and PC had been looking for more affordable housing and this planning application had been put together. To summarise, it was to provide 17 houses, 7 of which would be affordable, with the other 10 being market homes appealing to families. The houses were to be two storied and a local architect had been employed. NE understood that the application had fallen short on materials.

However, there seemed not to be objections to the development as such and it would represent development for the next 10 years within the village.

Affordability would be assured through a planning agreement in which the maximum sale/rent would be set as a cap and would be maintained in perpetuity through the involvement of a Residential Social Landlord (RSL). Materials had been chosen to support the affordability for the homes.

Parish Council- asked for NE's thoughts on a village plan. He pointed out that there had not been a statement of support from the PC, as alleged and the PC had not asked for the development to be brought forward. In terms of CA constraints, how does Berwick Borough Plan take effect?

Tony Lowe (TL): the Plan takes account of PPG15 and continues to apply.

BS spoke from the Plan quoting references to CA's and preserving the nature of the village in terms of design standards, choice of materials, spacing and density. How does this application fit with those constraints?

CB: NE will consider the issue of materials in the context of the built environment in the village.

The form of development - which is linear – meant that layout of this site was chosen as it is away from the main street and on the edge of the village rather than at the centre. NE was willing to review materials.

In terms of density, Government policy was in favour of higher densities and this is significantly below that set out. Density is probably not dissimilar to others within the village – probably not overall very different from the density at Mill Farm.

BS: what about compatibility with existing buildings within the village?

CB: NE is comfortable with the design proposed

Anthea Mountcey (AM): the architect seems to have looked from a distance rather than within the village or with any knowledge of the village, e.g. a footpath had been placed across private land and identification of tree species had been wrong. Felt that NE had been badly let down by the architect.

CB: The footpath issue has been acknowledged and will be addressed. The trees identification was an error, but the point had been to preserve the trees, whatever their species.

Fred Cliffe (FC): The Duke was a privileged landowner with a duty to the future. Increasing density, lowering quality and increasing traffic costs the village and profits the landowner. Earlier plans showed clear intention to build a further 14 homes on this site. Mistakes had been made which were obvious and it was disingenuous to just say sorry at this stage.

CB: NE was not sorry to be bringing this scheme forward. If there are design issues, NE will address them. That's how planning process works, with changes as the consequence of consultation, fair and legitimate comments and expert input from other agencies.

The question for the community was: Do you want further development in the village? NE had understood that the village didn't want to stand still and did want growth in the future. NE doesn't want to offend; it wants to work with the village.

Government views on the future of rural communities had been recently published. NE was not in it simply for the money and had genuine concerns about the village, but projects did have to be viable and development brought forward will make business sense.

FC: At Mill Hill, the original plans had been for higher density and changes had been brought about. There was no demand from local people for the first phase.

Mandy Nesbit (MN): the PC at the time worked closely with NE to get a design that suited the village. The longstanding concern about affordable housing arises from figures such as 67% of population living in privately rented housing – largely on farms, a number of which were currently on the market, putting security of tenants at risk. Current circumstances mean that a range of people will be in need of affordable housing. She welcomed the involvement of an RSL.

Pat Cliffe (PaC): In terms of the development being completed at Mill Farm House – was that for affordable housing and shouldn't there have been a proportion?

MN: the PC always tried to ensure that there was a proportion of affordable housing.

CB: There was no affordable housing within that scheme and it was always different with farm conversions.

PaC: Were there to be 31 houses in total in this scheme? And if only 17 why was there a cul-de-sac?

CB: It was not intended to build 31, only 17. Originally a sketch from a map had looked at 31, but the land falls away and wet ground conditions of part of it meant that only 17 could feasibly be built. The cul-de-sac was to provide the turning circle that Government required in schemes of this type.

Jim Railton (JR): Why was there a drawing showing a further 14 houses?

CB: Original drawings took no account of topography – an early part of the proposal development.

AM: Have Highways people been properly involved given the traffic levels anticipated?

CB: Chris Thompson at NCC was very keen on highway safety and initial feedback had indicated that proposals were suitable for the relatively modest scale of development.

TL: Planning will formally consult with Highways irrespective of discussions with the applicant that had already taken place. Highways will be robust in considering the scheme.

Andy Salmon (AS): phase 1 development was already problematic with roads being too narrow for cars to pass

TL: That will be taken into account

BS: Back lanes were used for deliveries and delivery vehicles reverse onto Mill Hill – this needs to be drawn to the attention of Chris Thompson

TL: These issues should be included in PC comments and he will ensure that they are drawn to the attention of Highways.

Rachel Byers (RB): there were already issues about parking in the main street and a fear that the village would end up with double yellow lines.

CB: parking and garaging were generous within the plans, but it was more difficult to address existing issues within the village.

JR: Phase 1 had been something of a compromise and ultimately a success. The PC had been misrepresented when it was alleged that it supported this project when that wasn't the case. Could NE go back and look again at a quite different application?

CB: NE wants to gather the views of the PC and community. It considers the numbers and scale are about right. He reiterated that there is no intention of building any more than the 17 in the application. NE would like a copy of the minutes and notes of this meeting and will try to take account of the issues discussed.

