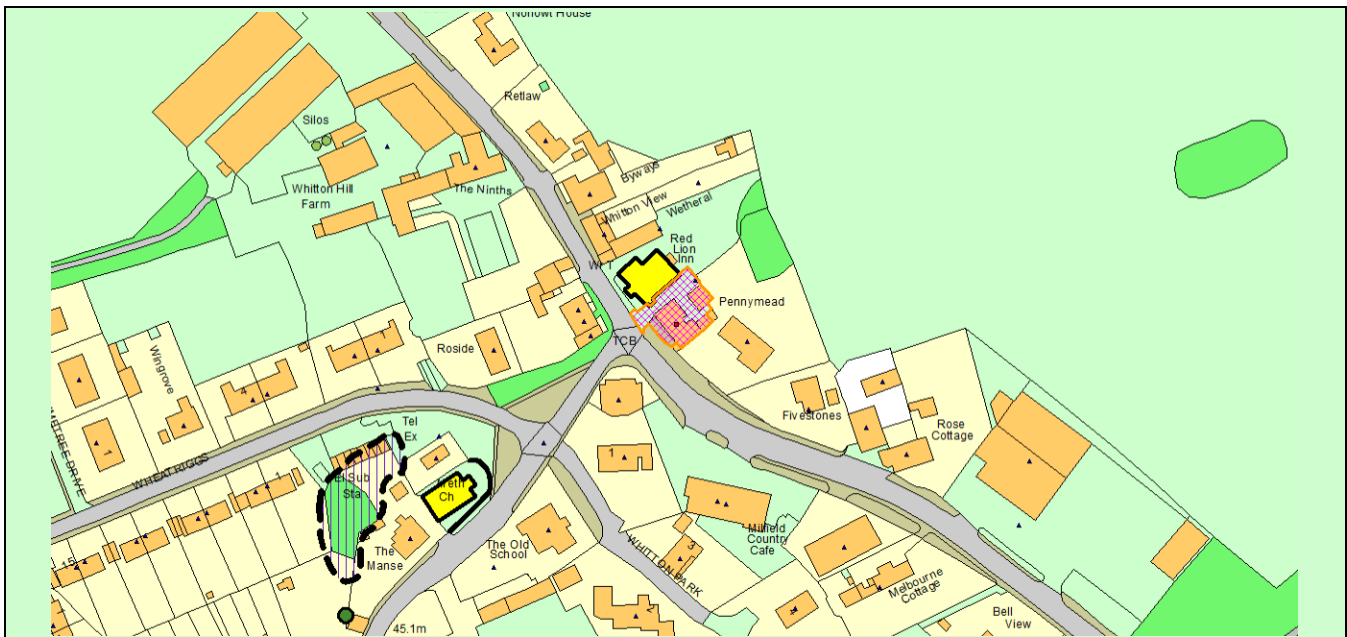




Northumberland County Council

North Northumberland Local Area Council
21st June 2018

Application No:	17/03382/FUL		
Proposal:	Retrospective demolition of existing out-buildings and the construction of 3 terraced houses.		
Site Address	Outbuildings, Milfield, Wooler, Northumberland NE71 6JD		
Applicant:	Mr J Jaafar 5 Adams Terrace, Consett, County Durham DH8 6PR	Agent:	None
Ward	Wooler	Parish	Milfield
Valid Date:	25 January 2018	Expiry Date:	22 March 2018
Case Officer Details:	Name: Mr Jon Sharp Job Title: Planning Officer Tel No: 01670 623628 Email: Jon.Sharp@northumberland.gov.uk		



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1. Introduction

1.1 This application falls to be determined by the North Northumberland Local Area Council planning committee following an objection from Milfield Parish Council and at the request of the Chair of the Planning Committee. It is being recommended for refusal.

2. Description of the Proposals

2.1 The application seeks permission for the demolition of existing stone built out buildings and the erection of 3no residential dwellings on land to the south of the Red Lion Public House, Milfield.

