

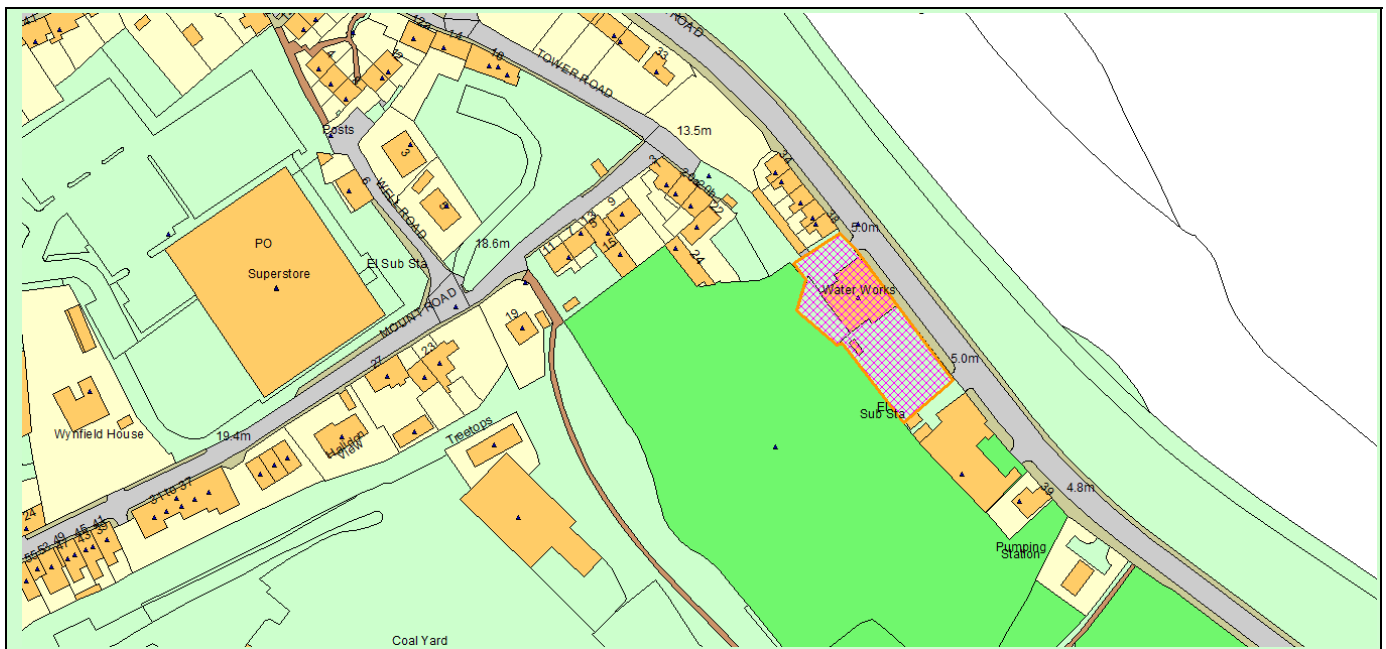


Northumberland County Council

North Northumberland Local Area Committee

19th July 2018

Application No:	18/01164/OUT		
Proposal:	Outline Permission with Access, Layout and Scale: , Demolition of Reservoir, Conversion of Pumping Station for up to 6 Apartments and Erection of 4 Dwellings - Amended 02/07/18		
Site Address	Former Water Works, Dock Road, Tweedmouth, Northumberland		
Applicant:	Mr Bradley C/o Agent	Agent:	Miss Katherine Simpson The St Nicholas Building, St Nicholas Street, Newcastle-upon-Tyne, NE1 1RF
Ward	Berwick East	Parish	Berwick-upon-Tweed
Valid Date:	3 April 2018	Expiry Date:	30 July 2018
Case Officer Details:	Name: Mr Ragu Sittambalam Job Title: Planning Officer Tel No: 01670 622704 Email: Ragu.Sittambalam@northumberland.gov.uk		



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

1. Introduction

- 1.1 This application has been called to be heard at planning committee by Councillor Hill due to the importance of the site and location, making it in the public interest. The application has also been subject to objection from Berwick Town Council.
- 1.2 Under s.92 of the Town and Country Planning Act 1990 (as amended), an application for outline planning permission allows for a decision on the general principles of how a site can be developed, this application includes details of the access, layout and scale of the proposal. Outline planning permission is granted subject to conditions requiring the subsequent approval of one or more 'reserved matters'.
- 1.3 Application was amended as follows;
 - 04/05/18 - Submission of a revised ecology report.
 - 18/05/18 - Amendment to reduce the site area of proposed development.