Neil Douglas: If the village said it wanted no housing development, would you not build?

CB: No we would not build

Michael Mountcey (MM): Is there the possibility of re-consultation? This feels like an afterthought. The houses as proposed will stick out like a sore point. And where are the open spaces and play areas for children? The first phase and this need to be treated as one entity, and not as separate schemes.

CB: All comments will be looked at and taken on board

Gerald Dickinson (GD): This application isn't likely to be withdrawn and so it's a fait accompli. There was little time for consultation.

CB: NE will try to make revisions, hopefully within the existing application, before it is formally considered by NCC.

GD: The Section 106 agreement within the first phase didn't seem to work. The number of second homes in the village doesn't enhance it.

CB: The Parish Plan work identified several sites within the village and this seemed to be the best.

GD: Topography shouldn't be an issue. Can the 17 properties be more spread out taking more of the land available, had there been 31 houses in the application?

BS: There was a planning condition for a play area in the first development. Can NE clear that up?

CB: There wasn't a Section 106 agreement

FC: There is a covenant in each set of deeds not to use the properties for business purposes. Yet some properties are used as bed and breakfast establishments. Why hasn't the covenant been enforced?

TL: Not a planning condition and so not enforceable from NCC.

CB: NE not informed and so not enforced.

Colin Lee (CL): If render is accepted, then a precedent will be set for the rest of the village.

RB: Timescale for consultation leads to great pressure. The letter of notification was sent without a stamp by NCC and therefore she had to go to Alnwick to collect it.

TL: 21 days consultation is standard.

CB: If the plans are alerted as the result of consultation, then NE would be happy for there to be further consideration and discussion – NCC and NE could each ask and agree for the application to be deferred.

Nicola Salmon (NS): If NE is looking again, then perhaps the community's view is that there should be no housing if there isn't adequate consultation.

AM: This is consultation.

JR: Little consideration had been given to archaeological matters and the environmental report was plainly wrong. It paid no attention to bats, newts and badgers. There was no representation of vernacular architecture within the scheme - sandstone, mullions etc. This should be an opportunity for innovation such as shared heating systems etc that NE could be proud of.

BS: What about community facilities? PPG says that communities should have access to reasonable facilities. Yet the PCC had tried to discuss the plight of the village hall and school with NE, but to no avail. The school was inaccessible and the hut had no

water, inadequate heating etc. The facilities were not suitable for the existing villagers, leave alone an increase.

CB: Happy to have a separate meeting about the village hall and school

AS: Accessibility of plans was difficult when people were in work

CB: Some councils place plans on the website.

GD: NE stopped land for leisure facilities – what is NCC view on the scheme?

TL: The development should be sympathetic to the CA although that doesn't mean replicating what currently exists. NCC had already had a conversation about the issue of render and the need for sandstone.

CB: Reiterated that there was benevolence and real concern for the village and that there still needed to be a viable business case. NE would look at the minutes and, with the architect, come back with revisions.

Cath Nixon (CN): One of the things said about the farm steading development was that there would still be a traditional steading to be seen. This proposal steps across that statement. Can revisions take account of this issue?

MN: Asked how NE came to the number of properties and the percentage of affordable housing

CB: originally had thought 50/50 split, but Government guidelines go for 40/60 split in favour of market housing.

MN: Given the 67% people in private rented housing and the increasing need for affordable homes for local people, will NE increase the provision to the 50% originally considered.

CB: Can't be seen to be "buying" planning consent and the scheme has to be viable.

TL: Clarified that the Berwick Core Strategy no longer exists and that NCC is currently developing its core strategy.

FC/TL: Discussion about the need for affordable housing as opposed to housing overall. The overall figure applies to the Regional Spatial Strategy figure set out by Government. In this area of Northumberland, there is continuing granting of permission as some schemes are not developed. For affordable housing the identified need is for 10 – 14 homes a year and there is no risk of oversupply. For sustainable affordable homes, an RSL needs to be involved.

The Chairman thanked Colin Barnes for attending the meeting. **CB** concluded saying that NE didn't want to develop what people didn't want. The scheme will be reconsidered and there wasn't a rush. **CB** then left the meeting.

Tony Lowe then answered queries and started by saying that the plans should now be on NCC's website,

JR asked how planning gain worked.

TL: It wasn't a matter of "buying" planning permission, but rather the area benefitting from the development. Covenants are a matter for the Duke and NE, not the planning authority. Planning conditions were a matter for the planning authority and he would check those relating to the phase 1 development in regard of the playing field. He will also check whether or not there is a section 106 agreement. He agreed that if there are conditions then they should be enforced. They are normally part of a legal agreement for this purpose.

Eddie Brown (EB) asked about timescales and the point that had been reached.

TL: If there are material planning considerations then they must still be taken into account.

JR asked the best approach to achieving planning gain.

TL: Issues should be discussed with NE either separately by the PC or through and with NCC as planning authority. This equally applies to the village hall

BS: How does the PC best get its say?

