

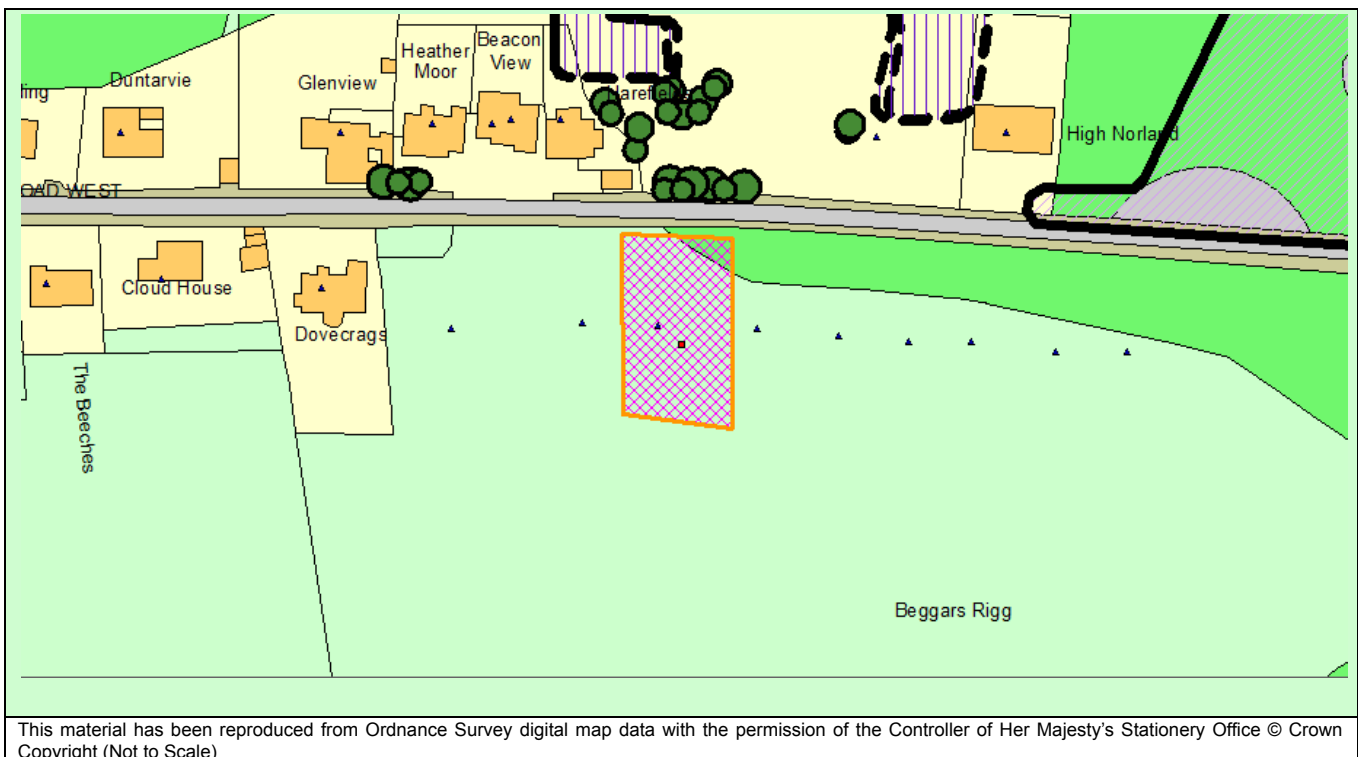


# Northumberland County Council

## North Northumberland Local Area Council 21 March 2019

<b>Application No:</b>	18/04313/REM		
<b>Proposal:</b>	Reserved matter application for access, appearance, landscaping, layout and scale for approved planning application 16/01871/OUT.		
<b>Site Address</b>	Land East Of Dovecrag, Plot 4, Hillside, Rothbury Northumberland		
<b>Applicant:</b>	Mr & Mrs Davis 82 Sandringham Road, Southend on Sea, SS1 2UG,	<b>Agent:</b>	Mr David Darcy Fleetham Mill, West Fleetham, Chathill, NE67 5JS
<b>Ward</b>	Rothbury	<b>Parish</b>	Rothbury
<b>Valid Date:</b>	10 December 2018	<b>Expiry Date:</b>	31 March 2019
<b>Case Officer Details:</b>	Name: Mr Tony Lowe Job Title: Senior Planning Officer Tel No: 01670 622708 Email: tony.lowe@northumberland.gov.uk		

