

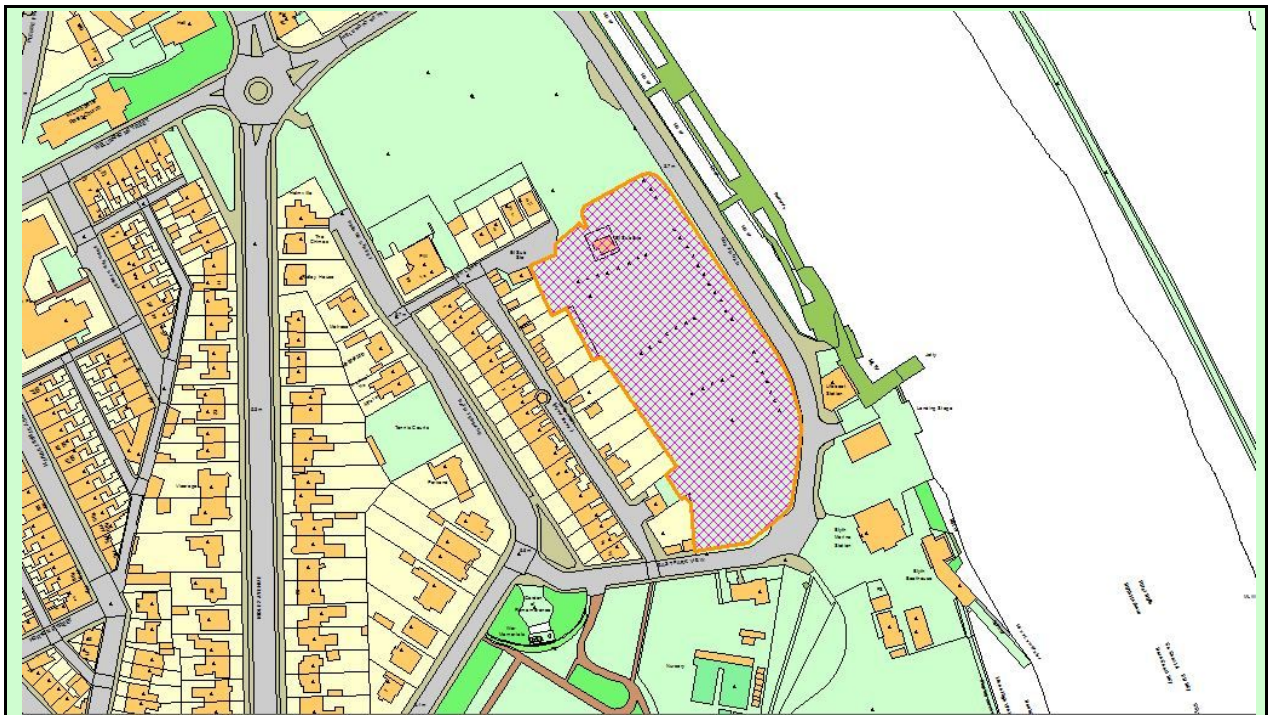
NORTHUMBERLAND

Northumberland County Council

Ashington and Blyth Local Area Council

11 April 2018

Application No:	18/00307/VARYCO		
Proposal:	Variation of condition 2 (approved plans) of application 16/02377/VARYCO to increase number of 3 bed dwellings along Quay Road elevation with overall number of units on site remaining the same in order to make project financially viable		
Site Address	Land At Commissioners Quay, Quay Road, Blyth, Northumberland, NE24 2AS		
Applicant/ Agent	Mrs Rowena Burbeck Arch 6, Stepney Bank, Newcastle Upon Tyne, NE1 2NP		
Ward	Wensleydale	Parish	Blyth
Valid Date	30 January 2018	Expiry Date	1 May 2018
Case Officer Details	Name: Mr Ryan Soulsby Job Title: Planning Officer Tel No: 01670 622627 Email: Ryan.Soulsby@northumberland.gov.uk		



This material has been reproduced from Ordnance Survey digital map data with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright (Not to Scale)

1. Introduction

1.1 This application is being reported to the Local Area 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 of condition 2 (approved plans) of approved planning application reference 16/02377/VARYCO. The original application

(15/01941/FUL) allowed for the erection of 49 dwellings at the site with a previous variation application as detailed above reducing the number of units on site to 41 whilst also amending house types.

