



# Northumberland County Council

## Castle Morpeth Local Area Council Planning Committee 8th July 2019

<b>Application No:</b>	19/01342/VARYCO		
<b>Proposal:</b>	Variation of condition 3 (parking) pursuant to planning CM/01/D/065 Granted by Appeal Decision APP/T2920/A/01/1064067 to retain 1 parking space for no other purpose		
<b>Site Address</b>	9 Bridge End, West Thirston, NE65 9ED,		
<b>Applicant:</b>	Mr R Murfin 9 Bridge End, West Thirston, NE65 9ED,	<b>Agent:</b>	None
<b>Ward</b>	Longhorsley	<b>Parish</b>	Thirston
<b>Valid Date:</b>	3 May 2019	<b>Expiry Date:</b>	28 June 2019
<b>Case Officer Details:</b>	Name: Mr Euan Millar-McMeeken Job Title: Senior Planning Officer Tel No: 01670 622704 Email: Euan.Millar-McMeeken@northumberland.gov.uk		

**Recommendation:** That this application be GRANTED permission



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## 1. Introduction

- 1.1 This application falls to be determined by the Castle Morpeth Local Area Council planning committee as the applicant is a County Council official. It is being recommended for approval.

## 2. Description of Proposals

- 2.1 Planning permission has previously been granted under application reference CM/01/D/065, granted by appeal, for the erection of 3 terrace houses with integral garages.
- 2.2 The design and construction of the three properties (nos 7, 8 and 9) The Peth, Bridge End included two parking spaces for each property. This was provided in the form of an integral garage and a carport for each unit. These buildings have been constructed and occupied.
- 2.3 The new application seeks the variation of condition 3 of planning permission CM/01/D/065 in relation to the car parking of Number 9 Bridge End. Condition 3 currently states:

*The Dwelling hereby approved shall retain the use of two parking spaces and these spaces shall thereafter be used for no other purpose.*

- 2.4 The application seeks to vary this condition to read:

*The Dwelling hereby approved shall retain the use of one parking space within the curtilage and the space shall thereafter be used for no other purpose.*

## 3. Planning History

**Reference Number:** CM/00/D/455

**Description:** ERECTION OF 3 NO TERRACED HOUSES

**Status:** Refused

**Reference Number:** CM/90/D/674

**Description:** ERECTION OF THREE TERRACED HOUSES

**Status:** Refused

**Reference Number:** CM/98/D/386

**Description:** ERECTION OF 3 NO TERRACE HOUSES AS AMENDED

**Status:** Refused

**Reference Number:** CM/01/D/065

**Description:** ERECTION OF 3 NO TERRACE HOUSES WITH INTEGRAL GARAGES

**Status:** Refused

**Reference Number:** CM/89/D/388

**Description:** TOILET EXTENSIONS INTERNAL ALTERATIONS AND ERECTION OF CONSERVATORY CHANGE OF USE OF GARAGE AND VACANT SHOP TO PUBLIC HOUSE (AS AMENDED BY PLANS RECEIVED 17TH NOVEMBER 1989)

**Status:** Approved

**Reference Number:** CM/90/D/203

**Description:** ERECTION OF 3 TERRACED HOUSES

**Status:** Refused

### Appeals

**Reference Number:** 01/00016/REFUSE

**Description:** ERECTION OF 3 NO TERRACE HOUSES WITH INTEGRAL GARAGES

**Status:** Appeal allowed

## 4. Consultee Responses

Building Conservation	The proposal will have no impact on the character or appearance of the West Thirston Conservation Area nor on the setting of the adjacent listed building.
Thirston Parish Council	<p>Thirston Parish Council has no objections to this application. The garages are too small for a normal sized car and are therefore redundant as a place to park a car.</p> <p>The only concern the Parish Council has is that a resident may wish to change the use of the garage at a later date but this should be addressed through the planning process.</p>
Highways	<p>The information submitted has been checked against the context outlined above, and I am satisfied with the variation of condition 3, will not have an adverse impact on the safety of users of the highway or on the highway network.</p> <p>An on street residents parking scheme is in place reference WT (7-9 Bridge End, West Thirston only) and along with the parking area retained in front of the garage for each property, two spaces are available for use by the residents of these properties.</p> <p>Therefore, if the Planning Authority is minded to approve this application Northumberland County Council Highways have no objection to the variation of condition 3.</p>

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	3
Number of Objections	0
Number of Support	0
Number of General Comments	0

### Notices

Site Notice- Affecting Conservation Area.

