

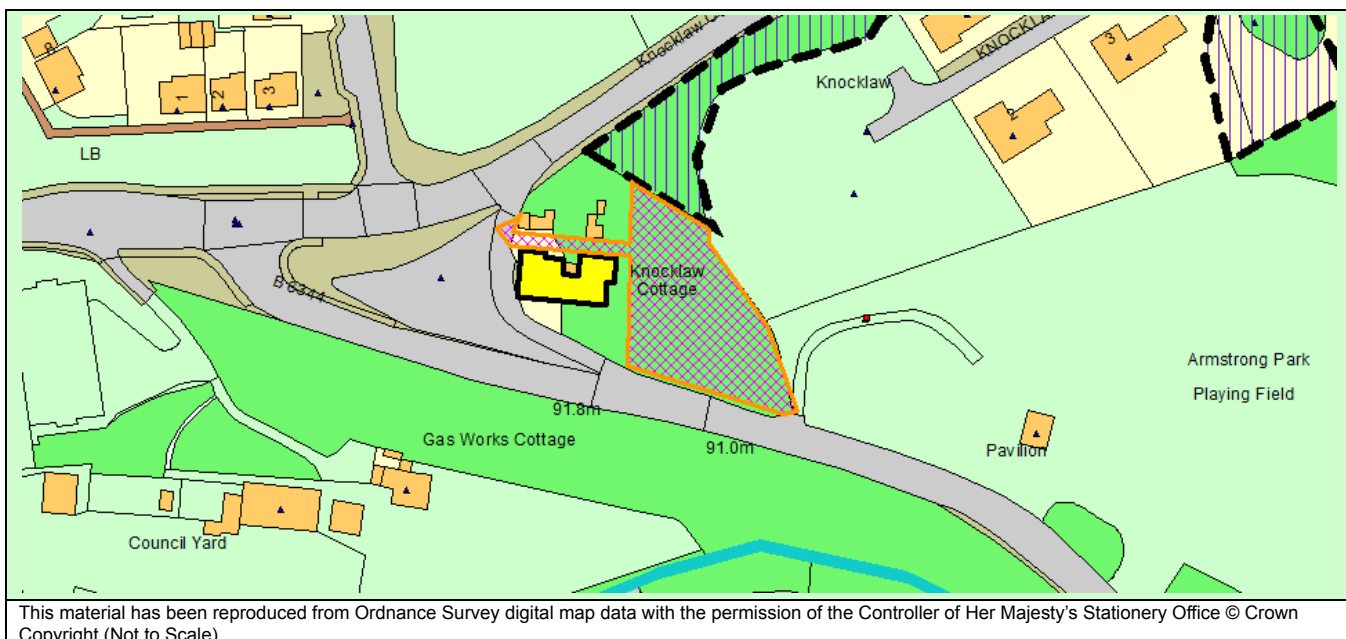


# Northumberland County Council

## North Northumberland Local Area Council 21<sup>st</sup> March 2019

<b>Application No:</b>	18/04312/FUL		
<b>Proposal:</b>	Construction of a new 3 bedroom dwelling.		
<b>Site Address</b>	Land East Of Knocklaw Cottage, Rothbury, Northumberland, NE65 7XQ		
<b>Applicant:</b>	Mrs Sally Whitton 1 South Victoria Terrace, Bamburgh, Northumberland NE69 7BU,	<b>Agent:</b>	Mrs Susan Bolam The Old Mill, Harbottle, Morpeth, Northumberland NE65 7DQ
<b>Ward</b>	Rothbury	<b>Parish</b>	Rothbury
<b>Valid Date:</b>	9 January 2019	<b>Expiry Date:</b>	6 March 2019
<b>Case Officer Details:</b>	Name: Mr Jon Sharp Job Title: Planning Officer Tel No: 01670 623628 Email: Jon.Sharp@northumberland.gov.uk		

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



### 1. Introduction

1.1 This application falls to be determined by the North Northumberland Local Area Council planning committee following a request to call in the application from the local member Cllr Bridgett. It is recommended for approval.

