

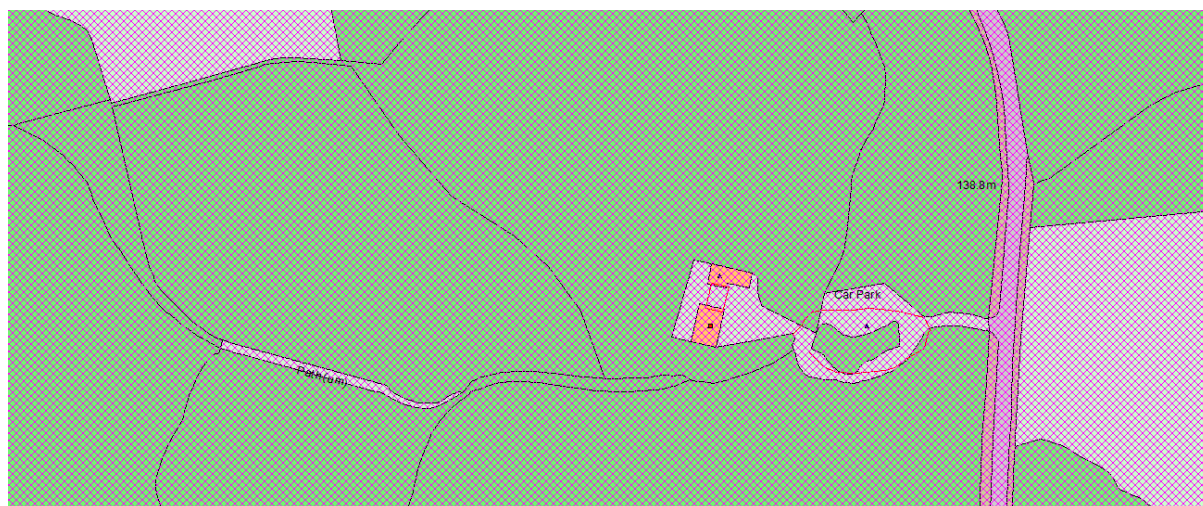


Northumberland County Council

Castle Morpeth Local Area Council Committee 11th November 2019

Application No:	19/01309/CCD		
Proposal:	Extension to existing cafe building, comprising a prefabricated portacabin unit and a link to existing building.		
Site Address	Visitor Centre, Bolam Lake Country Park, Belsay, Northumberland NE20 0HE		
Applicant:	Northumberland County Council C/o Mr Graham Mitcheson, County Hall, Morpeth, NE61 2EF	Agent:	Mr Scott Fraser First And Second Floor , 1 Fore Street, Hexham, NE46 1ND
Ward	Ponteland North	Parish	Belsay
Valid Date:	2 May 2019	Expiry Date:	27 June 2019
Case Officer Details:	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



1. Introduction

- 1.1 This application is being referred to the Local Area Council Planning Committee for a decision as it is an application by the County Council seeking planning permission for development on County Council owned land.

2.1 Description of the Proposals

- 2.1 The site is located within Bolam Lake Country Park, to the north of Bolam Lake and within established woodland.
- 2.2 The application proposes to create a small extension to the existing Visitor Centre café building at Bolam Country Park.
- 2.3 The extension would measure approximately 20 square metres, would be a portacabin which would be hidden by a new timber screen. The extension would be located to the rear of the existing building, accommodating kitchen facilities.

3. Planning History

Reference Number: C/74/D/339

Description: Construction of 2nd stage car park for 60 cars

Status: Approved

4. Consultee Responses

Strategic Estates	No response received.
Countryside/ Rights Of Way	No comment as there are no rights of way implications involved in this development.
Belsay Parish Council	No response received.
Northumberland Wildlife Trust	No response received.
County Ecologist	No objection subject to condition
Natural England	No comment

5. Public Responses

Neighbour Notification

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

Notices

General site notice, 8th May 2019

No Press Notice Required.