TL: through a letter to the planning department of NCC

Chairman: the design is just not liked

TL: Purely on the opinion of design it can be hard to justify a refusal should the application go to appeal. However, if there are detailed comments and objections, the chances of influencing the end result are increased. Although 21 days is the period for consultation, any comments and objections received will still have opportunities for being considered. All material planning considerations and objections and comments related to them – and guidelines were included in the letter to the PC – would be considered by the Committee.

FC: The planning department indicates that the decision must be made by the 29th June, 13 weeks after the application was made.

TL explained that this is the Government target for major applications and that the report will not be put to the Northern Area Planning Committee until all elements had been investigated.

FC: When was the Highways officer consulted?

TL: consultation with that officer came later on in the process and the issues were in part informed by the comments and objections of other consultees.

JR: Can people lobby their Councillor?

TL: It is always open for individuals to consult with their County Councillors

Cllr Anthony Murray (Cllr AM): Confirmed that he sits on the Northern Area Planning Committee and that there was no harm in people approaching their councillors. He wanted to hear what people have to say. With TL he confirmed that this application would not be dealt with under consultations and would be for debate at committee. There remained some little time for written representation and for oral representation at the Committee meeting itself. At Committee the PC would be entitled to speak, as would 2 representatives of the community. It was up to the community to decide who would speak for them.

MN asked about the render issue.

TL commented that the render was glaringly obvious and likely to be changed. A letter received on the 1st June from NE confirmed that there would be sandstone and not render. There would also be time for an ecology study. TL was grateful to the PC for raising the issue of archaeology and he would be pursuing that issue. Other issues that would be discussed would be site levelling, highways, comparative roof heights, etc.

Chairman: How can the PC influence design?

TL: If design is such a sticking point, then the committee could refuse planning permission, but there would have to be sound and detailed grounds. He reiterated that compatibility within a CA doesn't necessarily mean that the design has to be the same as existing houses. There is a need to be specific about design issues.

GD: was 1st April the first date on which NE could submit an application because of the changes in local government?

TL: No. The numbers spoken about during the evening were from Government and Regional Spatial Strategy and NCC will continue to exceed those figures.

BS: How can the issue of business and enterprise zones within the Estate be further developed?

TL: That was a matter for NE and the PC. There has been prior discussion but the only matter under discussion at this point is the application for 17 homes. NE has been responsive previously to negotiations, but this scheme will need to be viable.

FC: The Duke has obligations. Commercialisation of an historic estate shouldn't occur and affect decisions. FC accepted that this was not a material planning consideration.

BS noted that nonetheless, reputation was important.

RB: Need to consider – do people want the development and, if so, what would they want to see changed to make it acceptable?

BS: Need to see the application refused so that there can be proper consultation.

TL: There are opportunities to influence the scheme. Objections already received will be taken into consideration and discussed with the applicant in relation to scale, layout, mass and materials. The PC should comment specifically in this application, and negotiations can and will occur at the same time. NE has indicated willingness to discuss relevant issues.

PaC: How can the community be sure that the additional 14 houses will not be built?

TL: Ultimately, they can't although NE has been clear in what it has said.

PaC: So can the scheme be changed to be more like existing development?

Chairman: PS needs to get together with CB to discuss possibilities.

JR raised the likelihood of NE gaining planning permission and then selling the site on.

PaC: therefore the agreement needs to be tied up as firmly as possible.

Philip Roberts: TL can't take that likelihood into account

TL: the report to committee will be clear in what can be taken into account, including any changes to the application that have been made and agreed. Not yet in a position to put a recommendation to committee. He can and will talk to NE about an agreed extension.

MN: if PC goes for refusal then NE could appeal. More bargaining power if PC agrees to speak to NE about possible changes.

EB: Need to negotiate and ask for more time.

JR: There is a bargaining position with all planning applications.

FC: Is the percentage of affordable homes moveable?

TL: It has been changed elsewhere. But if NE comes up with a business case for limiting the number of affordable homes, then could be difficult to get more. Also a possibility for PC, and others to put up an alternative business case.

The Chairman thanked Tony Lowe for attending the long meeting and Tony Lowe left the meeting.

Resolutions:

- 1. Proposed by Bob Scott
Seconded by Duncan Ord**

That the letter to the Planning department, Northumberland County Council be as follows:

“The present application for 17 houses in Chatton is unacceptable, but the Parish Council is willing to meet and discuss in detail with Northumberland Estates the ways in which changes could bring about acceptability.

“It is noted that the proposed materials have been changed to remove render and replace it with sandstone.

“Other details of issues to be discussed are those within that list drawn up by Cllr Bob Scott and will be refined and then finally determined at a further early special meeting of this Parish Council, intended for the 9th June 2009.”

This resolution was agreed without dissent.

**2. Proposed by Mandy Nesbit
Seconded by Duncan Ord**

“The minutes of this meeting be prepared and agreed, subject to amendment, at the meeting on the 9th June and subsequently forwarded to Colin Barnes of Northumberland Estates, as a clear indication of the feelings of this meeting and those members of the public attending.”

Agreed without dissent.

The meeting closed at 9.25 p.m

Date of next meeting: 9th June 2009 at 7.30 p.m.