



Northumberland County Council

North Northumberland Local Area Council 21 March 2019

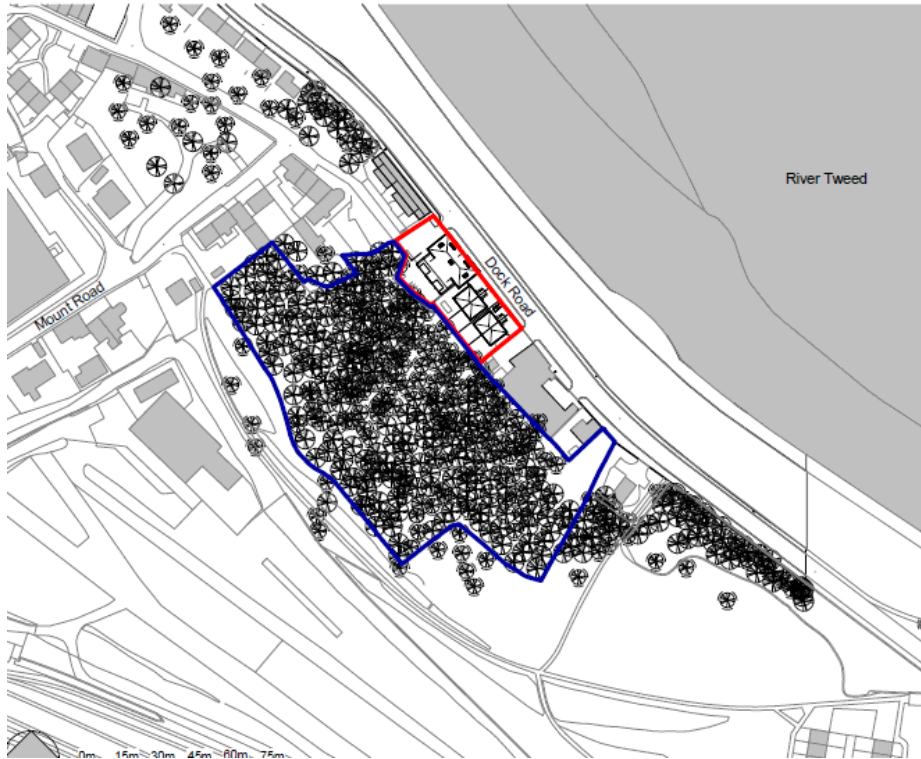
Application No:	18/01164/OUT		
Proposal:	Hybrid Application - Demolition of Reservoir, Full application for Conversion of Pumping Station for up to 6 Apartments and Outline application with Access, Layout and Scale for the Erection of 4 Dwellings - Amended 16/07/18 _ 28/11/18		
Site Address	Former Water 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:	29 November 2018	Expiry Date:	28 February 2019
Case Officer Details:	Name: Mr Tony Lowe Job Title: Senior Planning Officer Tel No: 01670 622708 Email: tony.lowe@northumberland.gov.uk		

Recommendation:

That Members authorise the Interim Director of Planning Services to GRANT permission subject to the listed conditions 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)



1. Introduction

1.1 The application was originally called to committee in July 2018, by the local ward member; the committee moved to approve, subject to addressing Highways concerns. The application was later removed from the November 2018 committee (NPPF 2018 update) when issues relating to the use of an Outline application to change the use of buildings were identified. Since that time the applicant has amended the submission to a Hybrid application seeking Full consent for the change of use to the Pumping Station and Outline consent for the new dwellings. The application was presented to committee on 24 January 2019 and was deferred for a committee site visit and further discussion with the applicant, regarding the submission of further information.

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. Outline planning permission is granted subject to conditions requiring the subsequent approval of one or more Reserved Matters. This application includes details of the access, layout and scale of the proposal with appearance and landscaping remaining Reserved Matters of the Outline part of the application.

1.3 The application has been amended as follows;

04/05/18 - Submission of a revised ecology report.

18/05/18 - Amendment to reduce the site area of proposed development.

28/11/18 - Amended to a Hybrid application

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 the removal of the disused reservoir, Full planning consent for the conversion of the existing depot building to 6 no. apartments across two floors, involving an extension to the rear of the building and Outline consent for the erection of 4no. two storey, semi-detached properties to the south-east of the depot building, with curtilage space to the rear. Access is intended from the north of the depot building, o a shared curtilage area for the apartments providing 4 no. in-curtilage parking spaces. The proposal includes the 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

Reference Number: 18/02348/FELTPO

Description: Tree Preservation Order application. Species are mixed broad leaves and conifers including Beech, Ash, Sycamore, Elm, Whitebeam, Field Maple, Scots pine and Larch. Works are to prune back from boundaries to prevent obstructions and encroachment of roads, paths, properties and street lights. Occasional removal of trees that are suppressed or poor form or condition.

