

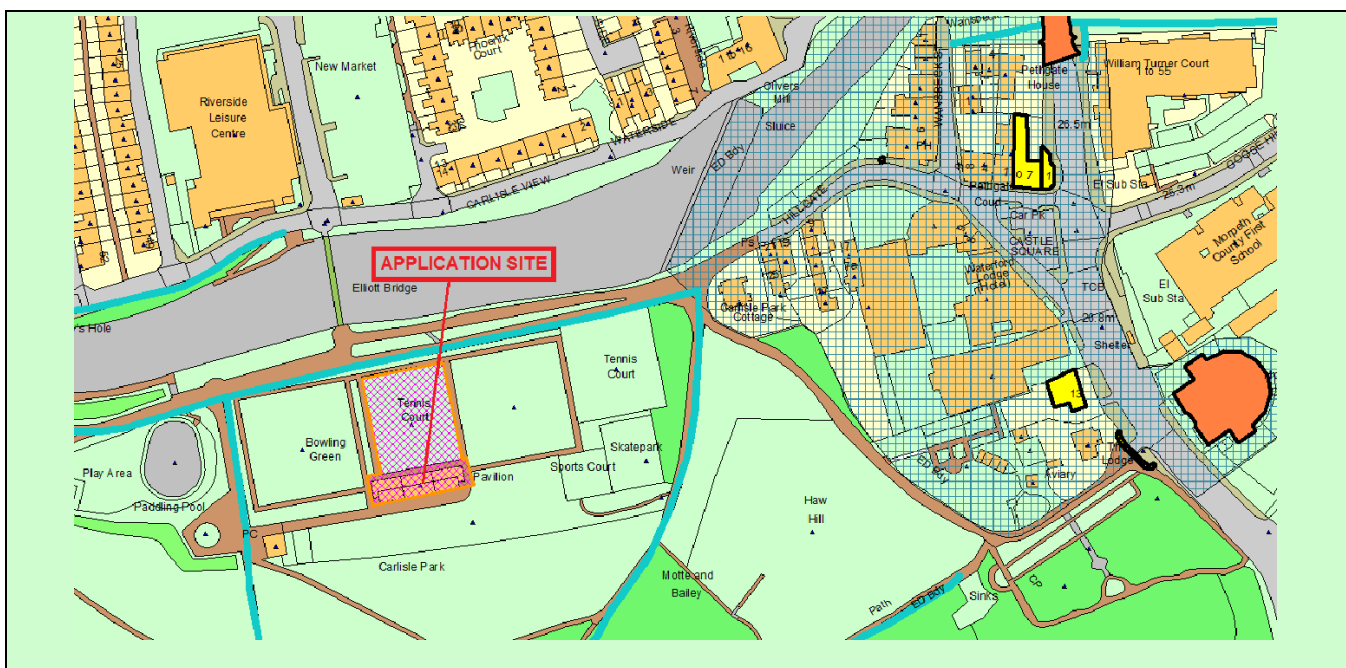


Northumberland County Council

CASTLE MORPETH LOCAL AREA COMMITTEE 10 FEBRUARY 2020

Application No:	19/04195/FUL		
Proposal:	Change of use from bowling pavilion to cafeteria, conversion and refurbishment, new terrace to the front of the building and extension to the rear. Addition of modular building for storage as supplemented by revised Design and Access Statement received 12/11/19		
Site Address	West Tennis Courts, Carlisle Park, Castle Bank, Morpeth Northumberland		
Applicant:	Tracey Bell Town Hall Market Place Morpeth NE61 1LZ	Agent:	Miss Susie White First And Second Floor 1, Fore Street Hexham NE46 1ND
Ward	Morpeth North	Parish	Morpeth
Valid Date:	21 October 2019	Expiry Date:	16 December 2019
Case Officer Details:	Name: Mr Malcolm Thompson Job Title: Planning Officer Tel No: 01670 622641 Email: Malcolm.Thompson@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



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1. Introduction

1.1 This application is being reported to the Local Area Committee as the proposal has been submitted on behalf of Morpeth Town Council and relates to land owned by Northumberland County Council.