2.2 The proposal would comprise 2no. two bed dwellings and 1no. three bed dwelling, The dwellings would be constructed with natural stone facing walls under slate roofs, with timber window frames and doors. The application site shares a vehicular access with the adjacent Red Lion. The three bed dwelling would incorporate an integral garage, whilst 4no external parking spaces would serve the two bed dwellings.

2.3 The site is located within Milfield village to the south of the Red Lion public house and east of the A697. To the west and abutting the site boundary is located a stone built public bus shelter. To the east of the site are agricultural fields, whilst to the south are residential dwellings. Milfield is within a locally designated area of high landscape value.

2.4 The Red Lion public house is Grade II Listed.

3. Planning History

Reference Number: 12/03376/FUL

Description: Proposed demolition of existing outbuildings and construction of 3no. terraced houses

Status: Permitted. Permission expired.

4. Consultee Responses

Milfield Parish Council	<p>Following discussion, the Council confirmed that it would welcome redevelopment of this site which had been derelict for some years now. The Council's preference would be for a commercial or employment use.</p> <p>The Council resolved to OBJECT to this particular application for the following reasons</p> <p>The lack of sufficient parking spaces leading to the likelihood of unacceptable parking on the A697</p> <p>The lack of external space for waste bins and other household effects</p> <p>The lack of clarification about protection for the bus shelter three houses being over-development for this site</p> <p>The need for proper construction statements.</p> <p>The lack of detail in the application.</p>
Highways	Amended plans and/or additional information required
Northumbrian Water Ltd	<p>The developer should develop their surface water drainage solution by working through the following, listed in order of priority:</p> <ul style="list-style-type: none"> ' Discharge into ground (infiltration) ' Discharge to a surface water body ' Discharge to a surface water sewer, highway drain, or another drainage system

	' As a last resort, discharge to a combined sewer
County Ecologist	No objection subject to conditions
County Archaeologist	No objection to the proposed development and no further archaeological work will be required.
Highways	Amended plans and/or additional information required
Public Protection	No objection subject to conditions
Building Conservation	Proposal would cause less than substantial harm to the adjacent designated asset
Highways	No objection subject to conditions

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	8
Number of Objections	0
Number of Support	0
Number of General Comments	3

Notices

Site Notice - Affecting Listed Building posted 21st March 2018

Press Notice - Berwick Advertiser, published 29th March 2018

Summary of Responses:

1no neighbour objection highlighting parking and access concerns, provision for waste storage, cycle parking and amenity space, noise, water supply and drainage and impact on the adjacent bus shelter.

2no neighbour representations highlighting concerns including access and parking.

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=OWJ6CPQS0K500>

6. Planning Policy

6.1 Development Plan Policy

Berwick upon Tweed Local Plan

F1 Environmental Wealth

F3 Tweed Valley, Kylee Hills, Glendale Areas of High Landscape Value

F31 Social and Economic Welfare

6.2 National Planning Policy

6.3 Other Documents/Strategies

None relevant

7. Appraisal

7.1 The application has been assessed against national planning policy and guidance, development plan policies, other material planning considerations and the advice of statutory consultees. In assessing the application the key considerations are;

- Principle of Development;
- Housing Supply;
- Scale, Design and Visual Impact;
- Residential Amenity;
- Public Protection;
- Highways;
- Heritage Assets; and
- Ecology.

Principle of the development

7.2 The National Planning Policy Framework (NPPF) states that development proposals that accord with the development plan should be approved without delay, unless material considerations indicate otherwise. This forms the basis of the NPPF's presumption in favour of sustainable development. Applications for new housing should be considered in the context of this presumption in favour of sustainable development.

7.3 Paragraph 215 of the NPPF advises that weight should be given to relevant policies in existing plans according to the degree of consistency with the NPPF i.e. the closer a policy in a local plan accords with the NPPF, the greater the weight that may be given to them. The adopted development plan for the area the application site is located in comprises the saved policies of the Berwick Local Plan (1999) (BLP). The Local Plan policies referred to in this report are considered to be in accordance with the NPPF and can therefore be given due weight.

