

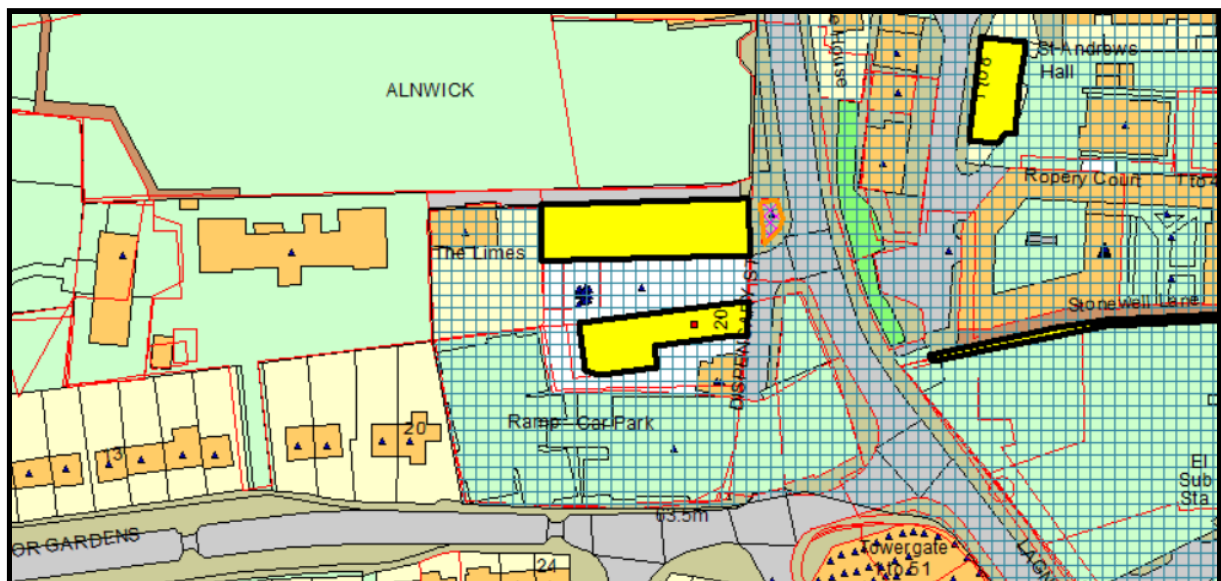


# Northumberland County Council

## North Northumberland Local Area Council 20 June 2019

<b>Application No:</b>	19/00278/FUL		
<b>Proposal:</b>	Construction of a new Bin Store to serve the Maltings development		
<b>Site Address</b>	Bolams Mill, Dispensary Street, Alnwick, Northumberland NE66 1LN		
<b>Applicant/ Agent</b>	Carole Inman St Jude's, Barker Street, Shieldfield, Newcastle Upon Tyne NE2 1AS		
<b>Ward</b>	Alnwick	<b>Parish</b>	Alnwick
<b>Valid Date</b>	14 February 2019	<b>Expiry Date</b>	30 June 2019
<b>Case Officer Details</b>	Name: Miss Stephanie Forster Job Title: Planning Officer Tel No: 01670 622706 Email: stephanie.forster@northumberland.gov.uk		

**Recommendation:** That this application be GRANTED permission subject to conditions.



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### 1. Introduction

1.1 This application falls to be determined by the North Northumberland Local Area Council because the applicant is Advance Northumberland. The application is recommended for approval.

## **2. Description of the Proposals**

2.1 Planning permission is sought for the construction of a new bin store to serve the Maltings development at Bolams Mill, Dispensary Street, Alnwick.

2.2 The application site is located within Alnwick Town Centre and within the Alnwick Conservation Area. It is located within the Alnwick and Denwick Neighbourhood Planning Area.