2. Description of the Proposals

- 2.1 The site is located between Tweedmouth and Spittal to the south side of Dock Road, a stretch of highway that spans the quay of Tweedmouth/Spittal. The site itself is immediately adjacent to existing residential development to the north fronting onto a green area adjacent the quayside to the north-east and surrounded by an extensive wooded area to the south-west that extend beyond the site width.
- 2.2 The area comprises of a former Northumbrian Water depot building; a stone built two storey building with a slate covered hipped roof, and land to the south including the reservoir of 0.14 hectares overall. The site level rises to the rear considerably (held back from the buildings by a retaining wall), onto a wooded area known as the Goodie Patch which is protected by Tree Preservation Order (TPO). There is access to this through the curtilage of the Northumbrian Water building to the north with the building and site fronting immediately onto the highway. To the south is the site of the Berwick Shellfish Company, a commercial/processing premises.
- 2.3 The application seeks outline planning consent with access, layout and scale to be considered now for 10 no. dwellings comprising of the following works;
 - Conversion of the existing depot building to 6 no. apartments across two floors involving extension to the rear of the building.
 - Erection of 4 no. two storey semi-detached properties to the south-east of the depot with curtilage space to the rear
 - Access would be taken to the north of the depot to a shared curtilage area for the apartments providing 4 no. in-curtilage parking spaces.
 - Installation of an acoustic timber fence (h:2.5m) between the proposed properties and the commercial premises to the south.
- 2.4 The application site is subject to the following environmental constraints;

- Located within the Tweedmouth Conservation Area.
- Tree Preservation Order west of site (Packet No. 0659)
- Impact Risk Zone to a Site of Special Scientific Interest (SSSI)

3. Planning History

No relevant Planning History

4. Consultee Responses

Berwick-upon-Tweed Town Council	<p>Objection;</p> <p>Members objected due to the detrimental effect on a conservation area. There was a feeling amongst Members that a use which was more in keeping with the conservation area should be sought.</p>
Education - Schools	<p>No Obligation Required;</p> <p>Given the nature of the apartments and the fact the number is not above the practical de minimis level of 10, education's position is unchanged and we will not be seeking a education contribution in respect of this application.</p>
County Archaeologist	<p>No Objection;</p> <p>Since my previous response (memo of 27/04/18) the applicant has provided additional information confirming that parts of the site were impacted by the construction of underground reservoirs as part of the pumping station infrastructure. Whilst precise dimensions are not available, it is likely that the construction of the reservoirs will have significantly impacted any archaeological features or deposits that may have been present on site. On this basis, the risk of significant archaeological features being present within the proposed development site is considered to be low.</p> <p>There are therefore no objections on archaeological grounds to the proposed development and no archaeological work is recommended.</p>
Building Conservation	<p>No Objection;</p> <p>The application is in outline only so lacks the full information to accurately assess the impact of the proposal on the conservation area and its setting. There are significant aspects to the proposal that are indicative only. For this reason the application of the statutory test to preserve or enhance the character or appearance of the conservation area cannot be conclusively applied. Notwithstanding the limitations of this outline application Building Conservation offers the following comment.</p> <p>The materials for the refurbishment of the pumping station and the new build dwellings are not stated. The context is that they should be natural stone and natural slate roofs with timber or Crittal style windows. The high quality of the rainwater goods of the former pumping station is discussed in the character appraisal and these should be overhauled and kept or replaced like for like. It may be prudent to consider removal of permitted development rights.</p>

	<p>The scale of the two sets of semi detached dwellings over the site of the former reservoir looks awkward at full two storey in the context of the pumping station. A better scale might be one and a half storey such as exists in the dwelling off site to the south west.</p> <p>Building Conservation accepts the principle of the proposal subject to appropriate design and materials.</p>
Highways	<p>Further Information Required;</p> <p>In making our response the Highway Authority assess the impact of any proposed development on the highway network, both during construction, and once a development is completed. To ensure adequate manoeuvring/parking space is provided, safe access can be achieved, the highway remains free for the passage of all users of the highway, and so it does not have an adverse impact on the safety of all users of the highway.</p> <p>The applicant proposes to provide 4 parking spaces to serve the flats in the converted depot, with entry / exit via the existing access arrangements. The attached drawing (No. 2152/100/P/004) provides swept path analysis for a large car exiting each of the 4 parking spaces, demonstrating that the manoeuvres can be undertaken satisfactorily. The applicant proposes to provide a further 5 on street parking spaces to serve 2 semi detached plots this is not considered acceptable the applicant is required to provide an amended plan giving details of car parking and manoeuvring for both the converted depot and the 2 semi detached plots before highway safety concerns can be fully assessed.</p> <p>The proposed development has been checked against the context outlined above and is considered to be generally in accordance with the National Planning Policy Framework in highways terms, and the principle of the development is acceptable subject to the submission of satisfactory amended plans.</p>
Public Protection	<p>No Objection; Conditions Advised</p> <p>In principle this Service is in agreement with this proposal.</p> <p>If members are minded to grant planning permission the recommended conditions should be included.</p>
County Ecologist	<p>No Objection; Condition & Obligation Advised (£600 per Dwelling)</p> <p>The ecological report states that the buildings do not appear to support roosting bats, and the potential for hibernating bats is low. The surveys carried out showed that common pipistrelle bats commute and feed across the site and along the woodland edge. The report concludes that it is likely that there is a bat roost in the adjoining woodland.</p> <p>I understand that the applicant will be contributing towards the Coastal Mitigation Service to ensure no likely significant effect on the protected coastal sites. This will be secured through the appropriate legal pathway.</p> <p>I therefore raise no objections to the proposals on ecological grounds on condition that the avoidance, mitigation and enhancement measures detailed in the report "Dock Road, Tweedmouth Ecological Assessment. BSG Ecology. March 2018, updated May 2018" and the condition below are</p>

