

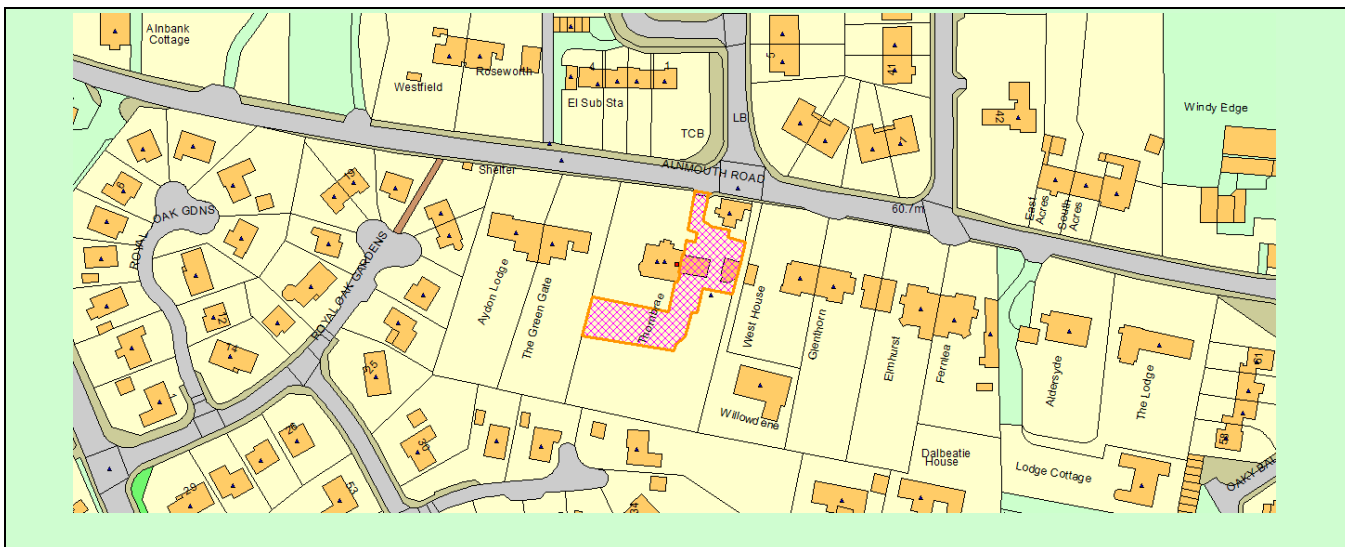


Northumberland County Council

North Northumberland Local Area Committee 21st March 2019

Application No:	18/04397/FUL		
Proposal:	Change of use of part of existing dwelling house into a self contained three bed holiday letting unit; retention of 3 no garden pods for use as garden storage purposes only (Retrospective).		
Site Address	1 Thornbrae, Alnmouth Road, Alnwick, Northumberland NE66 2PS		
Applicant:	Mr Michael Thorburn 1 Thornbrae, Alnmouth Road, Alnwick, Northumberland NE66 2PS	Agent:	Tim Brook Glenthorne , Alnmouth Road, Alnwick, Northumberland NE66 2PS
Ward	Alnwick	Parish	Alnwick
Valid Date:	21 December 2018	Expiry Date:	31 March 2019
Case Officer Details:	Name: Mr Chris McDonagh Job Title: Planning Officer Tel No: 01670 622646 Email: Chris.McDonagh@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



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1. Introduction

1.1 Under the provisions of the Council's current Scheme of Delegation, where applications raise significant planning issues and/or objection from a Town or Parish Council, they are referred to the Head of Planning Services and Planning Committee Chairs for consideration to be given as to whether the application should be referred to a Committee for determination. Due to a valid objection from Alnwick Town Council (ATC), the matter has been duly considered under these provisions at which time it was confirmed that the application should be determined by the North Area Planning Committee (NNLAC).

2. Description of the Proposals

2.1 The application seeks retrospective permission for the change of use of part of the main house to a holiday letting unit at Thornbrae, Alnmouth Road, Alnwick. The application also includes the provision of 3no pods to the rear of the main house which have previously been subject to commercial letting without planning permission. The pods do not require permission if not being let, and it is the intention of this application to retain them as storage.

