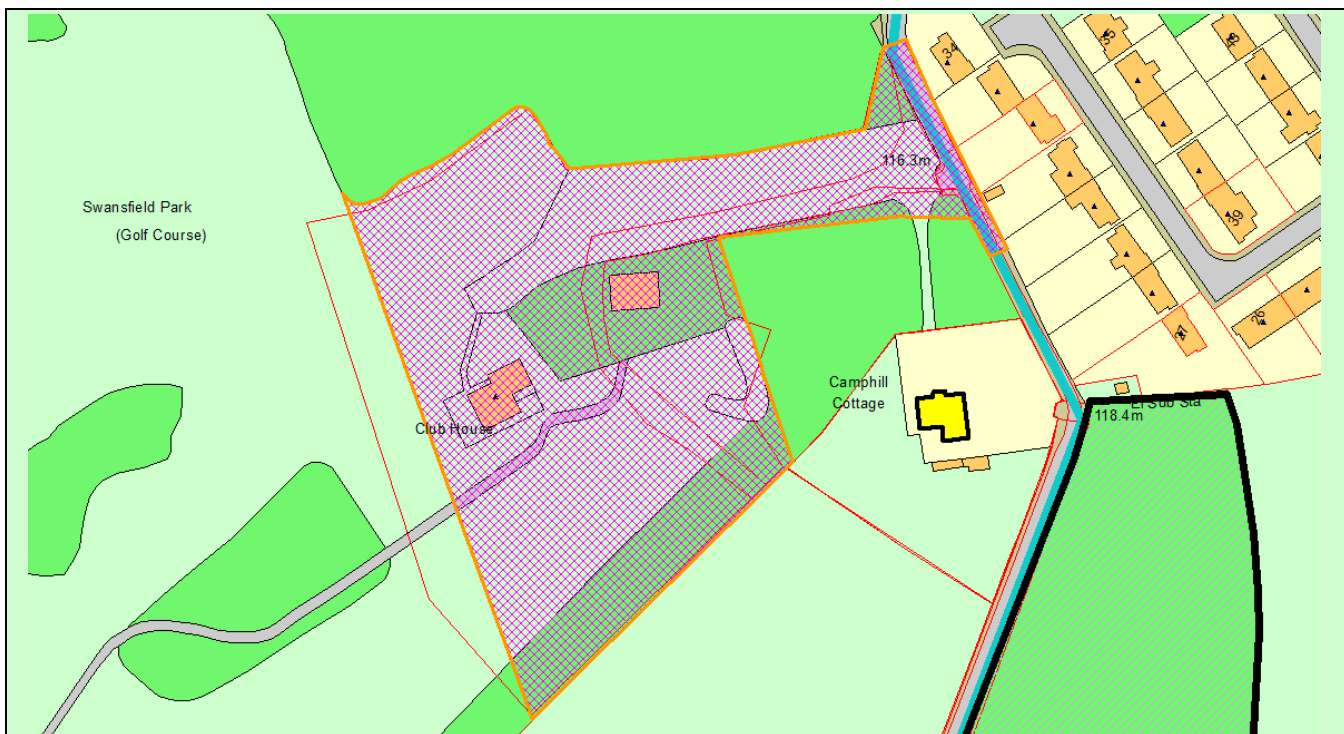




Northumberland County Council

North Northumberland Local Area Committee
20th September 2018

Application No:	18/01070/VARYCO		
Proposal:	Removal of condition 29 (height restriction) of approved planning application 16/02824/OUT owing to the topography restrictions enabling exclusion of a height restriction to the site.		
Site Address	Alnwick Golf Club, Swansfield Park Road, Alnwick, Northumberland NE66 2AB		
Applicant:	Mr Nick Dawe Thirston Mill, West Thirston, Morpeth, NE65 9EH UK	Agent:	Mr Lewis Ray Suite 2A, Metro House, Metrocentre, Gateshead NE11 9NH UK
Ward	Alnwick	Parish	Alnwick
Valid Date:	28 March 2018	Expiry Date:	25 July 2018
Case Officer Details:	Name: Mr James Bellis Job Title: Senior Planning Officer Tel No: 01670 622716 Email: James.Bellis@northumberland.gov.uk		



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1. Introduction

1.1 Under the provisions of the Council's current Scheme of Delegation, this application is to be recommended for approval contrary to a valid objection from Alnwick Town Council. The application has been reviewed by the Head of Service and the Planning Chair of the North Northumberland Local Area Council confirming that the application should be referred to Planning Committee for determination. The previous outline permission was determined under delegated powers.