## **3. Relevant Planning History**

**Reference Number:** 16/02112/S106A

**Description:** Application for modification of section 106 agreement relating to planning approval A/2006/0557 (Extensions and conversion and creation of 33 no. flats with office and retail accommodation with 33 no. associated car spaces ( as amended by plans received 19/01/2007)

**Status:** Permitted

**Reference Number:** 16/02731/NONMAT

**Description:** Non Material Amendment to application A/2006/0557 to amend high level glazed gable screens to apartments

**Status:** Permitted

**Reference Number:** 16/02914/LBC

**Description:** Listed Building Consent: Proposed extension and internal and external alterations to form 33 units with associated car parking with retail/office accommodation. Previous Approval Ref: A/2006/0557

**Status:** Application Returned

**Reference Number:** 17/03197/FUL

**Description:** Creation of 4 no. residential units in lieu of Office and Retail Accommodation as approved under Planning Reference A/2006/0557

**Status:** Permitted

**Reference Number:** 17/03243/VARYCO

**Description:** Variation of condition 22 (surface water drainage) on planning permission A/2006/0557 in order to pass surface water through trapped gullies in accordance with plan ref 01 P1 Engineering Layout.

**Status:** Permitted

**Reference Number:** 17/03670/DISCON

**Description:** Discharge of conditions 2 (atrium details) 3 (written scheme of investigation to building works) and 4 (written scheme of investigation of archaeological works) on approved planning application A/2006/0558.

**Status:** Permitted

**Reference Number:** 18/00095/FUL

**Description:** Retrospective construction of a gas and water meter enclosure by means of extension.

**Status:** Permitted

**Reference Number:** 18/00096/LBC

**Description:** Listed building consent for retrospective construction of a gas and water meter enclosure by means of extension.

**Status:** Permitted

**Reference Number:** 18/03871/DISCON

**Description:** Discharge of Condition 1 (Boundary treatment) on approved planning application 17/03243/VARYCO

**Status:** Permitted

**Reference Number:** 18/03872/DISCON

**Description:** Discharge of conditions 5 (boundaries), 15 (parking), 17 (site access) and 19 (landscaping) pursuant to planning permission A/2006/0557

**Status:** Permission

## **4. Planning Policy**

### **4.1 Development Plan Policy**

S15 Protecting the built and historic environment - Alnwick LDF Core Strategy

S16 General design principles - Alnwick LDF Core Strategy

CD32 Controlling development that is detrimental to the environment and residential amenity - Alnwick District Wide Local Plan

S2 The sequential approach to development - Alnwick LDF Core Strategy

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

S3 Sustainability criteria - Alnwick LDF Core Strategy

S13 Landscape character - Alnwick LDF Core Strategy

#### 4.2 National Planning Policy

National Planning Policy Framework (2019)

National Planning Practice Guidance (2019, as updated)

#### 4.3 Emerging Policy

Northumberland Local Plan - Publication Draft Plan (regulation 19) and proposed minor modifications, submitted on 29 May 2019

STP1 - Spatial strategy

STP2 - Presumption in favour of sustainable development

STP3 - Principles of sustainable development

QOP1 - Design Principles

QOP 2 - Good design and amenity

QOP3 - Public realm design principles

ENV3 – Landscape

#### 4.4 Other Documents Strategies

Alnwick and Denwick Neighbourhood Plan.

### **5. Consultee Responses**

Building Conservation	Less than substantial harm.
Highways	No objection subject to conditions.
Strategic Estates	No response received.
Alnwick Town Council	<p>The Town Council has the following comments to make:</p> <p>We would ask that the Planning Officer is satisfied with the proposed site for the bin store. The Town Council feel it would be better in the corner of the site where the NCC black bins are currently located. This would make use of some of the existing boundary materials lessening the impact of the proposed bin store. The wood and galvanised steel wire detracts from the view of the building from Lagny Street and is out of keeping with the building. The colour of the wood has not been finalised on the Application Form so it is crucial that the Planning and Conservation Officers agree these ahead of any development going ahead.</p> <p>The following Alnwick &amp; Denwick Neighbourhood Plan Policy needs to be considered:</p> <p>HERITAGE &amp; DESIGN</p>

	<p>HD5 Design in the Wider Town - outside the historic core of the town new development (including extensions, alterations and changes of use to existing buildings) is encouraged to take the following design principles into account:</p> <p>b) Design: expected to make a positive contribution to local character and distinctiveness whilst not discouraging appropriate innovation;</p> <p>f) Materials: expected to be sympathetic to the local materials that are traditional in the surrounding suburban townscape;</p>
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## 6. Public Responses

### Neighbour Notification

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

### Notices

Site notice - Affecting Conservation, 19th February 2019

Northumberland Gazette 21st February 2019

### Summary of Responses:

None received.