1.2 Cllr Bridgett's call in request is in respect of highway and access improvements which could be made via a Section 278 agreement and which, if not considered at

this stage could mean the application is not in accordance with the provisions of Paragraphs 109 and 110 of the NPPF.

## 2. Description of the Proposals

2.1 The application seeks permission for the erection of a single residential dwelling within the curtilage of Knocklaw Cottages, Rothbury.

2.2 The proposed dwelling would be of 1 1/2 storey construction and would have a simple plan form, measuring approximately 14.2m by 9.1 metres with a maximum ridge height of approximately 6.7 metres. The dwelling would be constructed using natural stone walls under a slate tiled dual pitched roof. A small porch would project from the front elevation and 3no dormer windows would be incorporated into the roof.

2.3 The application site is located at Knocklaw to the east of Rothbury and originally formed part of the Cragside Estate. It is bound to the north and south by public highway, to the east by an area of woodland with football ground and housing beyond and to the west by the donor property.

2.4 Knocklaw Cottages are Grade II listed under list entry number 1371117 Knocklaw and Adjacent Cottage to East. The site is adjacent to the Grade 1 listed Cragside park and garden.

## 3. Planning History

**Reference Number:** A/84/A/030

**Description:** 6 Dwellings

**Status:** Permitted

## 4. Consultee Responses

Rothbury Parish Council	Rothbury Parish Council have submitted no objections to this application, however we wish to support the County Councillor's comments that the application should include negotiations with the applicant of the site to provide land to the County Council to complete the footpath on the B6344 approach into Rothbury, and to also create a footpath to the entrance of Knocklaw Park.
Natural England	No objections
Rothbury Parish Council	No objections. Additional comments received expressing support for the County Councillor's comments that the application should include negotiations with the applicant of the site to provide land to the County Council to complete the footpath on the B6344 approach into Rothbury, and to also create a footpath to the entrance of Knocklaw Park.
Building Conservation	Subject to satisfactory screening and control over pd rights, the proposal would give rise to no harm within the terms of the NPPF.
County Ecologist	No objections subject to conditions and informatives
Highways	No objections subject to conditions and informatives in respect of access, parking, highway works, surface water drainage, refuse storage and submission of a construction method statement.
The Gardens Trust	No comment

## 5. Public Responses

## Neighbour Notification

Number of Neighbours Notified	5
Number of Objections	2
Number of Support	0
Number of General Comments	0

## Notices

Site Notice - Affecting Listed Building, posted 15th January 2019

Press Notice - Northumberland Gazette, published 24th January 2019

## Summary of Responses:

2no letters of objection received highlighting issues including;

highway safety;  
lack of pedestrian access to Knocklaw;  
isolation of elderly/infirm residents;  
impact on human rights.

In addition the case officer and Building Conservation Officer met with a member of the public who raised concerns regarding the impact of the proposals on curtilage listed structures within the grounds of the cottage and impact on protected species

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=PJDDQTQSKQU00>

## **6. Planning Policy**

### 6.1 Development Plan Policy

Alnwick LDF Core Strategy

S1 Location and scale of new development  
S2 The sequential approach to development  
S3 Sustainability criteria  
S11 Locating development to maximise accessibility and minimise impact from travel  
S12 Protecting and enhancing biodiversity and geodiversity  
S13 Landscape character  
S15 Protecting the built and historic environment  
S16 General design principles

Alnwick District Wide Local Plan

BE8 Design in new residential developments and extensions (and Appendix A and B)

TT5 Controlling car parking provision (and Appendix E)

APPENDIX A Design and layout of new dwellings  
APPENDIX E Car parking standards for development

## 6.2 National Planning Policy

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

## 6.3 Emerging Planning Policy

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

STP1 Spatial Strategy  
QOP1 Design Principles  
QOP2 Good Design and Amenity  
TRA1 Promoting Sustainable Connections  
TRA2 Effects of Development on the Transport Network  
ENV2 Biodiversity and Geodiversity  
ENV7 Historic Environment and Heritage Assets

## 6.4 Other Documents/Strategies

Planning (Listed Buildings & Conservation Areas) Act 1990

## **7. Appraisal**

7.1 The application has been assessed against national planning policy and guidance, development plan policies, other material planning considerations and the advice of statutory consultees. In assessing the application the key considerations are;

Principle of Development,  
Scale, Design & Visual Impact,  
Residential Amenity,  
Highways, and  
Ecology.