- 2.2 The changes sought within this application would see an amendment to the site layout with the number of dwellings from the previous variation application, 41, not being impacted upon. The proposed revised layout would relocate 3no dwellings to the Eastern boundary of the site, creating an area of open space within the centre of the site which the submitted details indicate as a 'future development area'. The submitted details now show 21no 3no bedroom dwellings along the Quay Road boundary.
- 2.3 The proposals also indicate the replacement of 15no house types at the site. 7no properties indicated as Type A on the previous approval will be replaced with Type D style properties whilst the remaining 8no house type A applications would be replaced with house type C, all retaining the two storey aspect of the previous approved plans with minor design changes.

3. Planning History

Reference Number: B/03/00729/FUL

Description: Retrospective permission for change of use to B8 - the storage of furniture

Status: Permitted

Reference Number: 15/01941/FUL

Description: Application for 49 proposed 2, 3 and 4 bed dwellings (class C3) and associated car parking

Status: Permitted

Reference Number: 16/02377/VARYCO

Description: Variation of Condition 2 (approved plans) pursuant to planning permission 15/01941/FUL in order to change the mixture of dwelling types within the scheme, increasing the number of 3 bed dwellings in lieu of 4-5 bed units.

Status: Permitted

Reference Number: 16/02572/NONMAT

Description: Non-material amendment relating to planning permission 15/01941/FUL (Application for 49 proposed 2, 3 and 4 bed dwellings (class C3) and associated car parking) - Amendment seeks to change the mixture of dwelling types within the scheme, increasing the number of 3 bed dwellings in lieu of 4-5 bed units

Status: Withdrawn

Reference Number: 16/04732/DISCON

Description: Discharge of conditions 9 (biodiversity management plan) and 10 (construction management plan) on approved planning application 16/02377/VARYCO.

Status: Permitted

Reference Number: 17/00527/DISCON

Description: Discharge of conditions 5 (lighting installation) and 6 (landscape plan) on approved planning application 16/02377/VARYCO.

Status: Permitted

Reference Number: B/03/00728/FUL

Description: Retrospective permission for change of use to B2 - Reception of tree waste, storage for woodland management equipment and processing of firewood

Status: Permitted

Reference Number: 17/00527/DISCON

Description: Discharge of conditions 5 (lighting installation) and 6 (landscape plan) on approved planning application 16/02377/VARYCO.

Status: Permitted

4. Consultee Responses

Blyth Town Council	No response received
Highways	No objections
Lead Local Flood Authority (LLFA)	No comments

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	40
Number of Objections	4
Number of Support	0
Number of General Comments	0

Notices

Site Notice Dep, affect LB & Con Area 6th February 2018

News Post Leader 8th February 2018

Summary of Responses:

4no objections were received from neighbouring properties (2no from same address) raising concerns regarding:

- Design of amended layout and view from Quay Road;
- Loss of visual amenity;
- Highways issues;
- Principle of development and overcrowding of site

These concerns have been considered within the below appraisal.

The above is a summary of the comments. The full written text is available on our website at:

<https://publicaccess.northumberland.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

6. Planning Policy

6.1 Development Plan Policy

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
DC23 Conservations Areas
DC24 Listed Buildings
DC27 Design of New Developments

Blyth Valley Local Plan (1999)

W4 Port of Blyth: Port Development Area

6.2 National Planning Policy

National Planning Policy Framework (2012)
National Planning Practice Guidance (2014, as amended)

6.3 Other Documents/Strategies

Northumberland Consolidated Planning Policy Framework (2009)
Northumberland County Council Five Year Housing Land Supply 2015 - 2020
Northumberland Strategic Housing Market Assessment 2015 (SHMA)
Northumberland County Wide Housing Needs Assessment 2012
Northumberland Employment Land Review (2011)

7. Appraisal

7.1 The main issues for consideration in the determination of this application are:

Principle of the development
Impacts on design and amenity
Highway issues

Principle of development

- 7.2 The principle of this development was accepted by the granting of full planning permission for the erection of 49no dwellings and associated car parking at the site on 31st March 2016. A variation of conditions application was submitted in regards to the proposal under reference no. 16/02377/VARYCO, amending the layout of the site whilst also reducing the units to 41no. Approval for this was granted on 29th November 2016, thus forming a new grant of planning permission at the site.
- 7.3 There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. It is considered that as the changes proposed would not result in a

development that was not substantially different from that previously approved, a section 73 application (amending the conditions attached to a permission including seeking minor material amendments) was the appropriate route.