## 7. Appraisal

7.1 In terms of assessing the proposal account will be given to the National Planning Policy Framework (NPPF) and those policies which are considered consistent with the NPPF from the Alnwick District Wide Local Plan (ADLP) and the current Alnwick District Core Strategy (ADCS). The NPPF does not change the statutory status of the development plan as the starting point for decision making. Therefore proposed development that accords with an up to date Local Plan should be approved unless other material considerations indicate otherwise.

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 Publication Draft Plan (Regulation 19) (January 2019) was published for consultation on 30/01/19. In accordance with Paragraph 48 of the NPPF; the policies contained within the document at this stage carry some weight in the appraisal of planning applications. The key planning issue raised by the proposal include:-

Principle of Development

Design and Amenity  
Impact on Landscape  
Impact on Conservation Area  
Impact on Highways  
Other Matters

### Principle of Development

7.3 Policy S1 of the ADCS 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 Alnwick District Core Strategy.

7.4 Policy S2 of the ADCS sets out a sequential approach for new development. The main consideration having regard to the NPPF is whether the proposal would result in a sustainable form of development on a suitable site. As the NPPF does not promote a sequential approach, Policy S2 is considered not to be in accordance with the NPPF and therefore the weight afforded to this policy is limited.

7.5 Policy S3 of the ADCS 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; and the new development would help to build communities by sustaining or providing community services and facilities, or through the provision of affordable housing to meet identified local need. It is considered that the development accords with the majority, or failing that, through appropriate conditions and mitigation the criteria can be achieved.

7.6 The introduction of the NPPF is not considered to have any material change in how officers have considered the principle of development as the sustainability principles of the ADCS are considered to be in line with the presumption in favour of sustainable development set out in the NPPF.

7.7 It is therefore considered that that proposal would be acceptable in relation to the NPPF and Policies S1, S2, S3 of the ADCS and Policies STP1, STP2, STP3 of the emerging Northumberland Local Plan.

### Design and Amenity

7.8 Under Policy S16 of the ADCS, all new development will be expected to achieve a high standard of design, reflecting the local character and distinctiveness in traditional or contemporary design and materials. Under this policy, proposals should have regard to their layout, scale, appearance, access and landscaping.

7.9 Policy HD5 of the Alnwick Neighbourhood Plan states that, 'Outside the historic core of the town new development (including extensions, alterations and changes of

use to existing buildings) is encouraged to take the following design principles into account:

- b) Design: expected to make a positive contribution to local character and distinctiveness whilst not discouraging appropriate innovation;
- f) Materials: expected to be sympathetic to the local materials that are traditional in the surrounding suburban townscape;

7.10 In terms of the proposed bin store, this would be located within close proximity to the Maltings development and would be in keeping with the appearance of the street scene, local vernacular, and the surrounding area. It is considered appropriate for use in terms of design and scale, and would not impact upon the visual amenity of the site or the surrounding commercial area. The proposals are therefore considered acceptable in terms of design and siting, in accordance with the above policies. It is therefore considered that the proposal would be acceptable in relation to the NPPF, Policy S16 of the ADCS, Policy HD5 of the Alnwick Neighbourhood Plan and Policies QOP1, QOP 2 and QOP3 of the emerging Northumberland Local Plan.

#### Impact on Landscape

7.11 Policy S13 requires all proposals for development and change to be considered against the need to protect and enhance the distinctive landscape character of the former district. Under this policy, all proposals will be assessed in terms of their impact on landscape features and should respect the prevailing landscape quality, character and sensitivity of each area.

