

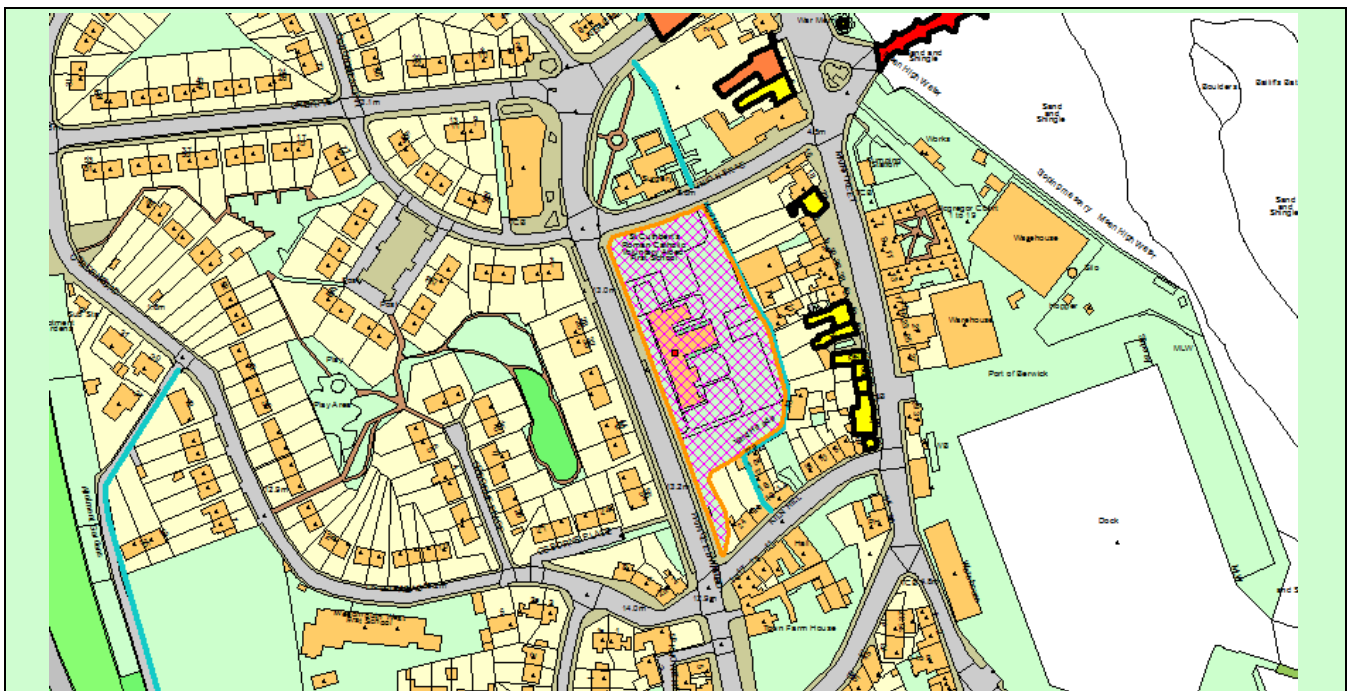


Northumberland County Council

North Northumberland Local Area Council 24th January 2019

Application No:	18/04272/CCD		
Proposal:	Proposed construction of a new kitchen extension at the east end of the existing school hall; external fencing to the south boundary of the existing car park (as amended 17/12/18)		
Site Address	St Cuthberts Rc First School, Prince Edward Road, Tweedmouth, Northumberland TD15 2EX		
Applicant:	Mrs Simpson St Cuthberts RC First School, Prince Edward Road, Tweedmouth, Northumberland TD15 2EX	Agent:	Mr Andrew Clark The Garden House, Temperley Place, Hexham, Northumberland NE46 2EP
Ward	Berwick East	Parish	Berwick-upon-Tweed
Valid Date:	10 December 2018	Expiry Date:	4 February 2019
Case Officer Details:	Name: Mr Jon Sharp Job Title: Planning Officer Tel No: 01670 623628 Email: Jon.Sharp@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



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1. Introduction

1.1 This application falls to be determined by the North Northumberland Local Area Council planning committee as it is a County Council Development. It is being recommended for approval subject to conditions.