### Principle of the development

7.2 The National Planning Policy Framework (NPPF) states that development proposals that accord with the development plan should be approved without delay, unless material considerations indicate otherwise. This forms the basis of the 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.

7.3 Paragraph 213 of the NPPF advises that weight should be given to relevant policies in existing plans according to the degree of consistency with the NPPF i.e. the closer a policy in a local plan accords with the NPPF, the greater the weight that may be given to them. The adopted development plan for the area the application site is located in comprises the saved policies of the Alnwick District Wide Local Plan (1997) (ALP) and the Alnwick LDF Core Strategy (2007) (ACS). The policies referred

to in this report are considered to be in accordance with the NPPF and can therefore be given due weight.

7.4 Policies S1, S2 and S3 of the ACS seek to ensure that the location and scale of new development is appropriate. Rothbury is identified within Policy S1 as a Secondary Rural Service Centre where development will maintain and enhance its role as a rural service centre for Coquetdale.

7.5 Policy S3 notes that new development should be accessible to homes, jobs, shops and services, the transport network and modes of transport other than the private car. The policy also states that in exceptional circumstances, when economic, social or environmental benefits clearly outweigh sustainability shortcomings, it may be necessary to allow development which does not meet one or more of these sustainability criteria.

7.6 Paragraph 48 of the NPPF states that weight may also be given to the policies in emerging plans, depending on the stage of preparation of the plan, the extent to which emerging policy aligns with the NPPF and the extent of unresolved objections to the emerging plan. The emerging Northumberland Local Plan - Publication Draft Plan (Reg 19) (NLP) was published for consultation on 30th Jan 2019. The policies contained within this document carry some weight in the determination of planning applications at this stage.

7.7 Policy STP1 of the emerging NLP seeks to deliver sustainable development which enhances the vitality of communities across Northumberland, supports economic growth, and which conserves and enhances the County's unique environmental assets. The Policy sets out a hierarchy of settlements within which development will be supported. Policy STP1 identifies Rothbury as a Service Centre where development will be encouraged that strengthens its role as a service centre.

7.8 Rothbury can therefore be considered a sustainable location for small scale development. The proposed site would be located with suitable access to public transport, local services and amenities and in this sense would be an appropriate area in which to site new development. In this context it is therefore considered that the principle of the proposal is acceptable.

#### Scale, Design & Visual Impact

7.9 Policy S16 of the ACS sets out the criteria against which new development shall be assessed, stating that all development will be expected to achieve a high standard of design, reflecting local character and distinctiveness. Policy QOP1 of the emerging Northumberland Local Plan (NLP) echoes this and seeks to support development which respects its surroundings.

7.10 Paragraph 124 of the NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.11 The proposed dwelling is considered to be acceptable in terms of design and scale. The development would be viewed in the context of the existing built form and as such the visual impact of the proposals would also be acceptable. It is therefore

considered that the proposal is in accordance with Policy S16 of the ACS, Policy QOP1 of the emerging NLP and with paragraph 124 of the NPPF.

### Amenity

7.12 Paragraph 127 of the NPPF seeks to ensure that developments will create places with a high standard of amenity for existing and future users. Policy QOP2 of the emerging NLP seeks to ensure that development would not result in unacceptable adverse impacts on the amenity of neighbouring land uses.

7.13 The proposed use of the building as a residential dwelling is not considered to raise any issues in respect of residential amenity. It is considered that there would not be any substantive impacts on amenity resulting from the proposal in terms of loss of light, outlook or privacy. It is noted that the occupier of one of the existing cottages, uses space identified as access to the site as car parking, however there is sufficient space elsewhere within the curtilage for this and it is considered that there would be no significant loss of amenity were this space to be removed. As such the proposal is considered to be in accordance with the ACS, the emerging NLP and the NPPF in this respect.