7.4 Policy F1 of the BLP seeks to ensure that "primary importance will be given to sustaining and enhancing the Borough's environmental wealth". Policy F3 seeks to ensure that any development within the areas of high landscape value accords with its surroundings, in terms of scale, mass, materials etc. and sets out locational requirements for development. Development will be permitted where it is compatible with the principal objective of conserving or enhancing the natural beauty of these areas, and, in particular:

- i)(a) it is located within or immediately adjoining an existing settlement; and/or
- i)(b) it will expand the Borough's infrastructure for tourism, compatible with the area's existing tourism role and its primary attractions of the natural and built environments;

i)(c) it relates to and accords with Policies C12, C14, C23, C24, C26 or C27 and provided that the developer can satisfy the Borough Council of the need for such a development to be located outwith an existing settlement,
ii) it accords with its surroundings by virtue of its scale, density, height, massing, layout, materials, hard and soft landscaping including indigenous species, means of enclosure and access;
iii) it relates to and accords with Policies S4, W2, W4, W8 or C5, associated with agricultural developments, or Policies R7 or R9; and iv) it accords with Policies elsewhere in the Plan.

7.5 Policy F31 of the same document seeks to ensure that, in applying BLP policies, appropriate 'weight' is given to the degree to which proposals enhance the quality of life of communities or complement the range of their social and economic functions.

7.6 The proposed dwellings would be located centrally within Milfield, a small village comprised of a mix of old and relatively more modern dwellings and as such would be well related both geographically and visually. Facilities within the village are limited (pub, cafe, church) however it is accessible to Wooler by public transport and on balance, having regard to local and national policy, the principle of the proposal is considered to be acceptable.

Housing Supply

7.7 In accordance with the NPPF, the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. The five year housing land supply position is pertinent to proposals for residential development in that paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. In such cases, the presumption in favour of sustainable development, as stated in paragraph 14 of the NPPF will be engaged.

7.8 For details of the five year housing land supply assessment, the Council's Five Year Supply of Deliverable Sites 2017 to 2022 report, published in November 2017 should be referred to. This report identifies housing land equivalent to a 6.5 years supply. Therefore, in the context of paragraph 49, policies for the supply of housing should not be considered out of date.

7.9 Based on current figures there is considered to be a deliverable five year housing land supply within the county. The NPPF makes it clear however that this should be considered a minimum figure rather than a maximum and as such the key consideration should be whether the proposal is considered to be sustainable development in line with Policy F3 of the BLP and the NPPF. As noted above the site location is considered to be sustainable and it is also considered that the addition of 3no dwellings to the housing stock would not have a significant impact upon housing figures in the area.

Scale, Design & impact on character

7.10 Policy F3 of the BLP sets out the criteria against which new housing development shall be assessed. This includes the impact on adjacent land uses in terms of scale, massing, materials, etc and sets out locational requirements for

development. Paragraph 56 of the NPPF attaches great importance to the design of the built environment and states that good design and good planning are indivisible from one another and should contribute positively to making places better for people.

7.11 The proposed dwellings, whilst being largely on the same footprint as the existing buildings, would be considerably larger than them. The applicant proposes a terrace of three dwellings which, taken together, would have an L-shaped plan form, with the two smaller units facing the highway to the west and the third, larger unit, located to the rear. The properties would be constructed with natural stone facing walls under dual pitched slate roofs, in keeping with the surrounding vernacular, however it is considered that the scale, design and density of the proposed dwellings is such that they would be out of character with the surrounding development. The density is considered inappropriate for the scale and location of the site and its surroundings, being considered more appropriate for a suburban setting as opposed to the rural village location proposed.

7.12 The central core of Milfield village is dominated by the Grade II listed Red Lion Inn, which stands adjacent to the north of the application site. It is this building which draws the eye on the approach to the site from either north or south when travelling along the A697, as well as from the west along the U1018. It is considered that the proposed development would be incongruous and would fail to positively respond to the established pattern of development at the core of the settlement. It would have a detrimental impact upon the wider street scene, as it would compete for dominance with the Red Lion, obscuring views of the landmark building upon approach to the settlement by the infilling of the plot with a large imposing building, thereby detracting from the character of this part of the village.