2. Description of the Proposals

2.1 Full planning permission is sought for the construction of an extension to the east gable wall of the existing school hall building and the erection of fencing to the southern boundary of the existing car park at St Cuthbert's RC First School, Prince Edward Road, Tweedmouth.

2.2 The proposed extension would have a footprint of approximately 55sqm, a maximum height of approximately 7.7 metres and would create approximately 110sqm of floor space over two floors. The extension would be constructed using matching materials with brick facing walls under a slate tiled multi-pitched roof.

2.3 The proposed fencing would be of 2.4m high weld-mesh panel construction to match the existing mesh fencing to the eastern boundary of the site.

2.4 The application site is located within the built up area of Tweedmouth and is within the Tweedmouth Conservation Area. The site is bound by highway to the west and north, with residential development to the east and north.

3. Planning History

Reference Number: 11/03072/CCD

Description: Installation of photo voltaic panels on the school roof.

Status: Permitted

Reference Number: 11/00827/FUL

Description: Replacement boundary fence

Status: Permitted

Reference Number: N/94/B/0382/P

Description: Proposed extension for offices toilets staffroom medical room & equipment store.

Status: Permitted

Reference Number: N/94/B/0382/D

Description: Proposed extension for offices toilets staffroom medical room & equipment store-revised plans rec.16.2.96.

Status: Permitted

Reference Number: N/94/B/0382/C

Description: Proposed extension for offices toilets staffroom medical room & equipment store-revised plans rec.7.3.95.

Status: Permitted

Reference Number: N/94/B/0382/A

Description: Proposed extension for offices toilets staffroom medical room & equipment store - amended proposal rec. 31.01. 95.

Status: Permitted

4. Consultee Responses

Berwick-upon-Tweed Town Council	No objections
Highways	No objections subject to conditions and informatives
Building Conservation	We consider the proposal would have no significant impact on the character or appearance of the conservation area the character or appearance of which would be preserved.
Public Protection	Public Protection have no comment to make on this consultation
Strategic Estates	No response received.
County Ecologist	No objections subject to conditions and informatives

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	9
Number of Objections	0
Number of Support	0
Number of General Comments	0

Notices

Site notice - Affecting LB & Conservation Area, posted 19th December 2018

Press Notice - Berwick Advertiser, published 20th December 2018

Summary of Responses:

None received

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=PJ7QXXQSKOQ00>

6. Planning Policy

6.1 Development Plan Policy

Berwick upon Tweed Local Plan

F1 Environmental Wealth

F5 Berwick-upon-Tweed
F10 Protected Species
F31 Social and Economic Welfare

6.2 National Planning Policy

National Planning Policy Framework (2018)
National Planning Practice Guidance (2018, as updated)

6.3 Emerging Planning Policy

Northumberland Local Plan - Draft Plan for Regulation 18 Consultation (2018)

6.4 Other Documents

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

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,
- Scale, design and visual impact,
- Residential amenity,
- 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 Framework's presumption in favour of sustainable development. Applications for new development should be considered in the context of this presumption in favour of sustainable development.

7.3 Paragraph 213 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 policies referred to in this report are considered to be in accordance with the NPPF and can therefore be given due weight.

7.4 Paragraph 48 of the NPPF states that weight may also be given to the policies in emerging plans, depending on the stage of preparation of the plan, the extent to which emerging policy aligns with the NPPF and the extent of unresolved objections to the emerging plan. The emerging Northumberland Local Plan - Draft Plan for

Regulation 18 Consultation was published on 4th July 2018. The policies contained within this document carry minimal weight in the determination of planning applications at this stage.