**Recommendation:** That this application be GRANTED permission



## 1. Introduction

1.1 The proposal has been called to committee by the local ward member because:

"This reserved matters application is potentially an unsatisfactory form of development in the interests of visual amenity and potentially conflicts with the provisions of Policy 12 'Achieving well-designed places' subsection 124, 125, 126, 127 C and 13 of the National Planning Policy Framework"

## 2. Description of the Proposals

2.1 Rothbury is the largest settlement in western Coquetdale, and benefits from a range of services including school, pubs, shops etc. which service the needs of both residents within Rothbury and the wider area. It is identified as a Secondary Rural Service Centre in the Alnwick Core Strategy (ACS) and as a Service Centre in the Northumberland Local Plan Pre Submission Core Strategy (Schedule of proposed major and minor modifications June 2016) (NCS). Situated on former agricultural land, on the western edge of the Village the site is set along the southern side of Hillside Road West to the east of Dovecraggs. The site is rectangular in shape and slopes southward, away from Hillside Road West; it is adjoined to the east and west by other housing plots with Outline consent for residential development and to the north by Hillside Road West. Open, agricultural land is to the south and the site views across the River Coquet (a SSSI), towards Carterside and Simonside to the Northumberland National Park (NNP) (approximately 1.8km). The boundary of the Rothbury Conservation Area is approximately 360m to the east. Residential development in the vicinity of the site is largely modern, single to two storey dwellings, with a mix of external finishes including render and stone, set along Hillside Road West. Dwelling types are mostly detached.

2.2 Planning reference 16/01871/OUT granted Outline consent for 9 residential plots, intended as self build, with all matters reserved for future consideration; submitted details at that time provided indicative plot layout and access and indicating a 'split level' style.

2.3 The applicant now seeks approval for all reserved matters relating to plot 4.

## 3. Planning History

**Reference Number:** 16/01871/OUT

**Description:** The development of 9 dwellings on land off Hillside Road, including ancillary works, with all matters reserved.

**Status:** PER

**Reference Number:** 17/00530/DISCON

**Description:** Discharge of Conditions 5 and 6 (A Section 278 Works and Road Construction Details), Conditions 9, 13 and 14 (Drainage Details), Condition 16 (Phase 1 Geo-Environmental), Condition 17 (Archaeological Scheme) and Condition 21 (Design Strategy) relating to planning application 16/01871/OUT

**Status:** CONREF

**Reference Number:** 17/01457/DISCON

**Description:** Discharge of conditions 10 (highways - construction method statement), 12 (highways - programme of works) and 20 (highways - temporary turning area) on approved planning application 16/01871/OUT.

**Status:** CONREF

**Reference Number:** 18/03033/DISCON

**Description:** Discharge of conditions 5 (access), 9 (drainage),10 (construction method statement),12 (phasing plan) ,13 (surface water) and 21 (design strategy document) of approved planning application 16/01871/OUT

**Status:** PER

**Reference Number:** 18/04314/DISCON

**Description:** Discharge of conditions 7 (proposed boundary treatment), 8 (car parking areas), 11 (refuse storage facilities and a refuse storage strategy) and 19 (detailed landscape planting plan) on approved planning application 16/01871/OUT

**Status:** PDE

**Reference Number:** 19/00628/DISCON

**Description:** Discharge of Conditions 1 (Proposed Plan \_ Section) 2(Proposed Elevations) 4 (Proposed Site Plan Section) (Design \_ Access Statement) (Location Plan) as approved Planning application 16/01871/OUT

**Status:** PCO

#### 4. Consultee Responses

Rothbury Parish Council	No response received.
Highways	No objection subject to condition set out in the report
Northumbrian Water Ltd	Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

#### 5. Public Responses

##### Neighbour Notification

Number of Neighbours Notified	4
Number of Objections	1
Number of Support	0
Number of General Comments	0

##### Notices

General site notice, 3rd January 2019

No Press Notice Required.