1.2 Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. The Local Planning Authority can grant such permission unconditionally, subject to different conditions or refuse the application if it is determined that the original condition(s) should continue.

2. Description of Site and Proposal

2.1 The site to which the application relates is the same site as the previously approved application 16/02824/OUT, at Alnwick Golf Club. This application seeks to remove the condition relating to the restriction of the number of storeys on the application. This variation of condition is required to enable the applicant to proceed with the house types identified in the reserved matters application which is currently pending consideration under 17/03074/REM.

2.2 Condition 29 of 16/02824/OUT reads;

The development shall not exceed two storeys in height.

Reason: To reflect the character of the area having regard to the scale of existing housing stock within the vicinity and the rising land levels across the site, in accordance with the provisions of Policy S16 and Part 7 of NPPF.

3. Planning History

Reference Number: 16/02824/OUT

Description: Outline application for 10 dwellings, including all ancillary works, with all matters reserved apart from access (Amended Access Design Plan received 29th September 2016).

Status: Permitted

Reference Number: 17/03074/REM

Description: Reserved matters approval for appearance, layout, scale, and landscaping for 10 no dwellings including all ancillary works in relation to planning permission 16/02824/OUT. Amended house types received 12th September 2017. Additional plans received 23.10.2017

Status: Pending Consideration

Reference Number: 17/03075/DISCON

Description: Discharge of Conditions 12 (cycle parking), 13 (surface water drainage), 15 (refuse storage facilities), 19 (nesting sites) and 27 (landscape scheme) on approved planning application 16/02824/OUT (As amended 22/12/2017 and 12/06/2018).

Status: Pending Consideration

Reference Number: 18/01016/FUL

Description: Construction of steel framed Greenkeepers Store

Status: Pending Consideration

Reference Number: A/2002/0239

Description: Extension to clubhouse to include male changing room and toilets

Status: Permitted

4. Consultee Responses

Alnwick Town Council	Alnwick Town Council Objects to the blanket removal of Condition 29 on the whole site. We understand that the height restriction relates to one particular property type (type c) and this appears to have two storeys plus a lower ground floor level garage, further down the slope. We would have no objection to the height restriction being removed for these specified houses as shown on the proposed plan sections (dated August 2017).
Highways DM	No Highways objections to the removal of Condition 29 in order to remove with restrictions on the overall height of the dwellings, and allow House Type C on plots 1, 2 and 10 to be three storeys above ground level.
County Archaeologist	Archaeology have no comments to make on this consultation.
County Ecologist	No objections to this variation
Public Protection	No conditions/comments to make on this consultation
Local Lead Flood Authority (LLFA)	Condition 29 does not affect the surface water drainage proposals therefore the LLFA has no objection to the proposed varyco application.
Northumbrian Water	No comments
Historic England	No comments
Countryside/Rights of Way Team	No response received
North Trees and Woodlands	No response received
Building Conservation	It is considered that the removal of Condition 29 will not result in a harmful impact to the setting of the identified heritage assets.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	15
Number of Objections	5
Number of Support	0

Notices

Site notice - Affecting Setting of Listed Buildings 08.08.2018

Site notice - Departure & PROW 13.04.2018

Press notice - Departure & PROW - Northumberland Gazette 12.04.2018

Press notice - Affecting the Setting of Listed Buildings - Members to be updated at Committee

Summary of Responses:

5no. letters of objection have been received in relation to this application from residents in relation to this application. These relate to the following:

- Removal of the condition will remove the restriction allowing the developer to increase the height across the whole scheme;
- Three storey properties would be inappropriate in a rural location such as this;
- Impact of three storey dwellings on the nearby historic buildings; and,
- Three storey properties would be out of character in this area.