	carried out in full. The recommended condition should be imposed on any grant of planning permission.
Natural England	<p>No Objection; Obligation Required</p> <p>We consider that without appropriate mitigation the application would:</p> <ul style="list-style-type: none"> • have an adverse effect on the integrity of Northumbria Coast Special Protection Area (SPA) • damage or destroy the interest features for which Tweed Catchment Rivers - England: Lower Tweed and Whiteadder Site of Special Scientific Interest (SSSI) has been notified <p>In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:</p> <ul style="list-style-type: none"> • an appropriate contribution to a strategic management scheme for the management of the European designated site (SPA) • treatment of surface water quality discharged into the SSSI <p>We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.</p>
Lead Local Flood Authority (LLFA)	<p>No Objection;</p> <p>We have no objection to the application providing Weetwood March 2018 Land off Dock Road, Tweedmouth Drainage Assessment V1.1 is added to the list of approved documents and the recommended conditions are appended to the application.</p>
Northumbrian Water Ltd	<p>No Objection; Condition Advised</p> <p>We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Drainage Assessment". In this document it states:</p> <p>Foul flows can discharge without restriction into the 450 mm diameter combined sewer within Dock Road, at or between manhole 7103 and manhole 8000.</p> <p>Surface water- if more sustainable options prove to be unfeasible, will be permitted to discharge at a restricted rate of 5 l/s into the 300mm combined sewer outflow pipe via manhole 8002.</p>

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	19
Number of Objections	4
Number of Support	0
Number of General Comments	0

Notices

Site Notice - Affecting Conservation 12th April 2018

Press Notice - Berwick Advertiser 19th April 2018

Summary of Responses:

During the consultation period 4 no. objections were received raising the following issues including St Boisil's Residents Association and Woodland Education and Training;

- Impact on the Conservation Area
- Adverse visual impact on the former pumping station.
- Ecological impact.
- Removal/impact on trees.
- Insufficient parking provision.
- Water management issues.
- No flood study submitted.

Other issues raised over the consultation period such as alternative uses for the site and issues that are to be considered as part of a future reserved matters application (relating to appearance and landscaping).

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=P6CXV0QSFLG00>

6. Planning Policy

6.1 Development Plan Policy

BLP - Berwick-upon-Tweed Borough Local Plan (1999)

F1 Environmental Wealth
F5 Berwick-Upon-Tweed
F6 Special Protection Areas, Special Areas of Conservation and Ramsar
F10 Protected Species
F12 Trees and Woodlands
F30 Planning Obligation
F31 Social and Economic Welfare
M14 Car Parking Standards
W6 Bad Neighbour Uses

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2012)

PPG - Planning Practice Guidance (2014)

6.3 Other Documents

Northumberland Five-year Supply of Deliverable Sites: 2017 to 2022 (2017)
Northumberland Strategic Housing Market Assessment (SHMA - July 2018)

6.4 Emerging Policy

Northumberland Local Plan - Draft Plan for Regulation 18 Consultation (2018)
Berwick-Upon-Tweed Neighbourhood Plan (2018)

7. Appraisal

- 7.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF operates under a presumption in favour of sustainable development. It states that development proposals, which accord with the development plan, should be approved without delay. The adopted Development Plan where the site is located comprises the saved policies of the Berwick-Upon-Tweed Borough Local Plan (1999).
- 7.2 The Northumberland Local Plan was published in draft for consultation on 04/07/18, in accordance with Paragraph 216 of the NPPF, the policies contained within the document at this stage carry minimal weight in the determination of planning applications.
- 7.3 The Berwick-Upon-Tweed Neighbourhood Plan is not yet at a stage where weight can be assigned in accordance with Paragraph 216 of the NPPF and therefore does not form a material policy consideration in the appraisal of this application.
- 7.4 The main issues in the consideration of this application are;
- Principle of Development
 - Sustainability
 - Housing Land Supply
 - Summary
 - Planning Obligations
 - Affordable Housing
 - Coastal Mitigation
 - Summary
 - Visual Impact
 - Landscape
 - Design
 - Amenity
 - Neighbour Issues
 - Noise & Odour
 - Heritage Assets
 - Archaeology
 - Conservation Area
 - Non-Designated Heritage Asset
 - Highway Safety

- Environment
 - Contaminated Land
 - Ecology
- Water Management
- Procedural Matters

Principle of Development

- 7.5 The NPPF seeks to promote sustainable development with paragraph 7 providing the starting point against which the sustainability of a development proposal should be assessed. This identifies three dimensions to sustainable development - an economic element, a social element and an environmental element. The application is located within Tweedmouth but outside the main cluster of built form albeit bound to the wider area by development comprising of structures associated with former utility works. Tweedmouth is within close proximity of Spittal, Berwick-Upon-Tweed and East Ord benefitting from access to a strong service base within the settlement and nearby.
- 7.6 Objections and Berwick Town Council have raised issues over the use of the site. Whilst there may be perceived uses more desirable, the determination is on the application as proposed. In policy terms, the site is not allocated for any particular purpose and has therefore been appraised on this basis.

