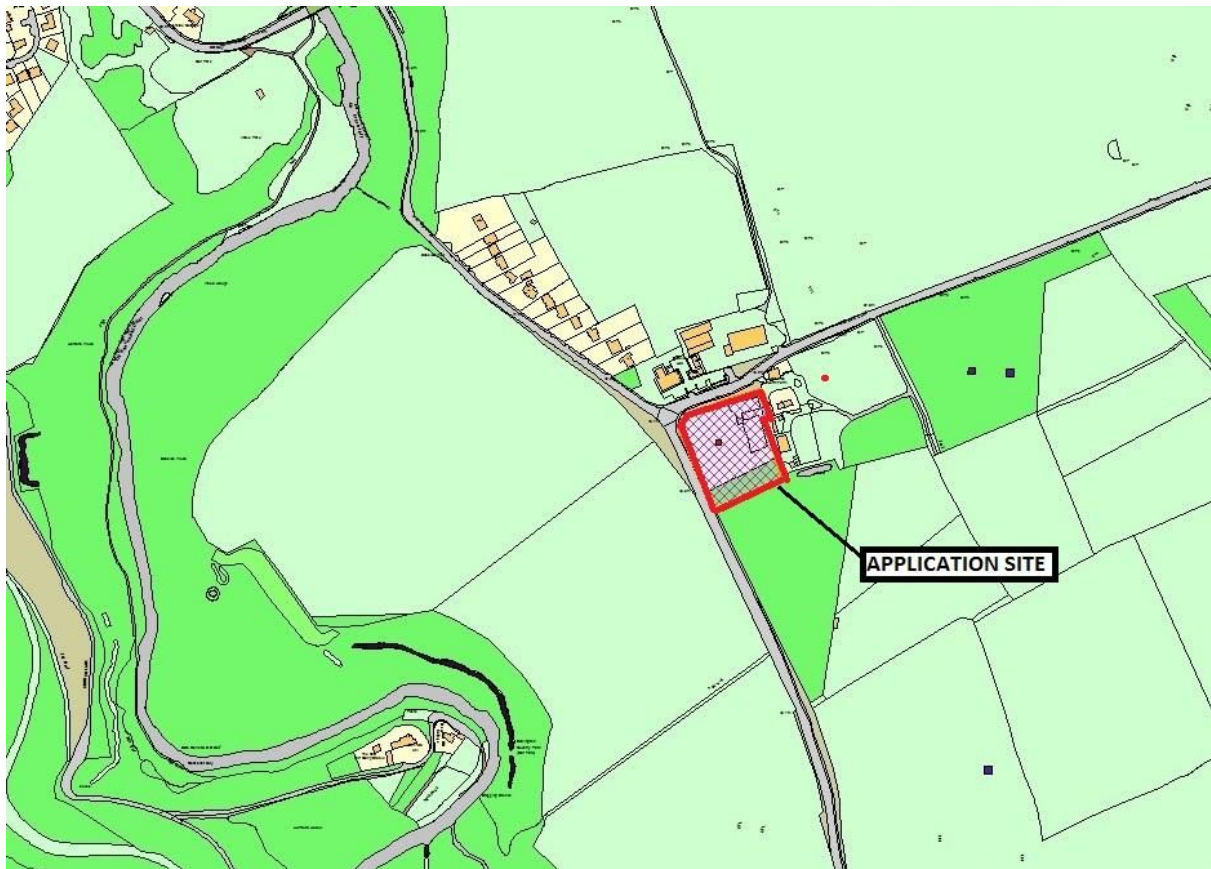


NORTHUMBERLAND

Northumberland County Council

Ashington/Blyth Local Area Council Planning Committee 11 October 2017

Application No:	17/02881/VARYCO		
Proposal:	Variation of Condition 2 (Approved Plans) relating to planning application 16/03930/FUL		
Site Address	Land West Of Bebside North Farm, Bebside Road, Blyth, Northumberland		
Applicant:	Mr Neil Turnbull Ashington Workspace, Lintonville Parkway, Ashington, Northumberland NE63 9JZ	Agent:	Ms Tanja Smith NE 40 Studios, Main Road, Ryton, Gateshead Tyne And Wear NE40 3GA
Ward	Kitty Brewster	Parish	Blyth
Valid Date:	10 August 2017	Expiry Date:	9 November 2017
Case Officer Details:	Name: Mr Tony Carter Job Title: Principal Planning Officer Tel No: 01670 622701 Email: tony.carter@northumberland.gov.uk		



1. Introduction

1.1 This application is being reported to Committee as the proposal has been submitted by Arch, the Council's regeneration company.