### Highways

7.14 Policy S11 of the ACS sets out criteria to assess the extent to which the location of development is likely to maximise accessibility and minimise the impacts of traffic generated. Saved Policy TT5 and Appendix E of the ALP set out car parking standards for new development. Policy TRA2 of the emerging NLP seeks to ensure that all development will minimise any adverse impacts upon the highways network.

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

7.16 The Local Highway Authority responded to consultation raising no objections subject to conditions in respect of car parking, access and surface water drainage, As such it is considered that the proposal is in accordance with highways policy in this respect. It is noted however that the access improvements required may require Listed Building Consent, if curtilage listed structures area directly affected. This is addressed further in the Heritage Assets section below.

### Ecology

7.17 Policy S12 of the ACS states that all development proposals will be considered against the need to protect and enhance the biodiversity and geodiversity of the area. Policy ENV2 of the emerging Local Plan seeks to ensure that development proposals will minimise their impact upon and secure net gains for biodiversity.

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

7.19 The County Ecologist has responded to consultation raising no objection subject to conditions and informatives in respect of protected species mitigation and ecological enhancement. On this basis it is considered that the proposal is in

accordance with Policy S12 of the ACS, Policy ENV2 of the emerging NLP and paragraph 170 of the NPPF.

### Heritage Assets

7.20 The application site falls within the curtilage of the Grade II listed Knocklaw Cottage. As such regard must be had to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires the local authority to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses.

7.21 Paragraph 192 of the NPPF states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

7.22 Policy S15 of the ACS states that all development involving built and historic assets or their settings will be required to preserve, and where appropriate, enhance the asset for the future. Policy ENV7 of the emerging NLP echoes this, stating that development proposals will be assessed and decisions made that ensure the conservation and enhancement of the significance, quality and integrity of Northumberland's heritage assets and their settings.

7.23 The Council's Building Conservation Officer has responded to consultation stating that if satisfactory arrangements for screening can be agreed and it is resolved to approve the scheme it will be prudent to impose conditions to control the materials of the proposed building. It is also considered that, due to the constrained nature of the site, tight control of materials and future development be retained by condition. The Conservation Officer considers that if these matters are addressed suitably, the proposal would give rise to no harm within the terms of the NPPF.

7.24 The potential impacts upon the boundary wall and weighbridge and upon the setting of the listed building itself, arising from the need to improve the access into the site are noted. A condition is recommended below requiring the submission and approval of access details prior to first occupation of the proposed new dwelling. It is considered likely that an application for listed building consent will also be required in order to assess the impacts of these works, however it is considered that a suitable access could be secured within the context of this application.

### Other Matters

7.25 The contents of the objections received are noted and where material planning considerations have been raised, they have been addressed in the preceding paragraphs.

7.26 The call in request by Cllr Bridgett sought to establish whether the applicant would be willing to engage in discussions with the Council with a view to establishing

a new footpath link between the junction of the B6341 and B6344 at Knocklaw and Armstrong Park, which would necessitate the use of land within the control of the applicant. It was hoped that the works required by highways to make this application acceptable (access and highways works) could be carried out in conjunction with the additional works required to complete the link to the football club and that the works would be funded through Highways LTP monies, thereby improving access to a much used community resource, whilst also reducing the financial impact on the applicant. A number of attempts were made to convene a meeting to discuss this, however the applicant has not (at the time of writing) accepted these invitations. Notwithstanding this, this matter falls out with the remit of the planning department and is not a material planning consideration in the determination of this application.

### Equality Duty

7.27 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

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

### Human Rights Act Implications

7.29 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.

7.30 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.

7.31 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 a significant adverse impact on the appearance of the property, the street scene or the amenity of nearby land uses, the wider landscape, historic assets or ecology interests. It is therefore considered that the proposal is in accordance with national and local planning policies and accordingly it would be unreasonable to withhold planning permission.

## **9. Recommendation**

That this application be GRANTED permission subject to the following:

### Conditions/Reason

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

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

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

1. Drawing No SB/001/125 - Location Plan;
2. Drawing No SB/001/01 - Proposed Plans and Elevations;
3. Drawing No SB/001/02 - Proposed Roof Plan
4. Drawing No SB/001/500 - Proposed Block Plan.