Sustainability

- 7.7 *F1 of the BLP gives primary importance is given to development that sustains and enhances environmental wealth, including its landscape and coast, native biodiversity and human heritage.*

F5 of the BLP is underpinned by F1 as an area based policy permitting development within the town of Berwick-Upon-Tweed, including Tweedmouth, Spittal and East Ord provided that;

- i) it accords with its surroundings...; and*
- ii) it accords with Policies elsewhere in the Plan*

Policy F31 alongside F1 allows weight to be given to proposals that enhance the quality of life of communities or to complement the range of social or economic functions which any of them performs.

- 7.8 The application seeks residential development on land set between Tweedmouth and Spittal on the site of existing structures. The site is well constrained by landscape features, notably protected trees at the Goodie Patch and a topography that climbs steeply to the south-west. Residential development in this location is considered to contribute to the vitality of Tweedmouth, Spittal and Berwick, and is compatible with the wider surrounding land use in accordance with development plan policy.
- 7.9 *Paragraph 17 of the NPPF sets out it's core planning principles whereby the reuse of previously developed land should be encouraged.*

Annex A of the NPPF sets out the definition of 'previously developed land' as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). The definition goes onto set out the exclusions which are not applicable in this instance.

- 7.10 The land is considered to be previously developed with the proposal seeking the retention of the pumping station and the demolition of the reservoir to allow for the construction of new dwellings. Notwithstanding the local plan policy support. The redevelopment and reuse of the site is offered in-principle national policy support.

Housing Land Supply

- 7.11 In accordance with the NPPF, the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide five year's 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.
- 7.12 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.

Summary

- 7.13 It is considered that the proposed location and scale of development would be sustainable in relation to economic and social considerations. It would deliver economic benefits through new housing in the area and in social terms would deliver market housing in an appropriate location, which would help to sustain the existing community and associated services, as well as being able to contribute to improvements to existing services. Its environmental role is subject to assessment of further considerations.
- 7.14 It is therefore considered that the principle of development is acceptable and in accordance with F1, F5 and F31 of the BLP and the NPPF.

Planning Obligations

- 7.15 *F30 of the BLP seeks where necessary to secure a planning obligation to ensure that due regard is given to the environment and the interests of the local community. Developers will be required to provide appropriate infrastructure, or other consequential educational, social, recreational, sporting or community facilities and nature conservation benefits commensurate with the scale of the development.*

Affordable Housing

- 7.16 *Paragraph 31 of the PPG sets out that there are specific circumstances where contributions for affordable housing and tariff style planning obligations on developments of more than 10 units; or where the combined gross floorspace is greater than 1,000 square metres (gross internal area). The way in which this is delivered is in consultation with Affordable Housing.*

Paragraph 50 of the NPPF advises that to deliver a wide choice of high quality homes Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. It goes on to state that Local Planning Authorities should identify the range of tenure and range of housing that is required and provide affordable housing in accordance with need.

- 7.17 The application proposes development of ten dwellings utilising a building that would be eligible for vacant building credit; therefore an affordable housing provision is not required for this application.

Education

- 7.18 In respect of major housing applications, issues of school capacity and potential impacts of new development are considered through consultation with Education. Contributions where necessary, are sought for physical infrastructure improvements. Issues raised during consultation are addressed in this section.

- 7.19 *Paragraph 72 of the NPPF states that Local Planning Authorities should take a proactive, positive approach to ensure that a sufficient choice of school places is available to meet the needs of existing and new communities. This includes giving great weight to the need to create, expand or alter schools.*

- 7.20 Education has responded to formal consultation with no contribution sought due to the small scale of the proposal and implications relating to pooling restrictions. An obligation in respect of education has therefore not been sought.

Coastal Mitigation

- 7.21 When developers apply for planning permission for new residential or tourism development within the coastal zone of influence, the local planning authority, as competent authority, is required to fulfil its obligations under the Wildlife and Countryside Act (for SSSIs) and the Conservation of Habitats and Species Regulations (for SPAs, SACs and Ramsar Sites), by ensuring that the development will not have adverse impacts on designated sites, either alone or in combination with other projects. The County Ecologist has been consulted in conjunction with Natural England.

- 7.22 *F6 of the BLP only permits development that would not adversely affect the integrity of the internationally important nature conservation interest of the site, either directly or indirectly. Where such development does proceed, it*

may be subject to Planning Conditions and Obligations to secure all compensatory measures necessary.

- 7.23 *Paragraph 119 of the NPPF sets out that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered planned or determined.*
- 7.24 There is consideration of increasing levels of recreational disturbance such as off-lead dog-walking affecting bird species which are the interest features of the range of sites on the coast which are protected under national and international legislation. Recreational pressure is also adversely affected dune grasslands which are also protected under national and international legislation, especially through the spread of the non-native pirri-pirri bur. The Local Planning Authority has legal duties to ensure that the capacity of these protected areas to support features for which they were designated is not compromised.
- 7.25 The impact from new development cumulatively across the stretch of the Northumberland Coast is considered significant. To address this, developments within 10km of protected sites along the coastal zone are required to demonstrate that adequate mitigation for increasing recreational pressure can be provided, either through their own schemes or by funding relevant coastal wardening activity by the Council.
- 7.26 The applicant has agreed to pay £6,000 toward the Council's Coastal Mitigation Scheme based on £600 per dwelling to be secured by legal agreement. From this, the Council has completed a Habitats Regulations Assessment concluding that this proposal will not have a significant effect on any sites protected under international legislation, and has similarly concluded that there will be no significant harm to any SSSIs. Natural England has concurred with these conclusions, and therefore the Council is able to demonstrate compliance with its obligations under national and international nature conservation legislation. From this, the off-site ecological impacts of the development can be suitably addressed.