2. Description of the Proposals

2.1 The application seeks planning permission for refurbishment and a change of use of the existing bowling pavilion situated within Carlisle Park to a cafeteria along with the following:

- minor alterations to elevations;
- provision of new terrace to front;
- small extension upon rear; and
- siting of portable office/store to rear.

2.2 The application has been submitted following the earlier submission of a pre-application enquiry when a favourable response was offered.

3. Planning History

None.

4. Consultee Responses

Morpeth Town Council	No response received.
Highways	No objections - conditions and informatives offered.
Lead Local Flood Authority	No comment - informative offered.
Strategic Estates	No response received.
County Ecologist	No objections - conditions offered.
Public Protection	No objections - informatives offered.
Countryside/ Rights Of Way	No objections - condition offered.
County Archaeologist	No objections - no archaeological works required.
Sport England	No objections.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	0
Number of Objections	1
Number of Support	0
Number of General Comments	0

Notices

Site notice - Public Right of Way, 31st October 2019

Morpeth Herald 7th November 2019

Summary of Responses:

One objection has been received in which concerns were raised towards an apparent lack of appropriate consultation due to proximity of scheduled monument(s).

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

<http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=PZF6OSQSKB400>

6. Planning Policy

6.1 Development Plan Policy

Morpeth Neighbourhood Plan (May 2016)

Set1 - Settlement Boundaries

Sus1 - Sustainable Development Proposals

Des1 - Design Principles

Her1 - Locally Important Heritage Assets

Her2 - Heritage Assets at Risk of Harm

LG1(ENV2) - Local Green Space

Castle Morpeth District Local Plan (2003)

C11 - Protected Species

MC2 - Area of High Landscape Value

T6(iii) - Cycle Route

6.2 National Planning Policy

National Planning Policy Framework 2019 (NPPF)

National Planning Practice Guidance 2019 (NPPG)

6.3 Other Relevant Documents

The NPPF states that from the day of its publication, 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. The emerging Northumberland Local Plan was submitted to the Planning Inspectorate in May 2019 for independent examination, supported by a schedule of Minor Modifications following a six week period of consultation earlier this year. The Authority are therefore affording appropriate weight to policies contained within the emerging plan which form a material consideration in determining planning applications alongside Development Plan Policies.

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

STP1 - Spatial Strategy (Strategic Policy)

STP2 - Presumption in favour of sustainable development (Strategic Policy)

STP3 - Principles of Sustainable Development (Strategic Policy)

QOP1 - Design Principles (Strategic Policy)

QOP2 - Good Design and Amenity
QOP3 - Public Realm Design Principles
QOP4 - Landscaping and Trees
QOP6 - Delivering Well-Designed Places
ENV1 - Approaches to Assessing the Impact of Development on the Natural, Historic, and Built Environment (Strategic Policy)
ENV2 - Biodiversity and Geodiversity
ECN15 - Tourism and Visitor Development

7. Appraisal

7.1 The main issues for consideration include:

- Principle of development
- Design/Amenity
- Tourism
- Ecology
- Archaeology
- Highway Safety
- Public Protection
- Flood Risk

Principle of development

7.2 The proposal relates to a change of use and alteration to an existing facility.

7.3 The application site is located within Carlisle Park which in turn, is located on the southern side of the River Wansbeck. It is within the Morpeth settlement boundary as appears in policy Set1 of the Morpeth Neighbourhood Plan and policy C1 of the Castle Morpeth District Local Plan. It lies beyond the area referred-to as the Town Centre and is deemed to be within a sustainable location as provided-for in policy Sus1 of the Neighbourhood Plan.