2. Description of the Proposals

2.1 The application seeks a variation to condition 2 attached to the planning approval granted on 1st June 2017 under planning reference 16/03930/FUL. This application allowed for the demolition of the existing barn structure and the erection of 21 new dwellings with a reconfiguration of the vehicular and pedestrian access and laying out of associated car parking, boundary treatments and landscaping.

2.2 Condition 2 is required to be varied in order to accommodate the changes in the proposed scheme. The changes sought are required due to site issues on the setting out of plot 5 which needs to move south. As a consequence, plot 7 has required a narrower house type therefore allowing both plots 5 and 6 to move further south.

3. Planning History

Reference Number: 12/00408/FUL

Description: Change of use to residential (C3 Use Class) by way of converting existing buildings into one dwellinghouse and the erection of seven further dwelling houses (8 residential units in total)

Status: Permitted

Reference Number: 16/03930/FUL

Description: Demolition of existing barn structure and erection of 21no. new dwellings with reconfiguration of vehicular and pedestrian access and laying out of associated car parking, boundary treatments and landscaping.

Status: Permitted

4. Consultee Responses

Blyth Town Council	No response received.
Highways	No objection on the basis that the original conditions are carried forward to the new permission with the exception of conditions 5 and 15 which can now be removed as are no longer required.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	20
Number of Objections	0
Number of Support	0

Copies of all representations received are available in the Member's Lounge and will also be made available at the meeting of the Committee

Notices

Site notice - Departure from Local Plan – Posted 30th August 2017

Press Notice - News Post Leader – Published 31st August 2017

Summary of Responses:

None received.

6. Planning Policy

6.1 Development Plan Policy

Blyth Valley Core Strategy (2007)

SS1 Regeneration and Spatial Strategy

SS2 Sequential Approach and Phasing

SS3 Sustainability Criteria

H1 Housing Provision

H2 Making the Best and Most Efficient Use of Land

H3 Mix of Housing Development

A2 Pedestrian/Cycle routes

Blyth Valley Development Control policies DPD (2007)

DC1 General Development

DC11 Sustainable Travel

DC19 Drainage and Flood Risk

DC20 Utilities and Infrastructure

DC21 Pollution Control

DC22 Noise Pollution

DC27 Design of New Developments

6.2 National Planning Policy

National Planning Policy Framework (2012)

National Planning Practice Guidance (2014, as amended)

7. Appraisal

7.1 The key considerations in assessing the proposed alterations have been the visual impact of the proposed dwellings and on the area within which the development is located and the impact on the surrounding highway which currently serves the site and the proposed highway works to serve the new dwellings.

7.2 As detailed within the description of the report, the changes are relatively low key and have been accepted by both the council's Highways Officers and the Case Officer.

7.3 The original proposals comprised of the creation of 21 dwellings, this remains. The surrounding vernacular of the area is defined by rural architecture with typical detailing such as large sash frame windows, stone surrounds and quoin stone detailing. The proposals show the facades being composed of a number of elements to break down the elevations. Render and red brickwork are proposed to create a varied street scene. These elements from the original application have been retained.

7.4 Each property would still be served by a car parking space to the front and pathways. The areas of hard surfacing would also be interspersed by turfed front gardens to each property. Each dwelling would have front and secure rear garden areas, for play space, facility for clothes drying, and paved area to rear doors together with paved access to rear gardens.

7.5 The proposals are therefore still found to be in accordance with Local Plan Policy DC27 of the Blyth Valley Development Control policies DPD and Part 7 of the NPPF and emerging Northumberland Local Plan Pre-Submission Draft Core Strategy policy 2 regarding design, layout and amenity.

7.6 Whilst the changes do make some alterations which were approved in the previous application, these are not considered to be to the visual detriment of the proposed dwellings or to the surrounding area.

7.7 The proposed changes to the approved plans are considered to be acceptable in context with the rest of the surrounding buildings and would not be detrimental to the surrounding area. The proposal is therefore considered to be acceptable in planning terms.

Equality Duty

7.8 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

7.9 These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

7.10 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life

and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.11 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

8. Conclusion

8.1 The principle of developing the site is established through a previous planning permission. Significant weight has been given to this recent and relevant planning history in the decision making process. Subject to appropriate conditions, it is considered that the proposed alterations to the scheme would not be sufficient to render the development unacceptable.

8.2 The proposal to vary the condition is considered to be acceptable. The proposed changes would accord with Government guidance set out in the NPPF that seeks to support sustainable development. Further, the development would still respect the site's setting.

8.3 A section 106 agreement secured the provision of £85,000.00 as an off-site affordable housing contribution. This section 106 agreement has been carried over and would still be in force for a new permission under this application. The development would, subject to the imposition and implementation of conditions accord with the requirements of the relevant legislation and national and local plan policies.