2.2 The proposed change of use comprises the side extension of the main dwelling upon its eastern elevation. This extension is two storey and there are no physical works proposed.

2.3 The application site is located within the built up area of Alnwick but is not within the Alnwick Conservation Area.

3. Planning History

Reference Number: 15/04339/FUL

Description: Construction of detached single storey two bed holiday let and construction of detached garage with first floor 1 bed self contained unit to be used as ancillary accommodation to Thornbrae

Status: Permitted

Reference Number: 16/01169/NONMAT

Description: Non-material amendment relating to planning permission 15/04339/FUL(Construction of detached single storey two bed holiday let and construction of detached garage with first floor 1 bed self contained unit to be used as ancillary accommodation to Thornbrae) for two dormers to be relocated from South elevation to North elevation, three rooflights to be relocated from the North elevation to the South elevation and a canopy added to garage door openings

Status: Permitted

Reference Number: 17/00019/FUL

Description: Proposed construction of single storey recreation room to rear of existing garage

Status: Permitted

Reference Number: 18/02825/FUL

Description: Retrospective: Change of use of part of existing dwelling house into a self contained three bed holiday letting unit; Installation of 3no one bed sleeping pods and

associated timber decking to rear garden to be used as ancillary accommodation to existing holiday letting accommodation; Installation of 3no freestanding gazebos

Status: Withdrawn

4. Consultee Responses

Alnwick Town Council	<p>Objection</p> <p><i>Alnwick Town Council feel that the site is over developed and request that NCCs Planning and Enforcement Officers undertake an urgent visit to establish the exact nature of the occupancy and to confirm that all elements on the site have the necessary planning permission.</i></p> <p><i>The Town Council OBJECT to the latest application as they remain concerned about:</i></p> <p><i>a. the scale of what has been developed on this site;</i></p> <p><i>b. the development being totally out of keeping with its surroundings and the residential nature of the area;</i></p> <p><i>c. the retrospective nature of all the planning applications which have gradually change the property into a small holiday complex on an ad-hoc basis without proper consideration of the overall impact;</i></p> <p><i>d. the potential increase in noise and the impact on adjacent residential properties. This has not been considered and there is no noise assessment.</i></p> <p><i>In particular the Town council OBJECTS to the pods being used for garden storage as they are totally out of keeping with their surroundings. They are also not sure if the three gazebos (which were included in the previous retrospective application) need planning permission and whether Thornbrae Lodge has the necessary planning permission.</i></p>
Highways	<p>No objection</p> <p>Subject to condition</p>
County Ecologist	<p>No objection</p> <p>Subject to mitigation</p>
Natural England	<p>No objection</p> <p>Subject to mitigation</p>
Network Rail	<p>No response received</p>
Tourism, Leisure & Culture	<p>No response received</p>
Strategic Estates	<p>No response received</p>

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	11
Number of Objections	3
Number of Support	0
Number of General Comments	0

Notices

No Site Notice Required.

No Press Notice Required.

Summary of Responses:

3no public objections on the following grounds:

- Inaccuracies in planning statement;
- Enforcement issues;
- Overdevelopment of site;
- Character of area;
- Noise;
- Light pollution;
- Piecemeal development of site;
- Ecology impacts;
- Parking.

The above is a summary of the comments. The full written text is available on our website at:

<http://publicaccess.northumberland.gov.uk/onlineapplications//applicationDetails.do?activeTab=summary&keyVal=PJVFNHQSKWA00>

6. Planning Policy

6.1 Development Plan Policy

Alnwick Core Strategy (2007) - ACS

S1 Location and scale of new development

S3 Sustainability criteria

S10 Tourism Development

S11 Locating development to maximise accessibility and minimise impact from travel

S16 General design principles

Alnwick Local Plan (1997) - ALP

CD32 Controlling development that is detrimental to the environment and residential amenity

TT5 / Appendix E Car Parking

Alnwick and Denwick Neighbourhood Plan (2017) - ADNP

E5 Tourism Development

6.2 National Planning Policy

National Planning Policy Framework (2019) - NPPF
National Planning Practice Guidance (2018, as updated) - NPPG

6.3 Emerging Planning Policy

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

STP 1 Spatial strategy (Strategic Policy)
STP 2 Presumption in favour of sustainable development (Strategic Policy)
STP 3 Principles of sustainable development (Strategic Policy)
ECN 15 Tourism and visitor development
QOP 2 Good design and amenity
ENV 2 Biodiversity and Geodiversity
TRA 2 The effects of development on the transport network

7. Appraisal

7.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF operates under a presumption in favour of sustainable development. It states that development proposals, which accord with the development plan, should be approved without delay. The adopted Development Plan where the site is located comprises the saved policies of the Alnwick District Wide Local Plan (1997) and the Alnwick LDF Core Strategy (2007).