7.4 The site is designated as a Local Green Space (LGS) in the Neighbourhood Plan. Open green and wooded spaces within the built up areas are essential to the rural character and attractiveness of the Plan Area and may form part of Wildlife or Landscape Corridors or links to footpaths and cycle routes. They may take the form of landscaped areas, small patches of woodland, formal sports pitches, informal playing fields, play areas, allotments, river banks, common land, and other open grassed areas. They provide important opportunities for people of all ages to get out in the open air for casual recreation purposes that are essential to a healthy lifestyle.

7.5 The Local Green Sites designated in the Neighbourhood Plan are all local in character, do not comprise extensive tracts of land, and have been assessed against the NPPF criteria which require the sites to be important to the local communities they serve by virtue of their:

- beauty;
- historic significance;
- recreational value (including as a playing field);
- tranquillity; and,
- richness of its wildlife.

Appendix A of the Neighbourhood Plan describes Carlisle Park as having not only wildlife and heritage features but also a play area and paddling pool, tennis courts, bowling green, skateboard park etc.

7.6 It is essential that any development in Carlisle Park is not to the detriment of the characteristics that make up the Local Green Space and specifically to this proposed site, that there is no loss to the recreational value and loss of sports facilities.

Policy Env2 states that:

“Those areas defined in Appendix A of the Plan and identified on the Proposals Map shall be protected as Local Green Space. New development will only be allowed within designated Local Green Spaces where very special circumstances can be demonstrated in accordance with Green Belt policy established in the National Planning Policy Framework”.

The relevant Green Belt guidance in paragraphs 145 and 146 of the NPPF states that:

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or*
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.**

Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

Design/Amenity

7.7 The submitted details include the extension of the existing tennis pavilion building with an outdoor seating area to the front approximately 60 square metres in area, an access ramp, and single storey addition to the rear approximately 24

square metres in area. Also shown in the submitted details are proposed minor alterations to the elevations of the existing building and the siting of portable building to the rear which is shown as measuring approximately 12 metres in length x 6 metres in width. It is described in the submitted details as being used for storage and general purposes.

7.8 Policy Des1 (Design Principles) of the Neighbourhood Plan is relevant to the proposal and states: *“Development proposals will be supported where they accord with the policies, site allocations and designations in the Neighbourhood Plan and elsewhere in the Development Plan”*.

7.9 As offered in the supporting information accompanying the application, the scale of the building remains largely unchanged following its proposed refurbishment. There are no significant changes to the size of the building and there is no loss of green “open” space.

7.10 Based on the submitted details, it is considered that the minor works together with the small extensions upon the rear and the siting of the portable storage building can be considered as being subordinate to the main building and not *“disproportionate additions over and above the size of the original building”*. It would therefore, be an exception (c) within the Green Belt principles in the NPPF and subsequently in accordance with policy Env2 of the Neighbourhood Plan.

7.11 The original use of the building was to serve as a pavilion for the adjoining bowling greens. The existing design of the building is shown in the submitted details as being mainly retained; thereby ensuring the context and character of the building is respected and enhanced. Officers consider that the designed scale of the new recreational facility respects the surrounding openness and tranquillity of Carlisle Park.

7.12 In respect of open space and recreation, paragraph 97 of the NPPF states:

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space,

buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by

equivalent or better provision in terms of quantity and quality in a suitable location;

or

c) the development is for alternative sports and recreational provision, the benefits of

which clearly outweigh the loss of the current or former use”.

There are currently 2 pairs of tennis courts within this part of the Park, one being the application site with the other being located approximately 40 metres away to the east. As such, the proposal would not result in the total loss of an existing facility with the park; rather it would make provision for a further facility. Nevertheless, given this partial loss of the overall (and varied) facilities within the Park, the views of Sport England have been sought and obtained and in response to consultation no objections to the proposal are offered.

7.13 In planning terms, the existing/last use falls within Class D2 as provided-for in the Town & Country Planning (Use Classes) Orders, it being used in connection with indoor/outdoor sports. The proposed use as a cafeteria falls with Class A3 of these 'Orders'. The existing Pavilion is controlled and operated by the applicant who has confirmed verbally that this will not change. Overall, the proposed change of use and resultant alterations/extensions to the building will remain part of the park and will in fact increase the facilities within, thereby increasing its tourism attraction.