##### Summary of Responses:

5.1 One letter of objection has been received. The reason for objection is:

The timber cladding to the first floor is not in keeping with the other houses on Hillside. All the current houses are predominantly a mix of stone and render. Planners have insisted on stone from a particular quarry for the more recently built properties so it would appear inconsistent to permit timber cladding on this new build.

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=PJDJCKQSKR000>

## **6. Planning Policy**

### 6.1 Development Plan Policy

S1 Location and scale of new development - Alnwick LDF Core Strategy

S13 Landscape character - Alnwick LDF Core Strategy

S16 General design principles - Alnwick LDF Core Strategy

S22 Energy efficiency - Alnwick LDF Core Strategy

BE8 Design in new residential developments and extensions (and Appendix A and B) - Alnwick District Wide Local Plan

APPENDIX A Design and layout of new dwellings - Alnwick District Wide Local Plan

### 6.2 National Planning Policy

National Planning Policy Framework (2019) (NPPF)

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

### 6.3 Emerging Policy

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

Policy HOU 9 Residential development management

Policy QOP 1 Design principles (Strategic Policy)

Policy QOP 2 Good design and amenity

Policy QOP 4 Landscaping and trees

Policy QOP 5 Sustainable design and construction

Policy QOP 6 Delivering well-designed places

Policy TRA 2 The effects of development on the transport network

Policy TRA 4 Parking provision in new development

Policy ENV 3 Landscape

## **7. Appraisal**

7.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) states that development proposals that accord with the development plan should be approved without delay, unless material considerations indicate otherwise. This forms the basis of the NPPF's presumption in favour of sustainable development. Applications for new development should be considered in the context of this presumption in favour of sustainable development unless policies indicate otherwise or, the adverse impacts significantly and demonstrably outweigh the benefits.

7.2 The Adopted Development Plan where the site is located, comprises the saved policies of the Alnwick District Local Plan 1997 and The Alnwick District local Development Framework Core Strategy 2007.

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 application has been assessed against national planning policy and guidance, development plan policies and other material planning considerations. The key planning considerations raised by the proposal are as follows:

Principle  
Access  
Design/ external appearance  
Landscaping  
Layout/ scale

#### Principle

7.5 The principle for development of the site, for self build residential plots, was established under planning reference 16/01871/OUT. Self build plots are generally of a bespoke design and generally involve a single designer/ developer for each plot. In this instance condition 21 of planning reference 16/01871/OUT required the submission of a Design Strategy to inform development over all nine plots. This Design Strategy was approved under planning reference 18/03033/DISCON and set out requirements such as scale (height), distance between dwellings and layout etc.

#### Access (Highways)

7.6 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.

7.7 The proposal has been examined by Highways Development Management (HDM), which has no objection, subject to conditions set out in the report. With regard to access and parking, the arrangements are considered acceptable when considered in terms of both highway safety and visual amenity. Therefore subject to the requested conditions the proposal is considered acceptable in terms of access, highway safety and convenience and to accord with the provisions of the NPPF.

#### External appearance (design)

7.8 Design considers the appearance of the development independently and as part of the immediate streetscene. ACS policy S16 requires all development to have a high standard in design, reflecting local character and distinctiveness in traditional or contemporary design and materials, taking full account of the need to protect and enhance the local environment and apply the principles of sustainable design, energy efficiency etc. 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.

7.9 Paragraph 124 of the NPPF states 'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. 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.' Para 127 of the NPPF also states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or, change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7.10 The proposal utilises a small pallet of high quality materials, including stone, glazing and timber. It utilises a bespoke design incorporating a heavy stone base with a lighter timber covered upper floor, with natural slate over and, which submitted details indicate, is intended to ensure the full benefit of passive solar gain on the southern elevation, through large window features.