7.2 In accordance with paragraph 48 of the NPPF weight may 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 Northumberland Local Plan was published in draft for consultation of Regulation 30 January 2019. In accordance with the NPPF, the policies contained within the document at this stage carry minimal weight in the appraisal of planning applications.

7.3 The main issues for consideration in this application are as follows;

- Principle of development
- Amenity
- Design
- Ecology
- Highway Safety
- Other matters

Principle of development

7.4 Policy S1 of the ACS sets out a settlement hierarchy for the location and scale of new development and identifies Alnwick as a Main Rural Service Centre. The application site is located within Alnwick and therefore would in this respect comply with Policy S1 of the ACS.

7.5 Policy S3 of the ACS outlines sustainability criteria that generally need to be satisfied before permission is granted for new development. These include that the development is:

- accessible to homes, jobs, shops, services, the transport network and modes of transport other than the private car;
- that there is adequate existing or planned capacity in the physical and community infrastructure;
- any physical and environmental constraints can be mitigated;
- potential implications of flood risk have been assessed;
- there would be no significant adverse effects on the natural resources, environment, biodiversity and geodiversity, cultural, historic and community assets of the district;
- the new development would help to build communities by sustaining or providing community services and facilities

7.6 In terms of the six criteria that are identified in Policy S3, it is considered that the proposal accords with the majority or failing that through appropriate conditions and mitigation the criteria can be achieved.

7.7 Policy E5 of the ADNP supports new tourism development in or adjacent to the town, particularly that which will help grow Alnwick and Denwick as a year round tourism destination subject to 7 criterion, including development which will complement existing businesses and services and contribute to the evening and weekend economy of the town.

7.8 Paragraph 8 of the NPPF seeks to promote sustainable development, providing the starting point against which the sustainability of a development proposal should be assessed. This identifies three dimensions to sustainable development - an economic element, a social element and an environmental element.

7.9 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 increased visitor numbers to Alnwick and in social terms would deliver tourism development in an appropriate location, which would help to sustain the existing community and associated services, as well as being able to contribute to improvements to existing services. The development's environmental impact is discussed in the relevant chapters of this report.

7.10 The application is therefore considered in accordance with the provisions of Policies S1 & S3 of the ACS, E5 of the ADNP, STP 1 of the Emerging NLP and NPPF and is acceptable in principle.

Amenity

7.11 Policy CD32 of the ALP states that permission will not be granted for development which would cause demonstrable harm to the amenity of residential areas or to the environment generally.

7.12 Paragraph 127 of the NPPF sets out its core planning principles, to underpin both plan-making and decision-taking. One of these principles is to always seek to

secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

7.13 Policy E5 of the ADNP supports development which will not have adverse impacts on living conditions in residential areas.

7.14 There are 3 no. objections from members of the public and ATC on the basis of increased noise and light pollution as a result of approval of the development. However, it is not considered appropriate to resist the change of use on this basis given planning cannot assume negative behaviour on behalf of visitors as opposed to non-commercial users of the house such as family. Any noise in a residential setting would be a civil matter to be controlled by the Council's Public Health Protection unit. Similarly, there are no physical works proposed to the property so there are not considered to be any impacts from increased light pollution.

7.15 With regards to the former camping pods, these are retained, however, with no commercial letting involved they do not require planning permission and are considered as outbuildings ancillary to the main house.

7.16 There are no physical works proposed which would potentially cause overlooking or loss of light from new structures. As such, and considering the above, the application is in accordance with Policy CD32 of the ALP, E5 of the ADNP, QOP 2 of the NLP and paragraph 127 of the NPPF.

Design

7.17 Policy S16 of ACS sets out that all development will be expected to achieve a high standard of design reflecting local character and distinctiveness in traditional or contemporary design and materials.