Visual Impact

Landscape

- 7.27 The site is currently occupied by an existing substantial two storey building with the reservoir of limited prominence but fronting Dock Road. The visibility of the site is relatively high due to the site being at a lower level with the bank of the Goodie Patch sitting to the rear. Beyond the site and green areas is existing residential development. The appraisal of Landscape considers the physical mass and character impact of a development proposal.
- 7.28 *F1 of the BLP states primary importance will be given to sustaining and enhancing the Borough's environmental wealth including its landscape and coast.*

- 7.29 The application proposes to retain the former pumping station with the imposition of two pairs of two storey semi-detached dwellings. The addition of the properties would be on the site of the reservoir and would be set back from the building line of pumping station and of a lower height (secured through Layout and Scale being approved as Reserved Matters) so as to appear subordinate. Whilst the introduction of development to open land would inevitably have an impact, the scale and form would sit within the site without significant adverse effect.
- 7.30 The landscape impact of the proposal is therefore considered acceptable and in accordance with F1 of the BLP and the NPPF.

Design

- 7.31 Design considers the appearance of the development independently and as part of the immediate streetscene. The application is submitted with Layout and Scale however Appearance would remain as a Reserved Matter. Objections raised on the visual impact on the conversion element have been considered in this section.
- 7.32 *F5 of the BLP permits development that accord with its surroundings by virtue of its scale, density, height, massing, layout and materials, hard and soft landscaping including indigenous species, means of enclosure and access.*
- 7.33 *Paragraph 58 of the NPPF sets out the principles of design that planning policies and decisions should seek to ensure in new developments.*
- 7.34 A detailed appraisal of design can only be carried out at the Reserved Matters stage however the mass of the proposal appearing subordinate to the pumping station would be such that the dwellings could be accommodated as part of the streetscene. There would be a 2.5m high boundary treatment which serves as an acoustic barrier between the development and the Berwick Shellfish building, however this is considered a suitable boundary treatment between clearly differing land uses.
- 7.35 In terms of the works to the former pumping station whilst Appearance is reserved, the principles of the conversion have been set out in the submission showing that wall openings to the exposed elevations would be retained with new openings limited to the roof and modern additions at the rear of the building. There would be deviation in the window design however this is not considered to harm the appearance of the building as the openings remain unchanged. From this it is considered that the modern interventions to the building would allow for the retention of the building's key features.
- 7.36 The design and appearance of the proposal is therefore considered acceptable and in accordance with F5 of the BLP and the NPPF.

Amenity

Neighbour Issues

- 7.37 The assessment of neighbour issues seeks to appraise whether a development would have an adverse impact on properties nearby in terms of appearing overbearing, impacting privacy or issues arising from a proposed use. Objections received on this issue have been taken into account within the appraisal.
- 7.38 *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*
- 7.39 As part of the consultation response from Highways Development Management (HDM), a construction method statement has been approved that secures details of on site operations during the construction period. This in turn would ensure good practise having regard to amenity issues for nearby occupants prior to completion of the development.
- 7.40 Public Health Protection have also imposed conditions in respect of the construction phase to limit noisy working and hours of collections/deliveries to the site which has been set out in the recommendation.
- 7.41 Given the separation of domestic properties from the site there are not considered to be residential amenity issues arising from the proposal, however due to the location of the Berwick Shellfish Company to the south of the site, there is potential for noise/odour issues which have been addressed below although there are not considered to be impacts of mass/privacy from the development.

Noise & Odour

- 7.42 The proposal is set in close proximity to an existing use that has potential to have noise and odour impacts on new residential development. The application has been submitted with a noise and odour assessment which has been subject to consultation with Public Health Protection (PHP).
- 7.43 Paragraph 123 of the NPPF states that planning policies and decisions should aim to;
- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development
 - recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.
- 7.44 In line with the recommendations of the submitted reports, a 2.5m high acoustic barrier would be located between the new build dwellings and Berwick Shellfish building Following receipt of revised noise and odour assessments PHP have raised no objection subject to conditions relating to the detailed specification of the acoustic barrier and details of glazing/ventilation to the dwellings. From this the impacts arising in terms of noise and odour are considered acceptable and in accordance with the NPPF.

Heritage Assets

Archaeology

- 7.45 The development site is located close to the site of the former Tweedmouth Tower, a fortified tower or pele houses extant between c.1202 and 1753. The site is considered to retain potential for significant unrecorded archaeology. The application has been submitted with an Archaeological Desk-based Assessment which has been reviewed by the County Archaeologist (CA).
- 7.46 *Paragraph 126 of the NPPF requires Local planning authorities to adopt a positive strategy for the conservation and enjoyment of the historic environment, recognising that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance.*
- 7.47 The CA had originally requested further information but following clarification on the depth of the reservoir, the CA has raised no objection stating that the construction of the reservoirs will have significantly impacted any archaeological features or deposits that may have been present on site and therefore the risk of significant archaeological features being present are low.
- 7.48 From this the archaeological impact of the proposal is considered acceptable and in accordance with F1 of the BLP and the NPPF.