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=P6020EQSFFP00>

6. Planning Policy

6.1 Development Plan Policy

S1, S2, S3, S4, S5, S6, S11, S12, S13, S15, S16, - Alnwick Core Strategy

BE8 - Alnwick District Wide Local Plan

H1, H2, H3, H4 Alnwick & Denwick Neighbourhood Plan

6.2 National Planning Policy

National Planning Policy Framework - NPPF (2018)

National Planning Policy Guidance - NPPG (2014) as amended.

7. Appraisal

7.1 The application has been assessed against national planning policy and guidance, development plan policies and other material planning considerations and the advice of statutory consultees. The key planning issues raised by the proposal include:-

- Impact on amenity;
- Impact on character of the local area; and,
- Impact on nearby heritage assets.

7.2 The principle of development has previously been established by the extant grant of planning permission (16/02824/OUT), with this application solely looking at the acceptability of removing the condition restricting the height of new dwellings on site to 2 storeys. The issues relating to the removal of this condition are the only matters considered in this report. Detailed matters such as the design of the proposed dwellings, and the impact of the proposal on the amenity of neighbouring and nearby occupiers can be dealt with in the subsequent reserved matters application 17/03074/REM. This is due to be presented at committee later in the year, should this application to vary condition 29 be approved.

Impact on Amenity

7.3 Although there is potential for the removal of the condition to open up the scheme to further layout changes through the reserved matters, it is understood that the omission of the condition is required solely to consider the scheme which has been submitted for consideration under 17/03074/REM. This scheme includes one house type (on 3 of the ten plots) which have a partial third storey which is why this application has been submitted.

7.4 In terms of the potential impact on amenity, it is considered that the house type submitted (shown on 3 of the plots) as part of the reserved matters is acceptable, as this is largely a two storey unit, with the addition of an undercroft garage, and would not result in a greater impact on amenity than other potential configurations of two storey dwellings on the site. The removal of the condition itself would not remove the protection afforded to the proposal, as any subsequent reserved matters application would be subject to the same policies, plans and material considerations.

Impact on the character of the local area

7.5 It is considered that the proposal submitted with the reserved matters application, would not have an adverse impact on the character of the area. The site is a well contained site, screened by mature planting with varying house types in the locality.

7.6 There is some concern that there is potential for the removal of the condition will to open up the scheme to to further house type changes through the reserved matters,

7.7. Similar to that shown on the previous point, the removal of the condition itself would not remove the protection afforded to the proposal, as any subsequent reserved matters application would be subject to the same policies, plans and material considerations.

Impact on heritage assets

7.8 Building Conservation colleagues have been consulted on this application to vary the condition and have confirmed that the removal of Condition 29 will not result in a harmful impact to the setting of the identified heritage assets and have therefore raised no objection to the proposal. In addition, Historic England do not have any comments to make on this variation of condition application.

Other Matters

7.9 As this is a variation of condition application, the conditions from the initial outline permission will need to be transferred to this new application, other than where these have already been discharged. Conditions 12, 15, 19, 22 and 27 have been discharged as part of application 17/03075/DISCON, these related to cycle parking, refuse storage facilities, nesting sites, surface water and the landscaping scheme. Conditions have therefore been included to connect the approved discharge of conditions to this variation of condition application.

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

It is considered that the proposal is in conformity with the development plan and other material considerations and it is therefore deemed appropriate to recommend approval for this application to vary/remove the condition. This would enable the consideration of the application 17/03074/REM, which would be subject to the same policies, plans and material considerations as this application.

A decision would only be issued upon expiry of the statutory consultation period. Based on the response from Building Conservation, there are not considered to be substantive issues arising in terms of the setting of listed buildings.