7.18 Paragraph 127 of the NPPF sets out the principles of design that planning policies and decisions should seek to ensure in new developments.

7.19 3 no. public objections and the response from ATC reference the overdevelopment of the site for holiday purposes as well as the character of the area. While there has been expansion of facilities on the site in the past, these developments have been considered on their own merits and approved where permission was required.

7.20 The current proposal can only be considered based on the information presented, and while there may be further changes to the site as a result of the change of use of the section of the dwelling, the site area or layout would not change. This would therefore not lead to overdevelopment of the site or change the character of the area based on this application being approved.

7.21 The pods are to be retained but as already assessed, these do not require permission on a non-letting basis so their design does not fall within the control of the planning department. As such, the design aspects of the application are minimal in their consideration and in accordance with Policy S16 of the ACS, QOP2 of the NLP and Paragraph 127 of the NPPF.

Ecology

7.22 Policy S12 of the ACS is relevant in relation to assessing the potential effects on protected species, ecology and biodiversity whilst Paragraph 170 of the NPPF seeks to conserve and enhance biodiversity and sets out that assessment of potential impacts from development should be undertaken.

7.23 As this is a proposed residential development within 10km of the coast (4.2km from the AIn Estuary) consideration will need to be given to the impact of increased recreational disturbance to bird species that are interest features of the coastal SSSIs and European sites, and increased recreational pressure on dune grasslands which are similarly protected. When developers apply for planning permission for new residential development within the coastal zone of influence, the LPA has 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.

7.24 The Council has introduced a scheme whereby developers can pay a contribution into a strategic mitigation service which will be used to fund coastal wardens who will provide the necessary mitigation. Contribution to the Coastal Mitigation Service (CMS) enables a conclusion of no adverse effect on site integrity to be reached when a planning application is subject to appropriate assessment, without the developer having to commission any survey or mitigation work. Similarly it enables a conclusion of no adverse effect on the interest features of coastal SSSIs.

7.25 The applicant has agreed a contribution of £600 to the CMS to mitigate offsite ecological disturbance and on this basis the application is considered acceptable. While impacts on ecology interests was raised within 1 no. objection, this has been assessed by Council ecologists and there are not considered to be any on-site impacts. As such the application is in accordance with Policy S12 of the ACS, ENV 2 of the NLP and NPPF.

Highway Safety

7.26 Policy TT5 / Appendix E of the Local Plan relates to car parking provision within development, and Policy S11 of the ACS relates to accessibility principles and the impacts of travel from new development.

7.27 Paragraph 109 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy E5 of the ADNP also supports development that will not have adverse impacts on the transport network and travel patterns.

7.28 The application was subject to consultation with the Council's Highways Development Management (HDM) team, who have assessed the application accordingly. The impacts upon the highway network was subject to a public objection with regards to parking provision, although this has been assessed by the HDM team as part of their overall assessment with no objection raised. Subject to condition, the application is considered in accordance with Policy TT5 of the ALP, E5 of the ADNP, TRA 2 of the NLP and provisions of the NPPF.

Other Matters

7.29 The public comments received make reference to inaccuracies in the submitted information relating to how long the section of house has been let out without planning permission. While this is noted, it does not materially alter the recommendation.

7.30 Further objections were received on the basis of past and pending enforcement action on the site. This application has been submitted on the recommendation of the area Enforcement Officer, but these procedures do not impact on the recommendation in this report. Potential future action relating to unauthorised gazebos on site will be dealt with by the appropriate actions of the Enforcement Team and again do not relate to this application.

Equality Duty

The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

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

Human Rights Act Implications

The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal.

Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

8.1 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 National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

8.2 The application has addressed the main considerations and would accord with relevant policy. The proposal is therefore recommended for approval.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions

01. Approved Plans

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. Location plan; Drawing ref: 538:LP4 A
2. Proposed site plan; Drawing ref: 538:SP6 A
3. Proposed garden storage pod plans; Drawing ref: 538:302 A
4. Proposed elevations and floor plans; Drawing ref: 538:103 B

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans and complies with the National Planning Policy Framework.

02. Implementation of car parking area

The car parking area indicated on the approved plans, 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.

Date of Report: 05.03.2019

Authorised by:

Date:

Background Papers: Planning application file(s) 18/04397/FUL