Status: REF

4. Consultee Responses

Berwick-upon-Tweed Town Council	Members objected due to the impact on the conservation area through the loss of a traditional building and the over development in terms of the number of dwellings on the site. Also car parking was an issue whilst on-road parking and the speed of passing traffic was a concern. Members would therefore request that NCC Highways look again at the accident data and speed data.
Highways	No objection, subject to conditions
Public Protection	No objection, subject to conditions
Waste Management - North	No response received.
Education - Schools	In line with the previous comments supplied for this application due to the size of the proposed development and the available capacity in the catchment area schools, no education contribution is requested for this development.
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>
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>
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"> o have an adverse effect on the integrity of Northumbria Coast Special Protection Area (SPA) o 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"> o an appropriate contribution to a strategic management scheme for the management of the European designated site (SPA) o 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>
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 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 carried out in full. The recommended condition should be imposed on any grant of planning permission</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</p>

	<p>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>
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5. Public Responses

Neighbour Notification

Number of Neighbours Notified	19
Number of Objections	6
Number of Support	0
Number of General Comments	0

Notices

Site Notice- Affecting Conservation, 20th August 2018

Berwick Advertiser 19th April 2018

Summary of Responses:

During the consultation period 6 no. objections were received, including St Boisil's Residents Association and Woodland Education and Training, raising the following issues;

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 not considered pertinent to planning or 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

F1 Environmental Wealth - Berwick upon Tweed Local Plan

F5 Berwick-upon-Tweed - Berwick upon Tweed Local Plan

F6 Special Protection Areas, Special Areas of Conservation and Ramsar Sites - Berwick upon Tweed Local Plan

F10 Protected Species - Berwick upon Tweed Local Plan

F12 Trees and Woodlands - Berwick upon Tweed Local Plan

F30 Planning Obligations - Berwick upon Tweed Local Plan

F31 Social and Economic Welfare - Berwick upon Tweed Local Plan

M14 Car Parking Standards - Berwick upon Tweed Local Plan

6.2 National Planning Policy

National Planning Policy Framework (2019) (NPPF)

Planning Practice Guidance (2019, as updated) (PPG)

6.3 Other Documents

Northumberland Five-year Supply of Deliverable Sites: 2017 to 2022 (2017)

Northumberland Strategic Housing Market Assessment (SHMA - October 2015)

The Tweedmouth Conservation Area Character Appraisal and Management Plan

6.4 Emerging Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (January 2019)

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:

The principle of the development;

Housing;

Planning obligations;

Visual Impact;

Residential Amenity;

Heritage Assets;

Highways Impact;

Land contamination;

Ecology;

Drainage and Floods;

Procedural Matters;

7.2 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 for the area is The Berwick-upon-Tweed Borough Local Plan 1999 (BLP); a number of the policies within the Local Plan were "saved" in 2007 following the introduction of the Planning and Compulsory Purchase Act 2004 which means that they were identified as continuing to be of relevance and were not, at that time, replicated by national or regional planning guidance. These policies remain extant and where applicable are considered within the recommendation.

7.3 The Northumberland Local Plan (NLP) was published in draft for consultation on 04/07/18, and subsequently published for Regulation 19 consultation 30/01/19. In accordance with Paragraph 48 of the NPPF, the policies contained within the document at this stage will carry some weight, with strategic policies carrying a greater weight. The background studies/ documents, which form the evidence base for the NLP, constitute a material consideration.

7.4 The Berwick-Upon-Tweed Neighbourhood Plan is not yet at a stage where weight can be assigned in accordance with Paragraph 48 of the NPPF and therefore does not form a material policy consideration in the appraisal of this application.

7.5 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.