7.14 Officers consider that this proposal would benefit the local and wider community. The application is therefore considered to be acceptable in principle and is in accordance with policies Sus1, Set1 and Env1 of the Morpeth Neighbourhood Plan, C1 of the Castle Morpeth District Local Plan and the NPPF. The design would respect the surrounding characteristics and distinctiveness of the Park. There are no plans showing the proposed play area and sports facilities but in general such structures would be appropriate community facilities in this location. The general design and scale is considered to be respectful of the Local Green Space characteristics identified in the Neighbourhood Plan and the principles within policy Des1.

Tourism

7.15 Advice contained within the DCLG "Good Practice Guide on Planning for Tourism" offers that appropriate consideration should be given to proposals that contribute to tourism in the locality. Tourism developments will usually be beneficial to the local economy and complement the area's tourism function. The business to which the proposal relates is an existing and well-established tourist attraction having had in excess of 50,000 visitors in the past year, including educational parties. The proposal will improve the facilities available at the location whilst at the same time improving visitor experience and thereby adding to the rural economy with little adverse impact upon the environment. In accordance with paragraph 92 of the recently revised NPPF the proposal seeks to ensure that this existing facility is able to develop and modernise, and are retained for the benefit of the community.

7.16 Although the proposal would result in the loss of the tennis courts, a children's play area and other recreational facilities are clearly classed as being outdoor sport and recreation. The benefits of the additional facility are considered to outweigh the loss of the tennis courts and will increase tourism given the provision of the additional attraction. Indeed the views of the Council's Tourism Officer were sought and obtained at the time of considering the earlier pre-application enquiry and in response raised no objections. Officers consider that this replacement facility would be appropriate in terms of scale and size, and that the design is respectful of the surrounding openness and tranquillity of Carlisle Park.

Ecology

7.17 The nature of the site, wooded habitat, and the adjacent River Wansbeck together with the design of the building means that there could be potential for roosting bats. All species of bat and their roosts (whether occupied or not) are strictly protected under the Wildlife and Countryside Act 1981 as amended and the Conservation of Habitats and Species Regulations 2017, and therefore are a material consideration when determining planning applications. Furthermore, planning authorities are competent authorities under the Regulations and therefore have legislative duties to fulfil with respect to these species, to ensure that they are protected and their conservation status is maintained.

7.18 Upon receipt of the application, the County Ecologist was formally consulted and in response offers that there are known bat roosts in the vicinity. The application has been accompanied by an appropriate Bat Survey which contains suggested mitigation measures. The County Ecologist has considered the proposal along with the Bat Survey and in response raises no objections subject to an appropriate condition requiring compliance with the suggested mitigation. Officers consider that the proposal accords with advice contained within the NPPF at paragraph 180 and also with policy C11 of the Castle Morpeth Local Plan.

Archaeology

7.19 A member of the public has raised a precautionary objection to the proposal on the grounds that the application does not adequately address the potential of the proposal to affect the significance of heritage assets, including their settings, and that the application accordingly does not satisfy the LPA's validation requirements.

7.20 The Heritage Statement included within the submitted Design and Access Statement acknowledges the proximity of the application site to Haw Hill (approximately 150 metres away to the east of the application site) and Morpeth Castle Remains (in excess of 200 metres away to the southeast) and the potential threat to these Heritage Assets. The Council's Archaeologist considers that the applicant has submitted an appropriate level of detail to satisfy the requirements of the LPA's Validation Checklist (in respect of the historic environment) and paragraph 189 of the NPPF.