Conservation Area

- 7.49 The site proposes conversion and new development within the Tweedmouth Conservation Area. The application has been submitted with a Heritage Statement which has been subject to consultation with Building Conservation (BC). The legislative framework has regard to Sections 71 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the local planning authority to have special regard to the need to 'preserve or enhance' the character, appearance and setting of conservation areas. Berwick Town Council and neighbour objections raised issues over the use and its impact on the Conservation Area.
- 7.50 *Paragraph 132 of the NPPF states that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The more important the asset, the greater the weight should be.*
- 7.51 BC have set out in the response that although disused, that the former pumping station makes a positive contribution to the character and appearance of the Conservation Area. BC have also set out that due to the outline nature of the application, the statutory tests in assessing the impact on the Conservation Area cannot be conclusively applied.
- 7.52 In assessing the works to the pumping station it is acknowledged that the modern interventions would be acceptable with recommendations for the materials and design aspects of the conversion. With regard to the dwellings, a view has been put forward that the properties would sit 'awkwardly' against the pumping station, which resulted in amendments requested by the case

officer to reduce the scale and set back the properties that was declined by the applicant. Notwithstanding this, BC have attributed no level of harm to the proposal subject to future assessment of the Reserved Matters and therefore changes are not considered necessary to make the development acceptable.

- 7.53 The impact on the Conservation Area is therefore considered acceptable and in accordance with the NPPF.

Non-Designated Heritage Asset

- 7.54 The former Northumbrian Water Building is stone built two storey building with slate covered hipped roof, the building is of strong architectural and design quality and is considered to be of historic significance to the area. The building is therefore considered a non-designated heritage asset which has been considered by Building Conservation (BC).

- 7.55 *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. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

- 7.56 BC welcomes finding a use compatible with the fabric of the former pumping station with its industrial aesthetic albeit through the use of extension to the rear which overall given its low level of prominence would be acceptable. The impact on the non-designated heritage asset would be subject to further consideration at the Reserved Matters stage with recommendations made by BC, however from the submission, no substantive issues have been raised regarding the former pumping station.

- 7.57 The impact on the non-designated heritage asset is therefore considered acceptable and in accordance with the NPPF.

Highway Safety

- 7.58 The properties to the converted pumping station would benefit from vehicular access to the north onto a parking/turning area with the new build dwellings with parking provision along the site frontage. The site benefits from existing pedestrian connectivity and is accessible to Tweedmouth without use of private car. The application is submitted with Access as a Reserved Matter which has been subject to consultation with Highways Development Management (HDM). Issues raised over parking have been considered within this section.

- 7.59 HDM, has raised no objection in respect of the access or the principle of new development on the local highway network. The parking arrangements for the 6 no. apartments is also considered acceptable.

- 7.60 However there remains an outstanding concern in relation to the parking provision for the new build properties whereby HDM requests that in-curtilage parking be provided (through an amended layout to move dwellings) to allow 2

no. spaces per property however the applicant has put forward a position for parking to be on-street. This matter remains outstanding and the recommendation is subject to resolution of parking prior to determination. Members will be updated on this point at the Committee Meeting.

Environment

Contaminated Land

- 7.61 The site is previously developed used as former utility works for water management. The application has been submitted with a Phase 1 Geo-Environmental Desk Study which has been subject to assessment by the Council's Public Health Protection team (PHP).
- 7.62 *Paragraph 120 of the NPPF states that in order to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the landowner.*
- 7.63 The Phase 1 report sets out that there is a low to moderate risk of contaminants recommending that a Phase 2 report is undertaken. PHP has raised no objection in regard to this requesting conditions to secure further investigation and/or mitigation as required along with precautionary measures should contamination be found.
- 7.64 On this basis issues of land contamination have been suitably addressed in accordance with the NPPF.

Ecology

- 7.65 The site is located in close proximity to a wooded area subject to Tree Preservation Order (TPO), the application has been submitted with an Ecological Assessment which was supplemented following initial comments from the County Ecologist (CE) who has reviewed the submission.
- 7.66 Objections were received relating to the impacts on trees however no works to fell trees have been proposed as part of the application. The application does set out that there would be 'maintenance' to existing trees, however works to protected trees would only be approved through Reserved Matters. From this it should be noted that no works to trees subject to TPO are approved by virtue of this application. Objections were also received on ecological impact grounds, which have been considered in this section.
- 7.67 *F10 of the BLP permits development with conditions or binding agreements to secure the protection of species and compliance with any statutory species-protection provisions which apply.*

- 7.68 *Paragraph 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity based on detailed principles.*
- 7.69 The submitted reports set out that the buildings do not appear to support roosting bats and the potential for hibernating bats is low, the report concludes that its likely that there is a bat roost in the adjoining woodland. The CE has raised no objection subject to the avoidance, mitigation and enhancement measures of the report being implemented.
- 7.70 From this the ecological impact of the proposal is considered acceptable and in accordance with F10 of the BLP and the NPPF.