7.11 Viewed in the context of its surroundings the proposed dwelling would be more contemporary in design but would remain in accord with the visual amenity of the area and nearby dwellings and would not be detrimental to the 'street scene'. It would provide a design that makes maximum use of the passive solar gain whilst providing a contemporary, bespoke design, respecting the context of the mixed external finishes and more traditional design of existing development along Hillside Road West. Overall the design of the development is considered acceptable, reflects the requires of the approved Design Strategy and in accordance with policy S16 of the ACS and the provisions and intentions of the NPPF.

### Landscaping

7.12 The application site carries no statutory or, non-statutory designations however, it is located within the Impact Risk Zone associated with the River Coquet SSSI. Policy S12 of the ACS stipulates that all development proposals will be considered against the need to protect and enhance the biodiversity and geodiversity of the district. 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.

7.13 The former use was as agricultural paddock land and the proposal seeks to provide hedge planting, using native species, along the boundaries with plots 3 and 5, to the east and west and a post and a wire fence to the south to keep the view across the valley open. Hard landscaping is mainly kept to the north of the site around the access, for driveways boundary wall etc. and a rear terrace area.

7.14 Submitted details indicate native planting, whilst this is welcome and will enhance the site in ecology terms, it is considered appropriate that the species mix is agreed and a planning condition requiring this information to be submitted and approved is considered reasonable. Subject to this condition the proposal is considered to accord with ACS policy S13 and the provisions and intentions of the NPPF.

### Layout/ scale

7.15 Submitted details indicate that externally, the house is positioned 11.5m from the kerb of Hillside Road West, and there is no existing dwelling opposite the site. The ridge height is less than 5.5metres above the adjacent road level (a single storey is presented to the north elevation). Access and a vehicle turning area and parking for 4 cars are contained on the north side of the house fronting the road. The house does not fully fill the width of the plot and stone walls will retain the upper level and an external stair will give access to the garden on the southern side. There will be a terrace on the garden side of the building and a small retaining wall will be used to adjust levels within the garden, which extends 25m beyond the south elevation of the house.

7.16 The proposed layout and scale, including roof ridge height fronting Hillside Road West, accords with the approved Design Strategy. The proposal will accord with ACS policy S16 and the provisions and intentions of the NPPF

### Equality Duty

7.17 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

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

### Human Rights Act Implications

7.19 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.

7.20 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.

7.21 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 represents an appropriate form of development that would not have such an adverse impact on the street scene or the amenity of nearby residents that could reasonably justify refusal.

8.2 The main planning considerations in determining this application have been set out and considered above stating accordance with relevant Development Plan 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. The proposal is therefore recommended for approval.

## **9. Recommendation**

That this application be GRANTED permission subject to the following:

### Conditions

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

1. Drawing number DJD/625/13, Elevations and Plans as Proposed;
2. Drawing number DJD/625/12, Site Plan as Proposed;
3. Drawing number DJD/625/10, Location Plan;
4. Plot 4, Hillside Road West, Design and Access Statement, David and Jane Darcy Architects, November 2018

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

02. 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 Alnwick Core Strategy Policy S16

03. 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 hard surfaced, sealed and marked out in parking bays. 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.

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

04. No dwelling shall be occupied until details of refuse storage facilities and a refuse storage strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and design of the facilities and arrangement for the provision of the bins. The approved

refuse storage facilities shall be implemented before the development is brought into use. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.

Reason: To ensure sufficient and suitable facilities are provided for the storage and collection of household waste in accordance with the National Planning Policy Framework.

05. Immediately following the laying of foundation levels a detailed landscaping scheme, showing both hard and soft landscaping proposals, shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include, the planting of trees and shrubs including a planting schedule setting out species, numbers, densities and locations etc, areas to be seeded with grass, The scheme shall be carried out in accordance with the approved drawings not later than the expiry of the next planting season following commencement of the development, or within such other time as may be approved with the Local Planning Authority. The landscaped areas shall be subsequently maintained to ensure establishment of the approved scheme, including watering, weeding and the replacement of any plants, or areas of seeding or turfing comprised in the approved landscaping plans, which fail within a period up to 5 years from the completion of the development.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion, and in accordance with the provisions of ACS policies S13 and S16 and the provisions and intentions of the NPPF

**Date of Report:** 07.03.2019

**Background Papers:** Planning application file(s) 18/04313/REM