- 7.4 The applicants would like to make minor variations to the approved scheme as detailed within paragraph 2.2 and 2.3 above. The amendments have been requested to make the project financially viable as detailed within the submitted application form. The proposed changes would not conflict with the sustainable nature of the previously approved development and therefore the principle is still in accordance with the provisions of the National Planning Policy Framework (NPPF) which seeks to promote sustainable development.

Impacts on design and amenity

- 7.5 The original permission was granted at planning committee with the scheme considered to reflect the future success of the area and help further develop the existing retail amenity for the surrounding area. This amended scheme still proposes a bespoke design approach to the former industrial site with the proposed development laid out with reference to the built context to the North and West of the application site.
- 7.6 The submitted details indicate the visual impacts of the proposed with elevations submitted showing how the development would be viewed when outside of the site from the nearby Quay Road that runs along the Eastern boundary of the site. Whilst the amended layout of the scheme would reduce the open space between the dwellings situated along this Eastern boundary, it is noted from the submitted site plan that separation points would still be retained between the 21 dwellings located along Quay Road with the layout indicating a block of 3no, 11no and 7no 3 storey dwellings. As the previous variation approval (ref no. 16/02377/VARYCO) located 18no 3 storey dwellings along this boundary, it is considered that the addition of 3no further dwellings would not detract from the visual amenity of the area with the separation of the dwellings into blocks ensuring the amendment would not create a walled aspect along Quay Road.
- 7.7 The relocation of 3no 3 storey dwellings to the front of the site would not cause an adverse impact upon the amenity of residents situated to the West of these relocated properties within the site with separation distances remaining as existing. The amended layout would not contribute towards any direct facing of primary elevations from the relocated properties thus retaining privacy and not contributing towards any greater overlooking.
- 7.8 The submitted details also indicate amendments to house types from the previous approval however, these do not result in significant changes to the site with the amended properties retaining the two storey aspect of the previous application. Minimal design changes in relation to the relocation of fenestration and openings at the site are proposed with materials remaining as previously approved in terms of brickwork, timber cladding and dark grey edged windows.
- 7.9 The amended scheme would still appear in accordance with policies DC1 and DC27 of the Blyth Valley DPD as well as part 7 of the NPPF and would not

contribute to an adverse impact upon the visual amenity of the surrounding landscape not be to the detriment of the amenity of neighbouring residents.

Highway issues

- 7.10 As the variation proposes an amended layout at the site, consultation was undertaken with Northumberland County Council's Highways Development Management Team in terms of highways safety and car parking at the site. A consultation response was provided on 28th February 2018 confirming no objection to the amended scheme with highways safety and car parking not being adversely impacted upon. The variation is therefore still considered in accordance with policy DC11 of the Blyth Valley DPD as well as part 4 of the NPPF in terms of sustainable travel, parking and highways use.

Other matters

Equality Duty

- 7.11 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

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

Human Rights Act Implications

- 7.13 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 well-being 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.
- 7.14 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.

- 7.15 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

- 8.1 The principle of developing the site is established through a previous planning permission. Significant weight has been given to this previous decision and the relevant planning history of the site during 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 the government guidance set out in the NPPF that seeks to support sustainable development. Furthermore, the development would still respect the site's setting.
- 8.3 Overall, 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 local plan policies.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

01. The development hereby permitted shall be begun before the expiration of three years from the date of planning permission ref 15/01941/FUL

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 reference:

- 1) Location plan drawing no. 212 02B (received 25th January 2018)
- 2) Elevations house type B drawing no. 421 02D (received 25th January 2018)
- 3) Elevations house type C drawing no. 421 03A (received 25th January 2018)
- 4) Elevations house type D drawing no. 421 04A (received 25th January 2018)