Summary of Responses:

No letters of representation were received.

6. Planning Policy

6.1 Development Plan Policy

Development Plan Policy

Castle Morpeth District Local Plan

Policy C1 - Settlement Boundaries

Policy C9 – Local Nature Reserve

Policy E14 - Tourist Attractions

6.2 National Planning Policy

National Planning Policy Framework (2019)

National Planning Practice Guidance (2019, as updated)

6.3 National Planning Policy

Northumberland Local Plan Publication Draft Plan (Regulation 19)

Policy STP 1 Spatial strategy (Strategic Policy)

Policy STP 2 Presumption in favour of sustainable development (Strategic Policy)

Policy STP 3 Principles of sustainable development (Strategic Policy)

Policy QOP 1 Design principles (Strategic Policy)

Policy QOP 2 Good design and amenity

Policy QOP 4 Landscaping and trees

Policy QOP 5 Sustainable design and construction

Policy QOP 6 Delivering well-designed places

Policy TRA 1 Promoting sustainable connections (Strategic Policy)

Policy TRA 2 The effects of development on the transport network

Policy TRA 4 Parking provision in new development

Policy ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)

Policy ENV 2 Biodiversity and geodiversity 1

Policy WAT 1 Water quality

Policy WAT 2 Water supply and sewerage

Policy POL 1 Unstable and contaminated land

Policy POL 2 Pollution and air, soil and water quality

Policy ECN 15 Tourism

7. Appraisal

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The saved Policies of the Castle Morpeth District Local Plan (CMLP) comprise the development plan whilst the NPPF is a material consideration.
- 7.2 Paragraph 11 of the NPPF provides guidance on how applications should be determined by stating that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts

of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 7.3 NPPF Paragraph 8 provides the key starting point against which the sustainability of a development proposal should be assessed. This identifies three objectives in respect of sustainable development, an economic objective, a social objective and an environmental objective. Paragraph 8 advises that these three objectives of sustainable development are interdependent and should not be considered in isolation.
- 7.4 The latest version of the Northumberland Local Plan Publication Draft Plan (Regulation 19) (NLP) was published in January 2019. Relevant policies in this document are a material consideration in determining this application but it is considered that such policies can be afforded some weight at this time due to the early stage that this plan is at in its journey towards adoption.
- 7.5 The main considerations in the assessment of this application are:
- Principle of development;
 - Ecological Impacts; and
 - Design and visual character

Principle of development

7.6 Policy C1 of the Castle Morpeth District Local Plan (CMDLP) identifies settlements within the former district with development expected to be situated within these areas, albeit with some exceptions. These exceptions consist of the development being essential for agriculture or forestry or being in accordance with other relevant policies within the plan. The proposals map that forms part of the CMDLP shows the application site as being located out with any defined settlement boundary therefore, the application site is considered to be located within the open countryside.

7.7 Policy E14 of the Castle Morpeth District Local Plan states that ‘The development of land and buildings to provide or enhance tourist attractions will be permitted provided that:

- i) There would be no adverse impact on the site and its surroundings resulting from the scale, nature and location of the proposals;
- ii) Public access is established through the provision of footpaths, cycleways and tourist bus and car parking facilities;
- iii) There would be no adverse impact on a significant area of best and most versatile agricultural land, or on farm structure;
- iv) In the case of historic buildings, ancient monuments or other features of special interest, there would be no detriment to the historic content;
- v) In the case of proposals within the green belt, the openness of the green belt will be preserved, there is no conflict with the purpose of including land in the green belt and the visual amenities of the green belt would not be injured.

- 7.8 Paragraph 83 of the NPPF states that “Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

7.9 As such, it is considered that there is clear accord with Policy E14 of the CMLP and paragraph 83 of the NPPF in determining that the principle of development in the open countryside.