8.4 The variation of condition would not have any implications in terms of greater harm to the amenities of local residents or to highway safety and so would not conflict with Blyth Valley Core Strategy Policies SS1, SS2, SS3, H1, H2, H3 and A2 or Blyth Valley Development Control Policies DC1, DC11, DC19, DC20, DC21, DC22 or DC27.

9. Recommendation

9.1 That this application be GRANTED permission subject to the following:

Conditions/Reason

01. The development hereby permitted must be commenced within three years from 1st June 2017.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and reports reference:

GRA-426-101 Proposed site plan
AMS-TPP Retained trees with protection measures indicated
GRA-426-210 House type A elevations
GRA-426-211 House type B elevations
GRA-426-212 House type C elevations
GRA-426-213 House type D elevations
GRA-426-214 House type E elevations
GRA-426-110 House type A plans
GRA-426-111 House type B plans
GRA-426-112 House type C plans
GRA-426-113 House type D plans
GRA-426-114 House type E plans

Reason: To ensure the development is carried out in accordance with the approved plans.

03. Notwithstanding details submitted, the development shall not be occupied until details of the vehicular access from the A193 and approach to the junction from the development site have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the vehicular access shall be retained in accordance with the approved details.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

04. No development shall proceed beyond the demolition of the buildings until details of the proposed highway works to facilitate pedestrian access to the existing bus stops on the B1505 to the west of the development site, comprising footway connections from the site, the provision of a pedestrian refuge and associated infrastructure, have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the highway works have been constructed in accordance with the approved plans.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

05. No development shall proceed beyond the demolition of the buildings until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases, completion sequence and construction standards that estate streets serving each phase of the development will be completed. The development shall then be carried out in accordance with the approved Estate Street Phasing and Completion Plan.

Reason: To ensure estate streets serving the development are completed in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework.

06. No dwellings shall be occupied until details of proposed arrangements for future management and maintenance of the proposed streets within the site have been submitted to and approved in writing by the Local Planning Authority. Following occupation of the first dwelling on the site, the streets shall be maintained in accordance with the approved management and maintenance details.

Reasons: To ensure estate streets serving the development are completed in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework.

07. No development shall proceed beyond the demolition of the buildings until full engineering, drainage; street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details.

Reason: In the interests of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the amenities of the locality and users of the highway in accordance with the National Planning Policy Framework.

08. No dwelling shall be occupied until details of cycle parking for that dwelling have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before the said dwelling is occupied. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety and sustainable development, in accordance with the National Planning Policy Framework.

09. Prior to occupation, details of surface water drainage to manage runoff from private land have been submitted to and approved by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is occupied and thereafter maintained in accordance with the approved details.

Reason: In order to prevent surface water run-off in the interests of the amenity of the area and to ensure suitable drainage has been investigated for the development and implemented, in accordance with the National Planning Policy Framework.

10. Development shall not commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement shall, where applicable, provide for:

- i. details of temporary traffic management measures, temporary access, routes and vehicles;
- ii. vehicle cleaning facilities;

- iii. the parking of vehicles of site operatives and visitors;
- iv. the loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development
- vi. measures to control the emission of dust and dirt

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework.

11. The development shall not be occupied until details of refuse storage facilities and a refuse storage strategy have been submitted to and approved in writing by the Local Planning Authority. The approved refuse storage facilities shall be implemented before the development is occupied. Thereafter, the refuse storage facilities and refuse storage strategy shall operate in accordance with the approved details.

Reason: In the interests of the amenity of the surrounding area and highway safety, in accordance with the National Planning Policy Framework.

12. Plots 5-13 shall not be occupied until the pedestrian link from the A193 to the private drive adjacent to Plot 5 has been implemented in accordance with the approved plans. Thereafter, the pedestrian access shall be retained in accordance with the approved plans.

Reason: In the interests of sustainable development and highway safety, in accordance with the National Planning Policy Framework.

13. Notwithstanding details submitted, Plots 1-4, 12-15 and 20-21 shall not be occupied until details of the proposed garage doors showing a roller shutter type door, or similar, have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the garage doors shall be retained in accordance with the approved details.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

14. No development shall proceed beyond the demolition of the buildings until a report detailing the protective measures to prevent the ingress of ground gases, to the standards required in BS8485:2015 (Code of Practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings), have been submitted to and approved in writing by the Local Planning Authority. The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases)

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the occupants of the respective properties in accordance with the National Planning Policy Framework.

15. The development shall not be brought into use until the applicant has submitted a validation and verification report to the approved methodology in Condition 17, which has been approved in writing by the LPA.

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the occupants of the respective properties in accordance with the National Planning Policy Framework.

16. No deliveries or collections shall be made to or from the premises outside the hours of Monday to Friday 0800 to 1800 and Saturday 0800 to 1300.

Reason: To protect the amenity of local residents in accordance with the National Planning Policy Framework.