7.5 Policy F1 of the BLP seeks to ensure that "primary importance will be given to sustaining and enhancing the Borough's environmental wealth". Policy F5 of the same document states that development within the town of Berwick-upon-Tweed should accord 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. Policy F31 of the BLP seeks to ensure that, in applying Framework 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 Development in Tweedmouth would have good access to a range of services and to public transport links and can be considered a sustainable location for this type of development. The proposed development would improve educational facilities in the area and in this context it is therefore considered that the principle of the proposal is acceptable.

Scale, Design & Visual Impact

7.7 Policy F5 of the BLP sets out the criteria against which new 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 124 of the NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.8 The proposed works would be modest in scale and would be in keeping with the existing building and its surroundings. It is therefore considered that the proposal is acceptable in terms of its scale, design and appearance and is in accordance with Policy F5 of the BLP and the NPPF in this respect.

Amenity

7.9 Paragraph 127 of the NPPF seeks to ensure that developments will create places with a high standard of amenity for existing and future users. Due to the site location, it is considered that there would not be any substantive impacts on amenity resulting from the proposal in terms of loss of light, outlook or privacy. As such the proposal is considered to be in accordance with the NPPF in this respect.

Highways

7.10 Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.11 The Local Highway Authority have assessed the proposal based on the information submitted and raised no objections, subject to conditions in respect of surface water drainage and requiring the submission of a construction method

statement. On this basis it is therefore considered that the proposal is acceptable in Highways Policy terms and is in accordance with the NPPF in this respect.

Heritage Assets

7.12 The application site is located within the Tweedmouth Conservation Area. The legislative framework has regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) 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. Policy F5 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 indigenous species, means of enclosure and access.

7.13 The Council's Building Conservation Officer has responded to consultation stating that the impact on the character or appearance of the conservation area will be neutral and would have no significant impact on the character or appearance of the conservation area and as such the character or appearance of which would be preserved. On this basis it is considered that the proposal is acceptable and in accordance with Policy F5 of the BLP and the NPPF in this respect.

Ecology

7.14 Policy 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. Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural environment based on detailed principles.

7.15 The County Ecologist has responded to consultation raising no objections subject to the imposition of a condition securing appropriate ecological mitigation. On this basis it is considered that the proposal is acceptable and in accordance with Policy F10 of the BLP and the NPPF.

Equality Duty

7.16 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

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

Human Rights Act Implications

7.18 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.

7.19 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.

7.20 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 It is considered that the proposal is appropriate in relation to the host property and represents an appropriate form of development that would not have a significant adverse impact on the appearance of the property, the street scene or the amenity of nearby residents. It is therefore considered that the proposal is in accordance with national and local planning policies and accordingly it would be unreasonable to withhold planning permission.

9. Recommendation

That this application be GRANTED permission subject to the following conditions:

Conditions/Reason

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

02. The development hereby permitted shall not be carried out other than in complete accordance with the following approved plans:

1. Location Plan;
2. Drawing No 18215_30 REV A - Proposed Site Plan;

3. Drawing No 18215_35 REV B - Proposed Plans & Elevations
4. Drawing No 18215_65 REV A - Proposed Section AA;
5. Drawing No 18215_70 REV A - Proposed Section BB.

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

03. The facing materials and finishes to be used in the construction of the development shall be in accordance with details contained in the application. The development shall not be constructed other than with these approved materials.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of .

04. 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. vehicle cleaning facilities;
- ii. the parking of vehicles of site operatives and visitors;
- iii. the loading and unloading of plant and materials;
- iv. storage of plant and materials used in constructing the development

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

05. 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.

06. The development shall take place in strict accordance with the recommendations of the report Bat Risk Assessment Survey of St Cuthberts RC First School Dendra Consulting October 2018 including:
 - o No works to take place during the period late November to early March,
 - o No works involving drilling or chasing into the existing gable end brick wall the potential access gaps behind the soffits on both the north and south elevations remain unaffected by the work.

Reason: To maintain the favourable conservation status of European Protected Species.

07. No work shall be undertaken between 1 March and 31 August unless an 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 protect nesting birds, all species of which are protected by law.

Date of Report: 11.01.19

Background Papers: Planning application file(s) 18/04272/CCD