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

03. Implementation of car parking area

No dwelling shall 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.

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

04. Details of means of vehicular access to be constructed

Notwithstanding the details provided, the development shall not be occupied until details relating to the widening of the existing vehicular access, and

provision of visibility splays (which must be maintained and kept clear), have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the vehicular access shall be retained in accordance with the approved details.

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

05. Completion of highway works before occupation

Development shall not commence until details of the proposed highway works have been submitted to and approved in writing by the Local Planning Authority. The building(s) shall not be occupied until the highway works have been constructed in accordance with the approved plans.

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

06. Details of cycle parking to be submitted

The development shall not be occupied until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before the development is occupied. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.

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

07. Surface water drainage (Private Land)

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

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

08. Construction Method Statement

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

- i. vehicle cleaning facilities;
- ii. the parking of vehicles of site operatives and visitors;

- iii. the loading and unloading of plant and materials;
- iv. storage of plant and materials used in constructing the development

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

09. Refuse - Details of refuse storage facilities and strategy

The development shall not 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.

10. Protected Species Mitigation

No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report (Ecological Assessment Land to the East of Knocklaw Cottages, Rothbury Rothbury, Northumberland Budhaig Environmental, July 2018) including, but not restricted to, retention and protection of mature trees; inclusion of a swift brick and a bat slate or tube (as specified) with types and locations to be agreed in writing with the LPA; adherence to timing restrictions; adherence to precautionary working methods for disposal of rhododendron and reptile Method Statement; maintenance of buffer zones to site boundaries (as specified); adherence to external lighting recommendations in accordance with Bats & Lighting in the UK Bat Conservation Trust/Institution of Lighting Engineers, 2008; any deep (in excess of 300mm) excavations left open overnight to be either securely covered 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; an updating ecological survey to be carried out in the event that development works do not commence before the end of May 2020 with the results of that survey together with any necessary modifications to avoidance, mitigation or enhancement measures to be forwarded to and agreed in writing with the LPA before works commence.

Reason: To maintain the favourable conservation status of protected species.

11. Nesting Birds

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 protect nesting birds, all species of which are protected by law.

12. Hedgehogs

All garden boundary fences or walls will include a gap at the base measuring a minimum 13cm x 13cm to allow continued access through the site for hedgehog.

Reason: To maintain the population of a priority species.

13. Protection of Watercourse

No development shall be carried out other than in accordance with <https://www.gov.uk/guidance/pollution-prevention-for-businesses> for the protection of the watercourse and the prevention of pollution or contamination of the watercourse and its associated habitat during construction works.

Reason: To ensure that a watercourse is not polluted or contaminated during development works.

14. Submission of Tree Protection Plan

Prior to the commencement of development, a Tree Protection Plan shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development hereby approved shall be carried out in full accordance with the recommendations contained therein and in accordance with the guidance set out in BS5837:2012 Trees in Relation to Design, Demolition and Development: Recommendations British Standards Institution, 2012

Reason: To maintain and protect the existing landscape and biodiversity value of the site.

15. Submission of Landscaping Plan

Within three months of the commencement of development, a detailed landscape planting plan, including the planting of locally native trees and shrubs of local provenance, shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the approved planting scheme shall be fully implemented during the first full planting season (November March inclusive) following the commencement of development.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site.)

16. Removal of PD Rights

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no;

Extensions;

Alterations to the roof;  
Outbuildings;  
Windows; or  
Doors,

shall be constructed, added to, removed or altered within the curtilage of the resulting property hereby permitted, without the prior grant of planning permission from the Local Planning Authority.

Reason: To ensure that the character and appearance of the buildings are not prejudiced, in accordance with Policy S16 of the Alnwick LDF Core Strategy and the NPPF.

17. Submission of Materials

Notwithstanding any description of the materials in the application, no development shall be commenced until precise details, to include samples, of the materials to be used in the construction of the 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 Policy S16 of the Alnwick LDF Core Strategy.

**Background Papers:** Planning application file(s) 18/04312/FUL