9. Recommendation

That Members authorise the Head of Service to GRANT permission subject to the expiry of statutory publicity and the following conditions:

Conditions

01. The development hereby permitted shall be begun before the expiration of three years from the date of planning permission ref: 16/02824/OUT;

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

02 Approval of the details of the landscaping, layout, scale and appearance 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)

03. 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)

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

1. Existing Site Plan
2. Location Plan
3. Option 2 Priority Junction Rev C Sept 2016
4. Arboricultural Impact Assessment Plan (Existing trees)
5. Arboricultural Impact Assessment (Proposed Tree Protection Plan)
6. Arboricultural Method Statement (Existing trees)
7. Arboricultural Method Statement (Proposed Tree Protection Plan)

Documents

1. Extended Phase 1 Habitat and Protected Species Survey (BSG Ecology, October 2015)
2. The Arboricultural Impact Assessment for Trees at Alnwick Golf Course (All About Trees April 2014)
3. The Arboricultural Method Statement for Trees at Alnwick Golf Course (All About Trees April 2014)
4. Flood Risk and Drainage Strategy
5. Planning Statement
6. Design and Access Statement
7. Phase 1 Contaminated Land Desk Study
8. Transport Statement

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

05. Development shall not commence until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use.

Reason: In the interests of visual amenity of the area, having regard to Policy S16 of the Alnwick Core Strategy and Part 7 of the National Planning Policy Framework.

06. The development shall not be occupied until details of the proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is occupied.

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

07. The development shall not be occupied until details of the external lighting of the building(s) and external area(s) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is occupied and retained as such thereafter.

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

08. The development shall not be occupied until details of car parking area have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the car parking area shall be retained in accordance with the approved details Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

09. Development shall not commence until details of the proposed highway works (including the footway connection, priority junction access and realigned carriageway, and associated street lighting and drainage) have been submitted to and approved in writing by the Local Planning Authority. The building(s) shall not be occupied until the highway works have been constructed in accordance with the approved plans.

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

10. No development shall commence until details of proposed arrangements for future management and maintenance of the proposed streets within the site have been submitted to and approved in writing by the Local Planning Authority. Following occupation of the first dwelling on the site, the streets shall be maintained in accordance with the approved management and maintenance details.

Reasons: To ensure estate streets serving the development are completed in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework.

11. No development shall commence until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the amenities of the locality and users of the highway in accordance with the National Planning Policy Framework.

12. Prior to occupation, details of surface water drainage to manage run off from private land have been submitted to and approved by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is occupied and thereafter maintained in accordance with the approved details.

Reason: In order to prevent surface water run-off in the interests of the amenity of the area and to ensure suitable drainage has been investigated for the development and implemented, in accordance with the National Planning Policy Framework.

13. Development shall not commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement shall, where applicable, provide for:

- i. details of temporary traffic management measures, temporary access, routes and vehicles;
- ii. vehicle cleaning facilities;
- iii. the parking of vehicles of site operatives and visitors;
- iv. the loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development
- vi. measures to control the emission of dust and dirt;

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework.

14. The development hereby permitted shall not commence until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing:

a) A site investigation 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.

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, having regard to Policy S3 of Alnwick Core Strategy and Part 11 of the National Planning Policy Framework.

15. 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, having regard to Policy S3 of Alnwick Core Strategy and Part 11 of the National Planning Policy Framework.

16. The development shall be carried out in accordance with the following reports submitted with the application: Extended Phase 1 Habitat and Protected Species Survey (BSG Ecology, October 2015); The Arboricultural Impact Assessment for Trees at Alnwick Golf Course and The Arboricultural Method Statement for Trees at Alnwick Golf Course (All About Trees April 2014) and associated plans, including the following measures:

- As a roost is present it will be necessary to obtain a European protected species licence before work proceeds.
- If bats are found, work will stop immediately and the contractor will contact the licenced bat worker for further guidance.
- A tool box talk will be given to contractors felling the trees to inform them of their legal duties with respect to bats.
- Boughs of the tree will be removed individually and placed on the ground where they will be checked by a suitably qualified ecologist.
- Vegetation removal or ground clearance work should be carried out between September and mid-March, in order to avoid the bird breeding season.
- If any work has to take place during the bird breed bird breeding season, then it is recommended that suitable nesting habitat is surveyed for active bird nests by a suitably qualified ecologist before the work is carried out.
- If active bird nests are present, then work within the area supporting the nests would need to be delayed until nesting activity has ceased.
- All construction works will incorporate the tree protection measures outlined in the Arboricultural Method Statement.