Water Management

- 7.71 The application is for major development located in Flood Zone 1 which is subject to consultation with the Lead Local Flood Authority (LLFA). Northumbrian Water (NWL) has also been consulted as a mains connection is proposed. The application has been submitted with a Drainage Strategy which sets out details of drainage and flood risk.
- 7.72 Objections have raised issues of flooding affecting the site; in response the site is located within Flood Zone 1 (being of the lowest risk level) and in excess of 20m from the River Tweed (35m separation), as a result the Environment Agency are not a statutory consultee. In addition, no issues with regards to flooding raised by the LLFA, as a result this matter has not been considered further. Objections relating to drainage are considered in this section.
- 7.73 *Paragraph 94 of the NPPF states that Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply demand considerations.*
- 7.74 Both NWL and the LLFA have raised no objection to the proposal subject to further submissions as part of the Reserved Matters and also conditions to secure detailed drainage design and specification as set out in the recommendation.
- 7.75 Therefore it is considered that water management can be successfully undertaken on site in accordance with the NPPF.

7.76 Procedural Matters

Equality Duty

- 7.77 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

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

Human Rights Act Implications

- 7.79 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.
- 7.80 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.
- 7.81 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 main planning considerations in determining this application have been set out and considered above stating accordance with relevant Neighbourhood Plan and Local Plan Policy. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.
- 8.2 The application is still required to address outstanding matters relating to parking of the new build dwellings. This is required prior to a decision being issued. Otherwise, the has addressed the main considerations and would accord with relevant policy. The proposal is therefore supported.

8.3 A legal agreement pursuant to s106 of the Town & Country Planning Act 1990 (as amended) is to secure the obligations/contributions as set out in the recommendation.

9. Recommendation

That Members authorise the Head of Service to GRANT permission subject to resolution of outstanding matters and the imposition of additional conditions deemed necessary and relating to:-

- Highways (parking); and

A Legal Agreement pursuant to s106 of the Town & Country Planning Act 1990 (as amended) to secure the following contributions:

- Coastal mitigation contribution of £600 per dwelling (£6,000 total); and

The following conditions;

Conditions

01. Time to Commence Development

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended)

02. Approved Outline Site

The development hereby permitted at outline stage shall be in complete accordance with the approved plan. The approved plan for this development is:-

1. 150-01 Rev 04 - Location Plan, As Existing

Reason: To provide the site extents of the outline permission.

03. Reserved Matters to be Submitted

Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Notwithstanding details contained within the approved plans, approval of the details of;

- a) Appearance; and
- b) Landscaping

hereinafter called the reserved matters shall be obtained from the Local Planning Authority.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended)

04. Approved Reserved Matter: Access

The development Access hereby permitted as a Reserved Matter shall be in complete accordance with the approved plan. The approved plan for Access is:-

1. 200-02 Rev 05 - Site Plan, as proposed

For the avoidance of doubt, the Access elements of the approved plan is only applicable in respect of this condition.

Reason: To provide the detailed access position and specification for the development.

05. Approved Reserved Matter: Layout

The development Layout hereby permitted as a Reserved Matter shall be in complete accordance with the approved plan. The approved plan for access is:-

1. 200-02 Rev 05 - Site Plan, as proposed

For the avoidance of doubt, the Layout elements of the approved plan is only applicable in respect of this condition.

Reason: To provide the detailed layout for the development.

06. Approved Reserved Matter: Scale

The development Scale hereby permitted as a Reserved Matter shall be in complete accordance with the approved plan. The approved plan for access is:-

1. 200-03 Rev 02 - Site Elevation, as proposed

For the avoidance of doubt, the Scale element of the approved plan is only applicable in respect of this condition.

Reason: To provide the detailed scale of the development.

County Ecologist

07. Bat Method Statement to be Submitted

Notwithstanding details contained within the approved plans, prior to works commencing on the former Pumping Station a bat method statement to include;

a) Mitigation measures for works affecting the existing building

Shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented over the construction phase.

Reason: To maintain the favourable conservation status of protected species and to conserve and enhance the biodiversity of the site in accordance with paragraphs 109 and 118 of the National Planning Policy Framework.

08. Details of Bat & Bird Boxes to be Submitted

Notwithstanding details contained within the approved plans, prior to commencement of the development but excluding demolition, a scheme for the installation of bat and bird boxes to include;

- a) A minimum of No. 5 inbuilt bat and No.5 inbuilt bird boxes to be located within the new dwellings;
- b) Details of the numbers, types and locations of the bat & bird boxes; and
- c) Programme of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the programme of delivery.

Reason: To maintain the favourable conservation status of protected species and to conserve and enhance the biodiversity of the site in accordance with Paragraphs 109 and 118 of the National Planning Policy Framework.

09. In Accordance with Ecology Report

No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report ('Dock Road, Tweedmouth Ecological Assessment. BSG Ecology. March 2018, updated May 2018') and this condition, including, but not restricted to;

- a) 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
- b) Root protection zones will be implemented around all retained trees in accordance with the guidance given in BS5837
- c) All lighting (including porch lighting) will be installed in accordance with 'Bats & Lighting in the UK', Bat Conservation Trust/Institution of Lighting Engineers, 2008'; and
- d) No removal of vegetation or felling of trees shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no birds nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

Reason: To maintain the favourable conservation status of protected species and to conserve and enhance the biodiversity of the site in accordance with paragraphs 109 and 118 of the National Planning Policy Framework.