Principle of Development

7.6 Paragraph 7 & 8 of the NPPF highlights that the purpose of the planning system is to contribute to sustainable development and lists the three objectives of sustainable development which are economic, social and environmental. Paragraphs 12 identifies that the NPPF does not change the statutory status of the development plan, as the starting point for decision making. Although the Berwick-upon-Tweed Local Plan (BLP) was adopted in 1999, it is considered that the policies relevant to the determination of this application are in line with the NPPF objectives and, in accord with the provisions of the NPPF, this means that due weight can still be given to the relevant Local Plan Policies. In reference to Decision Making, paragraph 38 requires local planning authorities to approach decision making in a positive and creative way, with decision makers at all levels required to approve applications for sustainable development where possible. Paragraph 68 identifies that small and medium sized sites make an important contribution to meeting an area's housing requirement and paragraph 117 of the NPPF promotes the effective use of land encouraging the re-use of suitably located previously developed land (PDL), which is defined at Annex 2.

7.7 Policy F1 of the BLP gives primary importance to development that sustains and enhances environmental wealth, including its landscape and coast, native biodiversity and human heritage. Policy 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 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 The land is considered to be PDL, 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 for the redevelopment and reuse of the site, support is offered support in the NPPF.

Housing

7.10 In accordance with the standard methodology, Northumberland's local housing need figure is currently 717 dwellings per annum. Against this requirement, and taking into account the supply identified in the Council's latest Five Year Supply of Deliverable Sites 2017 to 2022 report, the Council can demonstrate a 12.1 years supply of housing land. Therefore Northumberland clearly has more than a 5-year housing land supply, and as such, in this context, the tilted balance in the presumption in favour of sustainable development is not engaged on the basis of housing land supply matters. The overall need to achieve housing numbers should not be used to justify development however, consistent with the presumption in favour of sustainable development, the housing figures are a minimum figure, not a maximum. The key consideration is whether the proposed development is considered sustainable development.

7.11 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 those existing services. Its environmental role is subject to assessment of further considerations.

7.12 The proposal will accord with BLP policies F1, F5 and F31 and the provisions and intentions of the NPPF.

Planning Obligations

7.13 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. It provides that 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

7.14 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 59 of the NPPF advises that to support the Government's objective of significantly boosting the supply of homes it is important that a sufficient amount and variety of land can come forward. The NPPF 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.

7.15 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

7.16 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. Paragraph 94 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.

7.17 The Education Authority 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

7.18 When developers apply for planning permission for new residential or tourism development within the coastal zone of influence, the local planning authority, as a '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.

7.19 Policy 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. Paragraph 177 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.

7.20 There is 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 affecting dune grasslands which are also protected under national and international legislation, especially through the spread of the non-native pirri-pirri bur.

7.21 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. In this instance 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.

7.22 Given this agreement, the County Ecologist 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 and Natural England has concurred and the off-site ecological impacts of the development can be suitably addressed.

7.23 Subject to completion of the s.106 agreement for coastal mitigation the proposal will accord with BLP policies F1, F6, F10 F12 and F30 and the provisions and intentions of the NPPF

Visual Impact

7.24 Paragraph 127 of the NPPF sets out the principles of design that planning policies and decisions should seek to ensure in new developments. BLP policy F5 seeks to ensure that new development will accord with its surroundings. The site is currently occupied by an existing substantial two storey building with an enclosed reservoir, of limited visual prominence, but fronting Dock Road. The visibility of the whole 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.

7.25 The appraisal of Landscape considers the physical mass and character impact of a development proposal. BLP policy F1 states primary importance will be given to sustaining and enhancing the Borough's environmental wealth including its landscape and coast. 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 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. The

landscape impact of the proposal is therefore considered acceptable and in accordance with F1 of the BLP and the NPPF. NLP policies HOU9 and QOP1 reflect this requirement, with QOP2 requiring a high standard of amenity for current and future users of a development. QOP5 seeks to ensure sustainable design and construction, includes passive design measures to respond to existing and anticipated climatic conditions and improve the efficiency of heating and cooling etc. QOP6 seeks to ensure well designed places.

7.26 Design considers the appearance of the development independently and as part of the immediate street scene. Full details are submitted for the apartments and the scheme includes the retention of much of the external appearance and form of the pumping station and it is considered appropriate for the site. 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 to such a degree that it could reasonably justify refusal. It is considered that the modern interventions to the building would allow for the retention of the building's key features.

7.27 The application provides layout and scale for the dwelling houses, which is considered acceptable for the site, with appearance to be considered later as a Reserved Matter. Appearance would remain as a Reserved Matter for the dwelling houses. A detailed appraisal of design can only be carried out at the Reserved Matters stage however, the mass of the proposed dwellings appearing subordinate to the pumping station would be such that the dwellings could be accommodated as part of the street scene. There would be a 2.5m high boundary treatment which serves as an acoustic barrier between the development and the Berwick Shellfish building and this is considered a suitable boundary treatment between clearly differing land uses.