7.21 Section 16 (Heritage Statements) of the 'Validation Requirements checklist' advises that a Heritage Statement is required where a planning application may affect the significance of any heritage asset, including its setting. Under the heading 'What information is required?' the Validation Checklist clarifies that: "*A Heritage Statement could form part of a more comprehensive Design and Access Statement where this is also needed. Where applicable, it should be made clear in the title of the Design and Access statement that a Heritage statement is included. A Heritage Statement will describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the Northumberland Historic Environment Record should have been consulted and the heritage assets assessed using appropriate expertise, where necessary.*" National Planning Policy in respect of assessment requirements for developments potentially affecting the significance of heritage assets, including any

contribution made by setting to that significance, is provided by paragraph 189 of the NPPF, which states: *"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation"*. Following receipt of the public comment, a 'Revised Design and Access Statement' was provided by the applicant's agent which includes an additional section under the heading *"Assessment of impact upon adjacent Heritage Asset"*. The documents states: *"The close proximity of Carlisle Park Pavilion to Haw Hill and Morpeth Castle Remains poses a potential threat to the two Heritage Assets. The development of Carlisle Park Pavilion is of a small scale, with very small expansion of floor space. There is likely to not be a significantly increased impact upon the Heritage Assets due to this. The main potential effect could be increased footfall traffic, as visitors to Carlisle Park Pavilion visit the surrounding area. The benefit of this development to the community, in the form of improved facilities, far outweighs any negative impact inflicted on the Heritage Assets."*

7.22 Officers consider that this is consistent with the requirements of the Local Planning Authority's validation checklist which, along with paragraph 189 of the NPPF, clarify that where required, an assessment should be proportionate to the significance of the heritage asset and no more that is sufficient to understand the impact of the proposal on the significance of the asset. The wording of the paragraph 189 of the NPPF and the Validation Checklist are such that the requirement to consult the HER and 'appropriate expertise' are only engaged in circumstances where development will affect heritage assets. As identified above, it is not considered that the proposed will materially affect the significance of either Haw Hill or Morpeth Castle or any contribution made by setting to that significance. On this basis, and having regard to the requirements of the Validation Checklist and the NPPF that assessments should be proportionate to the assets importance, and no more than is necessary, officers are satisfied that the submitted application provides sufficient information to inform an assessment development impact on the archaeological resource.

7.23 By way of archaeological background, a summary of the known archaeological baseline and historical development of Morpeth was provided by the Morpeth Extensive Urban Survey (EUS), available as a free download from the Council's website. The EUS has not been updated since 2010 so does not include details of archaeological discoveries since then, but nevertheless remains a relevant starting point in any assessment.

7.24 The site falls outside the area of high archaeological sensitivity identified in the Morpeth EUS. The site is located within Carlisle Park, first opened as a public park in 1929 on grounds donated by the Countess of Carlisle in 1916. The existing pavilion building is c.90m west of Haw Hill Motte and Bailey Castle scheduled monument and c.200m northwest of Morpeth Castle scheduled monument. The

pavilion is unlisted and lies outside Morpeth Conservation Area, c.110m to the north east at its closest point. No archaeological remains are recorded within the application site.

7.25 In terms of impact assessment, the proposed development will involve alterations to the existing pavilion to provide a kitchen and store area. An external seating area for up to 30 people will be provided to the rear (north) of the pavilion. The tennis court will be repurposed as an outdoor children's play area. A Disability Discrimination Act (DDA) compliant access will also be provided and a temporary storage and changing building will be provided for users of the bowling green for the duration of the construction phase.

7.26 Given the very modest scale of alterations proposed to the existing structures and the temporary nature of the cabin, the risk of significant unrecorded archaeological remains being affected by the proposal is considered to be very low. In terms of potential effect of the proposal on the setting(s) of heritage assets, the existing pavilion and tennis courts are intervisible with the Haw Hill and Morpeth Castle. Both are scheduled monuments and therefore 'designated heritage assets' in the context of NPPF policy. The potential effect of the proposed development on the significance (including any contribution made by setting to that significance) are material to the determination of this application, having regard to paragraphs 193-196 of the NPPF. The existing pavilion and adjacent tennis courts and bowling greens are located within the existing park. A children's play area (hard and soft surfaces) with climbing equipment and a large play pool is located west of the site. A footpath follows the southern bank of the River Wansbeck north of the application area. Another footpath runs south of the site towards Castle Close, partially obscured by trees. The area of Carlisle Park east of the site comprises a number of buildings, including an aviary and areas of formal gardens and footpaths. The pavilion and tennis court are located within an area which already attracts large numbers of visitors as a leisure and sporting facility. It is not anticipated that the change of use would significantly change the character of activities undertaken within the site or the wider area of Carlisle Park.