17. No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological reports ('Site West of Bebside, Blyth, Proposed Developments Preliminary Ecological Assessment', Ruth Hadden, Version 2, December 2016 and 'Bebside, Blyth, Proposed Development Bat & Barn Owl Report - Summer 2016', Ruth Hadden, Version 2, December 2016) including, but not restricted to, adherence to timing restrictions; adherence to precautionary working methods and Method Statements; ivy to be removed from stonework prior to demolition (as specified); an eaves level bat crevice to be created on the south west corner of the garage of Unit 21 (as specified) and an external bat crevice to be created at the gable wall top of Unit 21 (as specified) with those crevices to be shown on an architect's drawing to be submitted to and agreed in writing with the LPA before works commence; adherence to external lighting recommendations and in accordance with 'Bats & Lighting in the UK' Bat Conservation Trust/Institution of Lighting Engineers, 2008; use of 'bat friendly' timber treatments (as specified); use of traditional bitumen felt or timber sarking; any water tanks in roof spaces to be covered; provision of nesting features for birds (including swallows, sparrows, swifts and starlings - as specified) with the locations of those features to be shown on an architect's drawing to be submitted to and agreed in writing with the LPA before works commence; any deep (in excess of 300mm) excavations left open overnight to be either securely covered or provided with an earth or timber ramp not less than 300mm wide and no steeper than 45 degrees to provide an escape route for ground animals that might otherwise become entrapped; retention of existing trees near the west boundary of the site; an updating active season bat and bird nesting survey to be carried out in the event that demolition works do not commence before the end of July 2018 with the results of that survey together with any necessary modifications to avoidance, mitigation or enhancement measures to be forwarded to and agreed in writing with the LPA before demolition works commence.

Reason: To maintain the favourable conservation status of protected species in accordance with the National Planning Policy Framework.

18. No demolition, felling of trees, removal of ivy or hedge trimming shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

Reason: To protect nesting birds, all species of which are protected by law in accordance with the National Planning policy Framework.

19. No development shall be carried out other than in accordance with 'Arboricultural Impact Assessment for Trees at Bebside Road, Bebside, Blyth', All About Trees Ltd., 6.10.16 and as shown on 'Arboricultural Method Statement and Tree Protection Plan', All About Trees Ltd., Drawing No: AMS TPP, 6.10.16 and the guidance set out in 'BS5837:2012 Trees in Relation to Design, Demolition and Development: Recommendations' British Standards Institution, 2012.

Reason: To maintain and protect the existing landscape and biodiversity value of the site in accordance with the National planning policy Framework.

20. A detailed landscape planting plan, including the planting of locally native trees, hedging and shrubs of local provenance and the retention of existing hedges along the east and west boundaries and extension of the eastern boundary hedge to meet the plantation to the south, shall be submitted to and agreed in writing with the LPA with the planting to be fully implemented during the first full planting season (November - March inclusive) following the commencement of development.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site in accordance with the National Planning Policy Framework.

21. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework.

22. No development shall proceed beyond the demolition of the buildings until a scheme of intrusive site investigations/gas monitoring, a report of findings arising from the intrusive site investigations/gas monitoring; a scheme of remedial works/mitigation and implementation of that remedial work/mitigation has been submitted for approval in consultation with the Coal Authority. The development shall not be carried out unless in accordance with those details.

Reason: To establish the exact situation regarding coal mining legacy issues on the site and in accordance with the National Planning Policy Framework.

23. Prior to the occupation of plots 5, 6, 7 and 8, as shown on approved drawing number GRA-426/101 Proposed site plan, a lighting scheme for the unadopted highway serving those plots, including the management of such scheme, shall be submitted to the Local planning Authority for approval in writing. Plots 5, 6, 7 and 8 shall not be occupied unless in accordance with the approved details.

Reason: To ensure an adequate level of lighting in terms of highway safety and residential amenity in accordance with the National Planning policy Framework.

24. Prior to commencement of development a full assessment in conjunction with Northumbrian Water and the Lead Local Flood Authority into a new connection for surface water from the development into the river Blyth shall be undertaken. If determined feasible and acceptable, surface water from the development shall discharge to this location and the surface water strategy amended accordingly.

Reason: To adhere to the hierarchy of drainage preference as outlined in the Planning Practice Guidance - Flood Risk and Coastal Change.

25. The development hereby permitted shall not be commenced until such time as a scheme for surface water management, including a timetable for the implementation of the scheme, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall restrict discharge to the greenfield Qbar rate and provide onsite attenuation for up to the 1 in 100 year plus climate change (+40%) event. The development shall thereafter be carried out in accordance with the agreed details and timetable.

Reason: To ensure the effective disposal of surface water runoff from the development in accordance with the National Planning Policy Framework.

Background Papers: Planning application file(s) 17/02881/VARYCO