Reason: To maintain the favourable conservation status of protected species and retain the biodiversity value of the site, having regard to Policy S12 of Alnwick Core Strategy and Part 11 of the National Planning Policy Framework

17. Prior to development commencing, a scheme for the treatment and removal of japanese knotweed and himalyan balsam, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a methodstatement and a plan showing the location of these invasive plant species. Thereafter the scheme shall be carried out in accordance with the details agreed.

Reason: to prevent the spread of invasive species in accordance with the Wildlife and Countryside Act.

18. Notwithstanding the plans approved, a detailed scheme for the works to tree groups 4 and 5 shall be submitted to and agreed in writing by the Local Planning Authority prior to any landscaping works. The scheme shall be agreed on site and in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the scheme agreed.

Reason: To ensure the landscape character and setting of Camphill Cottage is protected, having regard to S15 of Alnwick Core Strategy and Part 12 of the National Planning Policy Framework.

19. Prior to first occupation, details of the design, of interceptor features shall be submitted to and agreed by the Local Planning Authority. A maintenance schedule which includes details for all features for the lifetime of development shall be comprised within.

Reason: To ensure that the scheme to protect the properties operates at its full potential throughout the developments lifetime and doesn't increase flood risk elsewhere, having regard to Part 10 of the National Planning Policy Framework.

20. Prior to first occupation, details of the adoption and maintenance of all SuDS features shall be submitted to and agreed by the Local Planning Authority. A

maintenance schedule which includes details for all SuDS features for the lifetime of development shall be comprised within.

Reason: To ensure that the scheme to disposal of surface water operates at its full potential throughout the developments lifetime, having regard to Part 10 of the National Planning Policy Framework.

22. Notwithstanding any description of the materials in the application, no development shall be commenced until precise details, to include samples of the materials to be used in the construction of the development including external walls and roof(s) of the building(s) and ground surface materials, have been submitted to and approved in writing by, the Local Planning Authority. All materials used in the construction of the development shall conform to the materials thereby approved.

Reason: To retain control over the external appearance of the development in the interests of amenity and in accordance with the provisions of Policy S16 and Part 12 of NPPF.

23. Hours of work for demolition/construction shall be limited to 08:00 - 18:00hrs, Monday to Friday; and 08:00 - 13:00hrs on Saturday; with no working on Sunday or Bank Holidays.

Reason: To reduce the impact of noise disturbance on neighbouring residents, having regard to Part 11 of the National Planning Policy Framework.

24. The development hereby approved shall be limited to no more than 10 dwellings.

Reason: In the interests of the satisfactory appearance of the development in accordance with the provisions of Policy S16 and Part 12 of NPPF.

25. Cycle Parking

The works shall be in accordance with the approved details under 17/03075/DISCON in relation to condition 12 of 16/02824/OUT

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

26 Refuse storage facilities and strategy

The works shall be in accordance with the approved details under 17/03075/DISCON in relation to condition 15 of 16/02824/OUT

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

27 Nesting Sites

The works shall be in accordance with the approved details under 17/03075/DISCON in relation to condition 19 of 16/02824/OUT

Reason: To maintain the favourable conservation status of protected species and to retain and enhance the biodiversity value of the site, having regard to Policy S12 of Alnwick Core Strategy and Part 11 of the National Planning Policy Framework.

28 Disposal of Surface Water

The works shall be in accordance with the approved details under 17/03075/DISCON in relation to condition 22 of 16/02824/OUT

Reason: To ensure the effective; disposal of surface water from the development, having regard to Part 10 of the National Planning Policy Framework.

29 Landscaping and implementation

The works shall be in accordance with the approved details under 17/03075/DISCON in relation to condition 27 of 16/02824/OUT;

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion, and in accordance with the provisions of Policy S12 of Alnwick Core Strategy and Part 11 of the National Planning Policy Framework.

Date of Report: 11.09.2018

Background Papers: Planning application file(s) 18/01070/VARYCO