7.27 The proposed development would be intervisible with both scheduled monuments (with limited intervisibility from the northern side of the pavilion where the proposed seating and play areas would be located). Given that the existing structures will be subject to only modest alteration, and that the change of use would not introduce a significant perceptible change in the nature of activities undertaken within the pavilion (there is unlikely to be a material change in noise, lighting or other emissions, for example), officers are of the opinion that the proposed development would not materially affect the significance of Haw Hill or Morpeth Castle or the contribution made by 'setting' to their significance as designated heritage assets.

7.28 In summary, officers are satisfied that in submitting the application, an appropriate level of detail to satisfy the requirements of the LPA's Validation Checklist (in respect of the historic environment) and paragraph 189 of the NPPF has been provided. The risk of the proposed development affecting significant unrecorded archaeological remains is considered to be very low. The proposed development (change of use) would not materially affect the significance of Haw Hill or Morpeth Castle or the contribution made by 'setting' to their significance as designated heritage assets. The nature of the proposal is considered such that

officers consider that it is unlikely to result in a significant increased impact on the Heritage Assets, the main potential effect being an increase in footfall traffic due to visitors to the Pavilion and the surrounding area. From an archaeological aspect there are therefore no objections to the proposed development on archaeological grounds and no archaeological work is recommended.

Highway Safety

7.29 The proposal is shown as retaining the existing access routes, all of which are pedestrian. There are no parking facilities within the Park although a large car park exists directly opposite the site on the north side of the river. A cycle route indicated in the Castle Morpeth Local Plan as T6(iii) runs along the south bank of the adjacent river. The only vehicular access routes within Carlisle Park generally are those for servicing vehicles and these will not be affected by the proposal. A 1.8 metres wide access ramp leading to the Pavilion is shown in the submitted details and it is to be assumed that this will not exceed a 1:12 gradient and be Equality Act 2010 compliant. This would form part of any separate consideration under the requirements of the Buildings Regulations.

7.30 In response to formal consultation with the Highways Officer, it is offered that the level of footfall trips generated by this proposal is expected to be minimal despite the provision of the on-site catering facility.

7.31 The proposed site layout plan indicates provision of a cycle rack. In the event of planning permission being granted for the development, an appropriate condition requiring implementation prior to first use of the facility is proposed. Similarly, and although the submitted details indicate proposed refuse collection points across the park, details of internal waste storage for the management of the building and cafeteria facilities would form a pre-commencement condition in the event of planning permission being granted.

Public Protection

7.32 In response to formal consultation, Public Protection offer that they are in agreement with the proposal. Whilst noting that there may be a low risk to health from existing on-site soils, this would be controlled under appropriate (and separate) legislation, namely the Health & Safety at Work etc... Act 1974. The Contaminated Land Assessment submitted with the application highlights a Moderate risk to health from the presence of asbestos within the existing asbestos cement roof. The proposal will require an alteration to those tiles. Environmental Health is however, protected by the applicant's own responsibilities under The Control of Asbestos Regulations 2012. Appropriate "Informatives" is offered in the event of planning permission being granted.

7.33 The proposed development is considered as being sufficient distance from the nearest residential receptor to render the possibility of nuisance from construction/operation to be unlikely.

Flood Risk

7.34 The Pavilion occupies a slightly elevated position when view from the north and together with the proposed extensions and storage unit is situated beyond the defined flood risk area. However the adjacent land is prone to a medium risk of flooding and is within Flood Zone 2. The proposed works are minimal in nature and as such, would not result in any significant increase in surface water run-off or the building becoming lower than that which currently exists.