7.12 Policy ENV3 of the emerging Northumberland Local Plan seeks to ensure the conservation and enhancement of the landscape character.

7.13 It is considered that the proposal would not have an unacceptable impact on the landscape, character and sensitivity of both the immediate and wider area given the nature of the proposals (i.e. small scale) and given that the bin stores will be seen in the context of the buildings they will serve and the commercial area they would be located within.

7.14 It is therefore considered that the development would conform with the NPPF, Policy S13 of the ADCS and Policy ENV3 of the emerging Northumberland Local Plan.

#### Impact on Conservation Area

7.15 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.

7.16 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.

7.17 Paragraph 192 of the NPPF states that, in determining applications, Local Planning Authorities should take account of a number of criteria, in particular 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. The degrees of harm are defined as 'total loss', 'substantial harm', or 'less than substantial harm' and introduces the need to balance any harm against the benefits of the development.

7.18 The Building Conservation Officer has been consulted in relation to the application and originally returned comment stating that, 'The bin store will stand in the immediate setting of a principal elevation of the listed building and in public view in the Alnwick Conservation Area. However, while we agree substantial harm will not arise (paragraph 195 of the NPPF) we consider less than substantial harm will arise (paragraph 196 of the NPPF) and we refer the decision maker to paragraph 193 of the NPPF. We also note the reference to facilitating residential use (which in the circumstances would be a public benefit) but it would be useful to understand where refuse bin provision was to be made in the original consent. If no such adequate provision were made it would be useful to understand what alternative locations have been considered.'

7.19 Following on from this, amended proposals were submitted on 10th May, reducing the number of bins from 8no bins to 6no bins. An explanation was also provided relating to why this was the chosen location for the bin store. Following receipt of this information, the Building Conservation Officer was re-consulted and they returned comment stating that, 'While we must hold to the finding of less than substantial harm we accept the developer presents an ordered solution to an inherited design oversight. This may be the optimum solution achievable in the circumstances.'

7.20 On balance the Planning Officer is minded to agree with the Building Conservation Officer and considers that while the proposals may result in less than substantial harm of the Alnwick Conservation Area, there are not any other viable locations for the proposed bin store. It is of fundamental importance that the application site has a bin store and therefore it is considered that the less than substantial harm which would be caused by the proposal can be offset by the public benefit which would be provided as a result of the proposed works. It is therefore considered that the proposals are acceptable and in line with local and national planning policy.

### Impact on Highways

7.21 The Highways Officer has been consulted in relation to the application and has returned comment stating that they have no objection to the proposal subject to the imposition of conditions. It is considered that there would be no significant implications for highway safety as a result of this proposal and the proposals are considered to be acceptable subject to the imposition of conditions.

### Other Matters

7.22 Alnwick Town Council raised concerns in relation to the application, but did not object to the application. They suggested an alternative location for the bin store.



However, following receipt of the additional information, the reasons for the chosen location have been explained adequately. The Town Council asked for clarification that the Planning Officer and Building Conservation Officer were satisfied with the proposals and this has been addressed above.

### Equality Duty

7.23 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

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

### Human Rights Act Implications

7.25 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.

7.26 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.

7.27 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 the 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 proposal has addressed the main considerations and would accord with relevant policy and is considered acceptable. 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 be begun before the expiration of three years from the date of this permission.

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

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

1. Location Plan
2. Bin Store (External) - BIN 02

Reason: To ensure the development is carried out in accordance with the approved plans in the interests of proper planning and in line with the NPPF.

03. No external refuse or refuse container shall be stored outside of the approved refuse storage area except on the day of refuse collection.

Reason: In the interests of the amenity of the surrounding area and highway safety, in accordance with the National Planning Policy Framework and saved Policies of the Local Plan.

**Date of Report:** 25.05.2019

**Background Papers:** Planning application file(s) 19/00278/FUL