7.28 The design and appearance of the proposal is therefore considered acceptable and in accordance with F1 and F5 of the BLP and the provisions and intentions of the NPPF.

Residential Amenity

7.29 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 etc. Paragraph 124 of the NPPF identifies that good design is a key aspect of sustainable development creating better places for people to live and work. Part of the consultation response from Highways Development Management (HDM), requires a construction method statement to be submitted and 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. Public Health Protection (PHP) have also requested 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

7.30 Given the orientation of the proposed and existing development and separation from neighbouring properties there are not considered to be residential amenity issues arising from the proposal. Notwithstanding the above due to the location of

the Berwick Shellfish Company to the south of the site, there are potential noise and odour issues. Paragraph 180 of the NPPF requires that any development should be appropriate for its location taking into account the likely effects of pollution on health and living conditions, this includes noise and odour. The application has been submitted with a noise and odour assessment which has been subject to consultation with PHP. In line with the recommendations of the submitted reports, a 2.5m high acoustic barrier would be located between the new build dwellings and the Berwick Shellfish building. 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.

7.31 Subject to the PHP conditions the impacts arising in terms of noise and odour are considered acceptable and the proposal will be in accord with BLP policy F5 and the provisions and intentions of the NPPF

Heritage Assets

7.32 The development site is located close to the site of the former Tweedmouth Tower, a fortified tower or, Pele house 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 (CArch).

7.33 Paragraph 185 of the NPPF requires Local planning authorities to adopt a positive strategy for the conservation and enjoyment of the historic environment, with paragraph 184 recognising that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. The archaeologist had originally requested further information but following clarification on the depth of the reservoir, the CArch 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.

7.34 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. Paragraph 192 of the NPPF states that, in determining applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraphs 193-196 of the NPPF introduce the concept that harm can be caused by development that affects the setting and significance of heritage assets.

7.35 BC have set out in the original 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 originally and following re-consultation, set out that due to the outline nature of the application tests to assess the impact on the Conservation Area cannot be conclusively applied. However, BC have attributed no level of harm to the proposal

7.36 In assessing the works to the pumping station it is acknowledged that the modern interventions would be acceptable with conditions ensuring materials and design aspects of the conversion. The proposed dwelling houses will be subject to future assessment of the Reserved Matters and therefore changes are not considered necessary to make the development acceptable.

7.37 The former Northumbrian Water Building is a 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 BC. Paragraph 197 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.

7.38 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. No substantive issues have been raised regarding the former pumping station.

7.39 The impact on the conservation area and the building as a non-designated heritage asset is therefore considered acceptable and in accordance with the NPPF.

Highways

7.40 Paragraph 109 of the NPPF sets out that development should only be prevented or, refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe. NLP policy TRA1(a) requires all developments to have a safe and effective access and egress, with policy TRA4 requiring an appropriate level of off street parking to be provided. The apartments in 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 the use of private cars.

7.41 Highways Development Management (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.

7.42 Concern was raised in relation to the parking provision for the dwelling houses whereby HDM originally requested 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 a single in curtilage parking space and other parking to be on-street, where there are no parking restrictions.

Land Contamination

7.43 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).

7.44 Paragraph 178 of the NPPF states that in order to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. Paragraph 180 requires decisions to ensure development is appropriate for the location taking into account the effects (including cumulative effects) of pollution on health, living conditions and the natural environment and the potential sensitivity of the site or wider area or proposed development to adverse effects from pollution, should be taken into account.

7.45 The submitted Phase 1 Geo-Environmental 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. On this basis issues of land contamination have been suitably addressed in accordance with the NPPF.

Ecology

7.46 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. 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.

7.47 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 decisions should contribute to and enhance, the natural and local environment. NLP policy ENV3 seeks to ensure that proposals will not have an adverse impact on the character of the landscape. Policy QOP9(c) requires any hard and soft landscaping to be appropriate, functional and well integrated into the design of the development. Paragraph 170 of the NPPF sets out that planning decisions should contribute to and enhance the local environment by;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

7.48 The submitted Ecology report 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.

7.49 From this the ecological impact of the proposal is considered acceptable and in accordance with F10 of the BLP and the NPPF.

Drainage and Floods

7.50 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.