7.35 The Lead Local Flood Authority has been formally consulted and in response raises no objection and offers only an appropriate "Informative" in the event that planning permission is granted.

Other matters

Equality Duty

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

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

Human Rights Act Implications

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.

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.

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 nature/scale of the proposed development is such that the resultant building or associated structures would not appear overbearing within the immediate area or indeed the area generally. There would be no harm to the general living conditions of the neighbouring residents.

8.2 Having considered the application against the relevant local planning policies and the National Planning Policy Framework, it is considered the proposal represents an appropriate form of development within the area generally and therefore to withhold planning permission, albeit with appropriate conditions, would be unreasonable.

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. Except where modified by the conditions attached to this planning permission, the development shall be carried out in accordance with the details shown in the following drawings:

06.A3 dated 21/10/19 - Proposed Site Plan1

08.A3 dated 21/10/19 - Proposed Floor Plan

10.A3 dated 21/10/19 - Proposed Cabin

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

03. The adjacent Public Footpath No.17 shall be protected throughout the entire construction period. No action shall be taken to disturb the path surface without prior written consent from the Council as Highway Authority, obstruct the path or in any way prevent or deter public use without the necessary temporary closure or Diversion Order having been made, confirmed and an acceptable alternative route provided.

Reason: In the interests of amenity and in accordance with the NPPF.

04. The development shall not be brought into use until cycle parking shown in the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times

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

05. The development shall not be brought into first use until details of refuse storage facilities and a refuse storage strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and design of the facilities and arrangement for the provision of the bins. The approved refuse storage facilities shall be implemented before the development is brought into use. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.

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

06. No development will take place unless in accordance with the mitigation proposed in the report Bat, Breeding Bird and Barn Owl Scoping Survey Carlisle Park Pavilion, Morpeth October 2019, MAB Ecology including the following:

- i - in the event that works have not taken place by 1st of May 2020, a repeat assessment will be required (visual or, preferably, dusk emergence);
- ii - the existing roof will not be dismantled. If plans change to include re-roofing or cutting into the existing roof, the impact assessment will be updated accordingly;
and
- iii - the parkland around the pavilion is ideal for bat foraging, and suitable bat boxes will form a significant ecological enhancement. Recommend 1x maternity box such as Schwegler 1FF, and 3x day roost boxes such as Schwegler 2F.

Reason: In the interests of protected species and in accordance with the NPPF.

Informatives

1. Any areas of hardstanding areas (car parks, driveways etc.) within the development shall be constructed of a permeable surface so flood risk is not increased elsewhere. There are three main types of solution to creating a permeable surface:

- Using gravel or a mainly green, vegetated area.
- Directing water from an impermeable surface to a border rain garden or soakaway.
- Using permeable block paving, porous asphalt/concrete.

Further information can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/pavingfrontgardens.pdf

In addition the development should explore disconnecting any gutter down pipes into rain water harvesting units and water butts, with overflow into rainwater

garden/pond thus providing a resource as well as amenity value and improving water quality.

2. Prior to construction the applicant has a legal duty to identify what type of asbestos, contained in what material and in what condition is present or is liable to be present in premises under their control - Regulation 5 of The Control of Asbestos Regulations. The applicant is advised to ensure that a suitably qualified asbestos surveyor carries out such an assessment who is P402 qualified or has a commensurate qualification with the Royal Society of Public Health. The surveyor should be employed by an organization with UKAS accreditation to ISO 17020.

3. Prior to construction the applicant has a legal duty to ensure that a suitable plan of work is written detailing how work with asbestos will be carried out and how exposure to asbestos will be controlled - Regulation 7 of The Control of Asbestos Regulations, 2012.

4. Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.

5. In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

Date of Report: 12th December 2019

Background Papers: Planning application file(s) 19/04195/FUL