- 5) Elevations house type E drawing no. 421 05C (received 25th January 2018)
- 6) First floor plan house type B drawing no. 420 04D (received 25th January 2018)
- 7) First floor plan house type C drawing no. 420 07A (received 25th January 2018)
- 8) First floor plan house type D drawing no. 420 09A (received 25th January 2018)
- 9) First floor plan house type E drawing no. 420 13D (received 25th January 2018)
- 10) Ground floor plan house type B drawing no. 420 03D (received 25th January 2018)
- 11) Ground floor plan house type C drawing no. 420 06A (received 25th January 2018)
- 12) Ground floor plan house type D drawing no. 420 06A (received 25th January 2018)
- 13) Ground floor plan house type E drawing no. 420 12D (received 25th January 2018)
- 14) Proposed roof plan house type B drawing no. 420 27B (received 25th January 2018)
- 15) Proposed roof plan house type E drawing no. 420 28B (received 25th January 2018)
- 16) Proposed second floor plan house type E drawing no. 420 14F (received 25th January 2018)
- 17) Proposed residential site plan drawing no. 412 01L (received 25th January 2018)
- 18) Site wide proposed elevations sheet 1 drawing no. 421 20B (received 25th January 2018)
- 19) Site wide proposed elevations sheet 2 drawing no. 421 21B (received 25th January 2018)
- 20) Site wide proposed elevations sheet 3 drawing no. 421 22A (received 25th January 2018)
- 21) Proposed second floor plan drawing no. 420 05E (received 25th January 2018)

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

03. The facing materials and finishes to be used in the construction of the dwellings shall be in accordance with details contained in the application. The development shall not be constructed other than with these approved materials.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of the National Planning Policy Framework and local plan policy DC27.

04. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by E3 Consulting Engineers dated July 15 reference 15538 and the following mitigation measures detailed within the FRA:

- o Finished floor levels are set no lower than 4.9m above Ordnance Datum (AOD).
- o Ground raising within the site will raise all ground levels above the 1 in 200 year flood level.
- o Surface water is discharged into the River Blyth.
- o Surface water drainage systems are designed to operate as per paragraphs 5.05 & 5.06.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reasons: To reduce the risk of flooding to the proposed development and future occupants, to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with the provisions of the National Planning Policy Framework and local plan policy DC19.

05. No development shall be carried out other than in accordance with the guidance set out in 'Pollution Prevention Guidance: Works or Maintenance in or Near Water PPG5, Environment Agency, 2007.

Reason: To ensure that a watercourse is not polluted or contaminated during development works in accordance with the provisions of the National Planning Policy Framework and local plan policy DC19.

06. No development shall be carried out other than in accordance with the guidance set out in 'BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations' British Standards Institution, 2012.'

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

07. The development hereby approved shall not be brought into use until details of the vehicular access to the site from East Park Road and the pedestrian guardrails on Quay Road have been submitted and thereafter constructed in accordance with a scheme which shall first have been submitted to and approved in writing by the Planning Authority.

Reason: In order to achieve a satisfactory form of development having regard to highway safety.

08. Before the dwellings hereby approved are first occupied, the area allocated for parking on the submitted plan shall be properly consolidated, surfaced, and drained, with provision made for the disposal of surface water to prevent its discharge onto the highway. Thereafter this area shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the development for the parking of vehicles clear of the highway, to reduce the risk of flooding and to prevent damage to the highway.

09. The proposed footway across the frontage of the site and connecting to the footway adjacent the southern end of the rear of Bath Terrace shall be laid out and constructed in accordance with the Northumberland County Council Manuals. They shall be completed in strict accordance with fully dimensioned layout plans and details of construction that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To achieve a satisfactory form of development in the interests of highway safety.

10. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced carriageway and footway to at least base course level, together with operational street lighting, between the dwelling and existing highway. All manhole covers and gulley frames shall be set to the level of the temporary running surface until immediately prior to the laying of the final wearing course.

Reason: To ensure that development is served by a satisfactory means of access.

11. The development hereby approved shall not be brought into use unless any damage to the highway caused by construction/operative traffic associated with the works within the development site have been made good, with damaged areas repaired and footways resurfaced in accordance with a scheme which shall first have been submitted to and approved in writing by the Planning Authority.

Reason: To return the highway fronting the site to a satisfactory condition, in the interests of amenity and highway safety.

12. Prior to the development being brought into operation, details of a scheme showing a method to control on-street parking shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the approved scheme.

Reason: Highway improvement works are required to achieve a satisfactory form of development in accordance with the NPPF.

Date of Report: 14th March 2018

Authorised by:

Date:

Background Papers: Planning application file(s) 18/00307/VARYCO