7.51 Neighbour objections have raised issues of flooding affecting the site; 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. Paragraph 149 of the NPPF states that Local planning authorities should take a proactive approach to mitigate and adapt to climate change, taking full account of the long term implications for flood risk, coastal change and water supply etc. .

7.52 Both NWL and the LLFA have raised no objection to the proposal subject to conditions to secure a detailed drainage design and specification. Therefore it is considered that water management can be successfully undertaken on site in accordance with the NPPF.

Equality Duty

7.53 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

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

Human Rights Act Implications

7.55 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.

7.56 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.

7.57 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 local policy. The application has also been considered against the relevant sections within the 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 proposal has been before the committee previously when members were minded to approve the application subject to further details.

8.3 A legal agreement pursuant to s106 of the Town & Country Planning Act 1990 (as amended) is required to secure the Coastal mitigation contribution as set out in the recommendation.

9. Recommendation

That Members authorise the Interim Director of Planning to GRANT permission subject to:

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. The development of the apartments in the former pumping station 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. Approval of the details of the appearance of the dwellings houses and their landscaping, hereinafter called "the reserved matters" shall be obtained from the Local Planning Authority.

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

03. 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.

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

04. The development of the dwelling houses 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)

05. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and documents. The approved plans for this development are:-

200-01 Revision 4 - Location Plan

300-03 Revision 2 - Depot Roof Plan

200-02 Revision 6 - Proposed Site Plan

200-03 Revision 3 - Proposed Site Elevation

200-04 Revision 4 - Proposed Site Section

300-01 Revision 2 - Proposed Depot Ground Floor

300-20 Revision 2 - Proposed Depot First Floor

300-04 Revision 3 - Proposed Depot North East and South East Elevations

300-05 Revision 3 - Proposed Depot North West and South West Elevations

305-01 Revision 2 - Proposed House Plans where it relates to Access and Layout

305-01 Revision 2 - Proposed House Elevations where it relates to Scale

Design and Access Statement Revision 5

Tweedmouth Drainage Assessment V1.1

Reason: To ensure that the approved development is carried out in complete accordance with the approved plan

06. Notwithstanding any description of materials in the application, no development relating to the pumping station shall be commenced (but excluding demolition of the covered reservoir) until precise details, to include samples, of the materials to be used in the construction of the external walls and/or roof(s) of the building(s) have been submitted to, and approved in writing by, the Local Planning Authority. All roofing and/or external facing 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 local plan policy F5

07. 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 and working practices on the pumping station

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

a) A minimum of 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 the National Planning Policy Framework.

09. 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.

10. 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.

11. 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. 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.

13. Notwithstanding details contained within the approved documents, prior to the development being brought into use details of an acoustic barrier 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. Notwithstanding the approved plan prior to the commencement of the development, a scheme for the final glazing and ventilation option(s) to include;

- a) The building envelope of all plots shall 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 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. 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. 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. 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. 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.

19. The development shall not be occupied until the car parking area indicated on the approved plans, including any disabled car parking spaces contained therein, has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development. Unless otherwise agreed in writing by the Local Planning Authority the gradient of the parking spaces shall not exceed 1 in 15.

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

20. The development shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

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

21. Prior to commencement of the development hereby approved a Construction Method Statement where applicable, to provide for:

- a) Details of temporary traffic management measures, temporary access, routes and vehicles;
- b) Vehicle cleaning facilities;
- c) The parking of vehicles of site operatives and visitors;
- d) The loading and unloading of plant and materials; and
- e) Storage of plant and materials used in constructing the development

Shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction/demolition period.

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

22. Prior to occupation of the development hereby approved, a scheme for surface water to include;

- a) Details to manage run off from private land;
- b) Details of maintenance;
- c) Programme of delivery

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

23. The new build residential properties hereby approved, including details of appearance and landscaping submitted as reserved matters pursuant to this outline planning permission, shall be constructed in accordance with the following design parameters:

1. The number of new build dwellings constructed on the application site will not exceed four units;
2. The new build dwellings will be located on the site of the former service reservoir;
3. The roof of each new dwelling will be pitched, in order to reflect the character of the adjacent pumping station;
4. The height of the proposed new build dwellings will not exceed a maximum height of 5.4m at eaves level and a ridge height of 8.1m above the ground level.

Reason: To achieve a satisfactory form of development and to ensure that the proposed development does not have an adverse effect upon local amenity and in accord with local plan policy F5

Date of Report: 28.02.2019

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