7.13 Paragraph 64 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. On this basis it is considered therefore that the proposed development of the site would not accord with Policy F3 of the BLP or paragraphs 56 or 64 of the NPPF in terms of its design and impact on its surroundings. The applicant has been made aware of this prior to determination and no further submission has been made.

Residential Amenity

7.14 Paragraph 17 of the NPPF sets out its core planning principles, to underpin both plan-making and decision-taking. One of these principles is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

7.15 The representation received highlighting lack of amenity space is acknowledged, however, due to the site location, it is considered that there would not be any substantive impacts on the amenity of future occupants of the dwellings. Whilst external amenity space would be limited, this can be an attractive feature to some people and given the rural village location, there is sufficient space outwith the application site to cater for dog walking or similar activities.

7.16 Whilst the amenity of future residents of the proposed dwellings may be acceptable it is considered that the height of the proposed dwellings could create an overbearing impact upon the neighbouring dwelling to the south. It is noted that there

is an existing party boundary wall, however this would be increased significantly in height and is, at its closest, only approximately 3 metres from the northern gable of the bungalow. It is also proposed to incorporate windows into the party wall and whilst these would be high level, they would serve habitable space and would therefore raise the potential for loss of privacy or overlooking issues.

7.17 On the basis of the above it is considered that the proposal would not be in accordance with paragraph 17 of the NPPF in this respect. The applicant has been made aware of this prior to determination and no further submission has been made.

Public Protection

7.18 In respect of noise and potential contamination, the council's Public Protection Officer has responded to consultation raising no objections subject to conditions in respect of potential contamination and requiring a noise assessment be carried out.

Highways

7.19 The NPPF states that transport policies have an important role to play in facilitating sustainable development, whilst also contributing to wider sustainability and health objectives. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.20 Access to the site would be taken from the A697 via a shared access with the Red Lion. The submitted documents show the provision of 4no parking spaces as well as an integral garage to the larger of the three dwellings.

7.21 It is noted that objections have been received on highway grounds. The Local Highway Authority have assessed the proposal based on the information submitted and have raised no objections, subject to the imposition of conditions regarding parking, drainage, a demolition and construction method statement. Subject to the imposition of these conditions it is considered the proposal would be acceptable and in accordance with Highways Policy and the NPPF.

Impact on Heritage Assets

7.22 The legislative framework has regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) which requires the local authority to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses.

7.23 Policy F3 of the BLP states that development will be permitted where it accords with its surroundings by virtue of its scale, density, height, massing, layout, materials, hard and soft landscaping..., including means of enclosure and access.

7.24 Paragraphs 131 - 134 of the NPPF set out the desirability of sustaining and enhancing the significance of heritage assets. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

7.25 Paragraph 135 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. The main building to be replaced comprises a single storey building of stone and slate construction, which is understood to have formally been a function room associated with the pub and may originally have been used as stables for the public house / Inn. Whilst there would appear to have been a clear relationship with the pub, the two buildings have fallen into separate ownership and the outbuilding has now become separated from the curtilage of the pub. Although there is insufficient evidence to establish whether the outbuilding could be considered to be curtilage listed, it certainly represents a non designated heritage asset and, in accordance with paragraph 135 of the NPPF, a balanced judgement must be made having regard to the scale of any harm or loss and the significance of the heritage asset.

7.26 The proposed dwellings would be located within the setting of the Grade II listed Red Lion public house, separated from the designated asset by the access drive from which vehicular access would be taken for the dwellings. The proposed dwellings would replace a mixture of existing stone built out buildings which are in dilapidated condition.

7.27 The Council's Building Conservation Officer has assessed the proposals and states that, whilst supporting the principle of redevelopment of the site, the proposed development would result in harm to the setting of the Grade II listed public house due to the scale and height and design of the proposed building. The level of harm identified is 'less than substantial'.