Northumbrian Water / Lead Local Flood Authority

10. In Accordance with Drainage Strategy

Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Drainage Assessment" dated "29/03/18". The drainage scheme shall ensure that foul flows discharge to the combined sewer at or between manholes 7103 and 8000 and ensure that surface water discharges to the combined sewer at manhole 8002. The surface water discharge rate shall not exceed the available capacity of 5 l/sec that has been identified in this sewer without prior written approval from the Local Planning Authority in consultation with the Lead Local Flood Authority.

Reason: To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework.

Lead Local Flood Authority

11. Details of Adoption & Maintenance of SuDs to be Submitted

Prior to first occupation details of the SuDS features hereby approved to include;

- a) Details of Adoption and maintenance of all SuDS features;
- b) A maintenance schedule and log, which includes details for all SuDS features; and
- c) Programme of delivery

Shall be submitted to and agreed by the Local Planning Authority. The approved scheme shall be implemented in accordance with the programme of delivery.

Reason: To ensure that the scheme to disposal of surface water operates at its full potential throughout the development's lifetime.

12. Surface Water Drainage Strategy to be Submitted

Notwithstanding details contained within the approved documents, prior to commencement of development but excluding demolition, a scheme to dispose of surface water to include;

- a) Restrict discharge from the development to 5l/s for all rainfall events up to and including the 1 in 100 year event, unless otherwise agreed by Lead Local Flood Authority and the local planning authority.
- b) Adhere to the principles as set out in the drainage strategy from Weetwood reference March 2018 Land off Dock Road, Tweedmouth Drainage Assessment V1.1.
- c) Provide attenuation on site for the 1 in 100 year plus climate change event.
- d) Incorporate vegetated sustainable drainage techniques throughout the development wherever possible and practicable, justification for alternatives should be by means of a viability assessment.

e) Provide details of the adoption and maintenance of all surface water features on site.

f) Programme of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the programme of delivery.

Reason: To ensure the effective disposal of surface water from the development in accordance with the National Planning Policy Framework.

Public Health Protection

13. Acoustic Barrier Details to be Submitted

Notwithstanding details contained within the approved documents, prior to the development being brought into use details of an acoustic barrier consist of a masonry wall or earthen mound) to include;

- a) Location of acoustic barrier;
- b) Specification of the acoustic barrier;
- c) Design of the acoustic barrier; and
- d) Programme of delivery.

Shall be submitted to and approved in writing by the Local Planning Authority. The approved acoustic barrier shall be implemented in accordance with the programme of delivery and retained thereafter.

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

14. Details of Glazing/Ventilation Options to be Submitted

Prior to the commencement of the development, a scheme for the final glazing and ventilation option(s) to include;

- a) The building envelope of plots to be constructed so as to provide sound attenuation against external noise, to achieve an internal noise level LAeq of 30dB(A) and a maximum noise level LAMax of 45dB(A) during the day and night;
- b) Demonstration that these internal levels will be achieved. Using the calculated internal reverberant noise level provided by the selected glazing and ventilation; and
- c) Programme of delivery

Shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the programme of delivery and retained thereafter.

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

15. Construction Delivery / Collection Hours

Deliveries to and collections from the demolition and/or construction phase of the development shall only be permitted between the hours:

- a) Monday to Friday - 08:00 to 18:00; and
- b) Saturday - 08:00 to 13:00

With no deliveries or collections on a Sunday or Bank Holiday, unless agreed in writing with the Local Planning Authority.

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

16. Noisy Working Hours

During the construction period, there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside the hours:

- a) Monday to Friday - 0800 to 1800; and
- b) Saturday 0800 to 1300.

Reason: To protect residential amenity and provide a commensurate level of protection against noise

17. Details of Contaminated Land to be Submitted

Excluding Demolition, the development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been undertaken by a competent and qualified consultant to include;

a) A site investigation (Phase 2) shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/ or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.

b) Thereafter, a written Method Statement (or Remediation Strategy) detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without express written agreement of the Local Planning Authority.

c) Two full copies of a full closure (Verification Report) report shall be submitted to and approved by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post

remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

d) Programme of delivery

The scheme(s) shall be submitted to and approved in writing by the Local Planning Authority to be implemented in accordance with the programme of delivery. The scheme shall include all the measures unless the Local Planning Authority dispenses with any such requirement in writing.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants.

18. Details of Further Contamination to be Submitted

If during redevelopment contamination not previously considered is identified, then an additional written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out.

Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants.

Informatives

1. Surface Water Drainage

Any areas within the front garden of 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 driveway:

- 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 or concrete.

Further information can be found here -

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

In addition the development should explore looking at and installing rainwater harvesting units and water butts.

2. Statutory Nuisance

The effectiveness of the development's design in ensuring that a nuisance is not created, is the responsibility of the applicant / developer and their professional advisors / consultants. Developers should, therefore, fully appreciate the importance of obtaining competent professional advice.

In all cases, the Council retains its rights under the Section 79 of the Environment Protection Act 1990, in respect of the enforcement of Statutory Nuisance.

Date of Report: 06.07.2018

Background Papers: Planning application file(s) 18/01164/OUT