Northumberland Gazette 16th May 2019

Summary of Responses:

No letters of representation were received.

## **6. Planning Policy**

### 6.1 Development Plan Policy

Castle Morpeth District Local Plan

Policy H15 - New Housing Developments

Policy 29 -

### 6.2 National Planning Policy

National Planning Policy Framework (2019)

National Planning Practice Guidance (2018)

### 6.3 Other Planning Policy Documents

Northumberland Local Plan Publication Draft Plan (Regulation 19) (NLPPD)

Policy STP 2 - Presumption in favour of sustainable development

Policy STP 3 - Sustainable development

Policy HOU 9 - Residential development management

Policy QOP 1 - Design principles

## **7. Appraisal**

- 7.1 In assessing the proposal regard must be given to policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that the starting point for determining applications remains with the development plan, which in this case contains policies from the Castle Morpeth District Local Plan.
- 7.2 Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon the stage of preparation of the plan, level of unresolved objections to policies within the plan and its degree of consistency with the NPPF. Further consultation has recently taken place on the emerging Northumberland Local Plan. From the Publication Date of 30 January 2019, greater weight (some weight) can be attributed to emerging Local Plan policies. The Local Plan has now been submitted for examination to the Planning Inspectorate.
- 7.3 On the basis that planning permission has previously been granted for development of the site, which has been implemented, constructed and occupied, the principle of development has been established. The main issues for consideration in respect of the proposals therefore include:

Design and impact on heritage assets  
Amenity

## Access and Parking

### Impact on Heritage Assets

- 7.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 7.5 No objections have been raised by the Conservation Team in relation to matters of the impact on the conservation area.
- 7.6 In this respect the development would remain acceptable and not result in additional harm or any effects upon the conservation area or the character and appearance of the site and wider area. The proposal would therefore remain in accordance with Policy C29 of the Castle Morpeth District Local Plan and the provisions of the NPPF.

### Amenity

- 7.7 During the assessment of the original application the report concluded that, subject to conditions in respect of CM/01/D/065, the proposal would not have a detrimental impact upon the amenity of neighbouring properties. The proposed change to the original condition relates solely to the access and parking arrangements to the front of the building. The proposed changes are not considered to result in any different or greater impact upon the amenity of adjacent residents compared to the scheme as approved. The development would therefore remain in accordance with Policy H15 of the Local Plan in this respect.

### Access and Parking

- 7.9 The proposal relates to changes to the access and parking. Consultation has taken place with Highways Development Management (HDM) on the amendments and they have confirmed that they are satisfied that the variation of condition 3 of original consent CM/01/D/065 would not have an adverse impact on the safety of users of the highway or on the highway network.
- 7.10 The applicant highlights that access to the parking spaces of the properties have been historically limited or blocked by visitors to the adjacent public house. These issues were raised with the local authority by the ward member and residents. Highways confirm that an on street residents parking scheme is now in place. Notwithstanding that the public house now has off-street parking provision, in 2016 three resident parking bays were introduced in front of no 7-9. There is therefore 1 on street parking space per property.
- 7.11 In light of the above, HDM confirm that there is no objection to the proposed variation of the condition. As such the proposals comply with the Castle Morpeth Local Plan and emerging policy.

### Equality Duty

- 7.12 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

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

#### Human Rights Act Implications

- 7.14 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.
- 7.15 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.
- 7.16 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 variation to Condition 3 of planning permission CM/01/D/065 is considered to be acceptable in the context of the site and surrounding environment and would not result in any significant or harmful impacts upon the character of the area, the setting of heritage assets, the amenity of residents and matters of highway safety. The variation is therefore considered to be in accordance with the development plan and the NPPF.

## **9. Recommendation**

That this application be GRANTED permission subject to the following:

### Conditions/Reason

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development which would otherwise be permitted by classes A-H of Part 1 of Schedule 2 of the Order shall be carried out without the prior consent of the planning authority.

**Date of Report: 17th June 2019**

**Background Papers:** Planning application file(s) 19/01342/VARYCO