7.28 Paragraph 134 of the NPPF states that where a development proposal will lead to 'less than substantial' harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. It is considered that the public benefits arising from the proposal would be limited to the economic benefits arising from the construction phase, the addition of 3no. dwellings to the local housing supply (notwithstanding the fact that there is no demonstrable need in this area), the benefit to the social aspect of sustainable development arising from the addition of three households in the local community and the benefits arising from future occupiers of the dwellings to the local service industry. It is officer opinion that these limited benefits would not outweigh the level of harm caused to the setting of the designated asset.

7.29 Under paragraph 137 of the NPPF Local Planning Authorities should look for opportunities for new development within the setting of heritage assets to enhance and better reveal their significance. It is within this framework that the application presents an opportunity for a carefully-considered new development to enhance the listed building while preserving the elements of its setting which positively contribute to its significance. Notwithstanding the condition and existing arrangement of buildings at the subject site it is considered that the outbuilding makes a positive contribution to the present character and place due to its heritage significance. It is a material consideration to ensure any new development observes the key characteristics, spatial qualities and features that define place, significance, context and setting. When the proposed scheme is reviewed in this context, it is considered that the proposal is incongruous and fails to positively respond to the established pattern of development at the core of the settlement and the setting of the Red Lion Inn.

7.30 On the basis of the above it is considered that the proposal cannot be supported as it would result in the loss of a non-designated heritage asset and less than substantial harm to the setting of the listed pub. The proposal would therefore be contrary to the provisions of Policy F3 of the BLP, Paragraphs 134, 135 and 137 of the NPPF and Section 66 of the PLBCAA. The applicant has been made aware of this prior to determination and no further submission has been made.

Archaeology

7.31 The County Archaeologist has responded to consultation stating that the archaeological potential of the site was tested via evaluation trenching in 2013 and no significant archaeological features were identified. It is therefore considered that no further archaeological work will be required.

7.32 On this basis it is considered that the proposal is in accordance with Policy F3 and the NPPF in this respect.

Ecology

7.33 The application site carries no statutory or non-statutory designations, however it is located within the Impact Risk Zone associated with the River Tweed SSSI. The applicant has submitted an ecological assessment of the site to support the application.

7.34 The County Ecologist has raised no objections on ecological grounds subject to appropriate mitigation and enhancement measures being carried out in full. It is therefore considered the proposal accords with Policies F1 and F10 of the BLP and with the NPPF in this respect.

Drainage

7.35 It is noted that concerns have been raised in respect of the proposed drainage measures. The Local Highway Authority has requested details of a surface water drainage scheme be submitted prior to first occupation of the proposed dwellings.

7.36 In respect of foul drainage Northumbrian Water have responded to consultation raising no objections subject to the normal hierarchy of preference contained within Building Regulations.

Other Matters

7.37 A number of representations have been received raising issues including access, parking standards, amenity, water, sewage and housing supply. These issues have been addressed in the preceding paragraphs.

Equality Duty

7.38 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

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

Human Rights Act Implications

7.40 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.

7.41 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.

7.42 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 On the basis of the above assessment it is considered that the proposal would be contrary to both national and local planning policies and as such is being recommended for refusal. There are no material considerations that indicate a decision should be made otherwise.

9. Recommendation

That this application be REFUSED permission subject to the following:

Reasons

01. The proposed development would result in the 'total loss' of a non-designated heritage asset (outbuilding). By virtue of its scale height and massing, the proposal would also cause harm to the setting of the Grade II Listed Red Lion Public House, contrary to Policies F1, F3 and F31 of the Berwick Local Plan and Paragraphs 134 & 135 of the NPPF.
02. The application fails to demonstrate how it would make a positive contribution to or improve the character and quality of the area or enhance or better reveal the significance of the setting of the adjacent heritage asset and would therefore be contrary to Policies F1, F3 and F31 of the Berwick Local Plan and Paragraphs 17, 56, 64 and 137 of the NPPF.
03. By virtue of its location and design, the proposal would have a detrimental impact upon neighbouring amenity in terms of loss of privacy and overbearing impact, contrary to the provisions of Paragraph 17 of the NPPF.

Date of Report: 08 06 2018

Background Papers: Planning application file(s) 17/03382/FUL