Ecological Impacts

- 7.10 The application site is identified on the CMLP proposals map as being within a Local Nature Reserve.
- 7.11 Policy C9 of the CMLP states that development will not be permitted which would affect the integrity of Local Nature Reserves or Sites of Nature Conservation Importance, either directly or indirectly, unless it can be demonstrated that the development is of overriding importance. As such, Ecology were consulted on the proposals.
- 7.12 Ecology state that the site is designated, in part, for the woodland flora. The proposals would not affect any areas of the citation features, however, given that the site is within the Local Wildlife Site and in line with the requirements of NPPF enhancements are included through an attached condition.
- 7.13 It is understood that no bat roost has ever been recorded in the visitor centre itself and it is not considered that the building supports features suitable for roosting bats. However, as it is not possible to entirely rule out the presence of bats, particularly where a structure is situated so close to an existing roost, a condition is attached to ensure legislative compliance.
- 7.14 The area around the building is likely to support good numbers of foraging bats, and the condition attached reflects this.
- 7.15 As referred to, the proposals are surrounded by woodland, and as such it can be expected that Species of Principal Importance (under section 41 of the Natural Environment and Rural Communities Act 2006), such as hedgehog are likely to use the area around the building.
- 7.16 Given the above, the proposals are in compliance with Policy C9 of the CMLP and the provisions of the NPPF.

Design and visual character

7.17 Paragraph 124 of the NPPF recognises good design as a key aspect of sustainable development. Paragraph 127 goes on to note that developments

should function well and add to the overall quality of the area whilst being visually attractive.

- 7.18 The extension to the Visitor Centre is a small portacabin building of appropriate scale. To ensure the impact of the proposal is appropriate a timber screen is proposed around the building which would ensure that the development is appropriate to the setting and context. As such, it is considered to comply with the aims of the NPPF.

Area of High Landscape Value

- 7.19 The application site is located in an Area of High Landscape Value. These are areas that are important to their particular locality and to the county as a whole in terms of their special character and greater than average visual quality. The proposal is a minor alteration and would not have a detrimental impact on the area in line with Policy C3 of the CMLP and the aims of the NPPF.

Equality Duty

- 7.20 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

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

Human Rights Act Implications

- 7.22 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.
- 7.23 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.

- 7.24 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 application complies with both the aims of Paragraph 83 of the NPPF and is in line with the objectives of Policy E14 of the Castle Morpeth District Local Plan. Subject to the conditions attached there would be no impact on the designated Local Wildlife Site while the design of the extension is both subservient and well detailed. As such, the proposals are acceptable.

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 this permission.

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 approved plans. The approved plans for this development are:-

1. Location Plan
2. Existing and Proposed Site Plans
3. Existing Plans
4. Proposed Plans

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

03. No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within this condition, including, but not restricted to;

1. Adherence to 'Bat Conservation Trust. Guidance Note 08/18. Bats and artificial lighting in the UK Bats and the Built Environment series'
2. Any deep (in excess of 300mm) excavations left open overnight to be either securely covered, fenced 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.

3. Root protection zones will be implemented around all trees in the development area in accordance with the guidance given in BS5837

4. All works to the existing visitor centre to avoid the bat hibernation period (mid-November to mid-March inclusive).

5. Installation of a minimum of No.1 bat box. Numbers, types and positions of which to be submitted to and agreed in writing with the LPA prior to construction commencing and fully implemented as approved.

Reason: To maintain the favourable conservation status of protected species and to conserve and enhance the biodiversity of the site in accordance with paragraphs 8, 118 and 170 of the NPPF

Informatives

1. All species of bat are European protected species and fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. Making it an offence to: - Deliberately capture, injure or kill a bat - Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats - Damage or destroy a bat roosting place (even if bats are not occupying the roost at the time) - Possess or advertise/sell/exchange a bat (dead or alive) or any part of a bat - Intentionally or recklessly obstruct access to a bat roost

Date of Report: 18th October 2019

Background Papers: Planning application file(s) 19/01309/CCD