

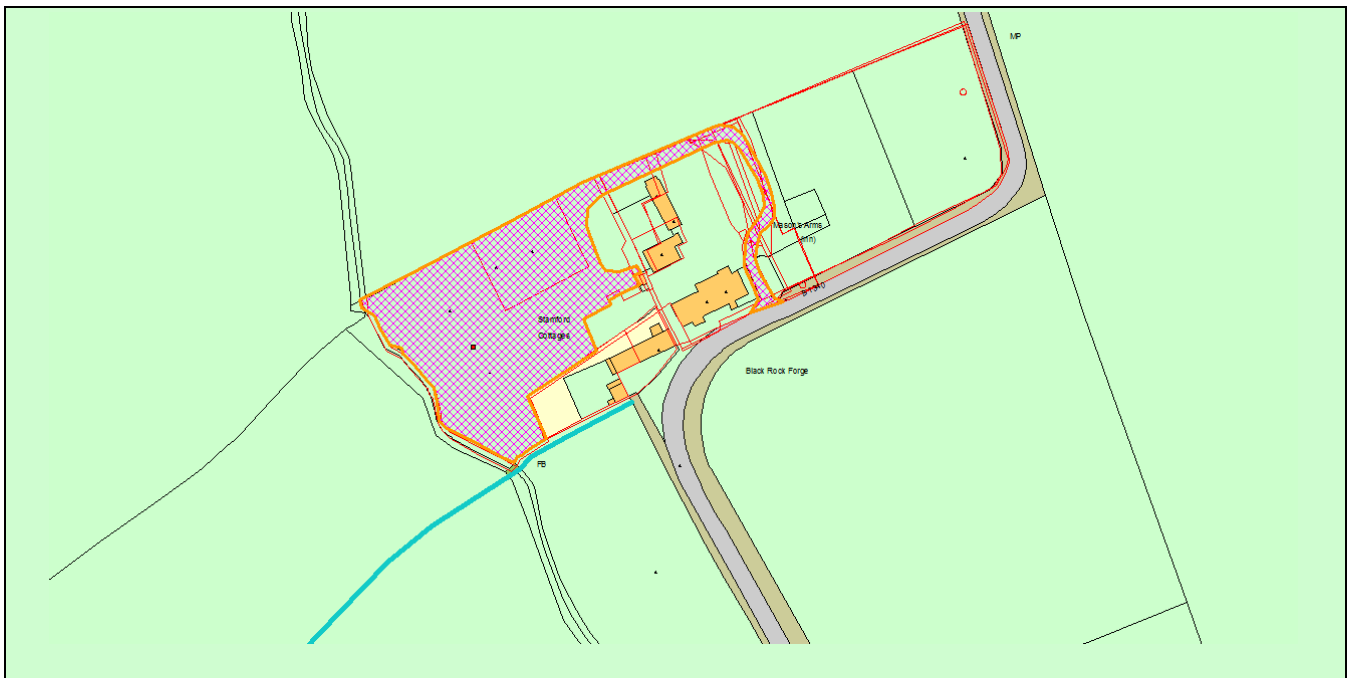


# Northumberland County Council

## North Northumberland Local Area Council 17th October 2019

<b>Application No:</b>	19/03043/VARYCO		
<b>Proposal:</b>	Retrospective variation of condition 12 (materials) pursuant to planning permission 16/04246/FUL		
<b>Site Address</b>	Land West Of Masons Arms , Stamford Cottages, Stamford, NE66 3RX		
<b>Applicant:</b>	Mr Mc Dougall All Saints Developments,	<b>Agent:</b>	Mr Russell Edwards 4 Vita House, Fish Quay, North Shields, NE30 1JA
<b>Ward</b>	Longhoughton	<b>Parish</b>	Rennington
<b>Valid Date:</b>	22 August 2019	<b>Expiry Date:</b>	17 October 2019
<b>Case Officer Details:</b>	Name: Mrs Hannah Nilsson Job Title: Planning Officer Tel No: 01670 620332 Email: hannah.nilsson@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, Cllr Pattison has requested this application be considered by the Area Council due to the visual impact in particular the effect and character of the development.

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

2.1 This retrospective application proposes to vary condition 12 (materials) pursuant to planning permission 16/04246/FUL to allow for the change in roof materials from Spanish slate to slate look concrete tiles at Land West Of Masons Arms, Stamford Cottages, Stamford.

2.2 Planning permission 16/04246/FUL was granted subject to conditions on 7th March 2017 for Change of use of existing paddock/former caravan site to residential (C3 Use) by erecting 4 no. dwellinghouses (C3 Use).

2.3 Condition 12 of permission 16/04246/FUL states:

Notwithstanding any description of the materials in the application, no development above damp proof course level shall be commenced until precise details, to include samples of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to, and approved in writing by the Local Planning Authority. All roofing and 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 Core Strategy.

2.4 The reasons given for the variation to the condition is that the approved design and access statement states that slate "look" concrete tiles will be used. The agent states that an error was made in the subsequent discharge of condition application which stated natural Welsh slate. This application seeks to regularise matters.

2.5 Notwithstanding the statement provided by the agent, the application form submitted with this current application and the application documents submitted with 16/04246/FUL and the subsequent discharge of conditions application ref 17/01288/DISCON, it is clear that in both applications the roof material was intended to be slate and indeed the sample submitted for approval under the latter application reflects this.

## **3. Relevant Planning History**

**Reference Number:** 15/01959/FUL

**Description:** Change of use of existing paddock/former caravan site to residential (C3 Use) by erecting 2 no. dwellings.

**Status:** PER

**Reference Number:** 16/04246/FUL

**Description:** Change of use of existing paddock/former caravan site to residential (C3 Use) by erecting 4 no. dwellinghouses (C3 Use)

**Status:** PER

#### 4. Consultee Responses

Rennington Parish Council	Object, the use of concrete tiles is not in keeping with the local architectural vernacular and would be detrimental to the local visual amenity and their use should be rejected.
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#### 5. Public Responses

##### Neighbour Notification

Number of Neighbours Notified	5
Number of Objections	1
Number of Support	0
Number of General Comments	0

##### Notices

General site notice,  
No Press Notice Required.

##### Summary of Responses:

In total 1 representation has been received, objecting to the proposal on the following summarised grounds:

- The use of these grey concrete tiles will have a detrimental effect on the visual amenity of the local community as they are not in keeping with the local architectural vernacular.

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=PVXB8TQSIJS00>

#### 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
- S4 The phased release of housing land
- S5 Housing density

S11 Locating development to maximise accessibility and minimise impact from travel  
S12 Protecting and enhancing biodiversity and geodiversity  
S13 Landscape character  
S16 General design principles

Alnwick District Wide Local Plan

BE8 Design in new residential developments and extensions (and Appendix A and B)  
APPENDIX A Design and layout of new dwellings  
TT5 Controlling car parking provision (and Appendix E)  
APPENDIX E Car parking standards for development  
CD32 Controlling development that is detrimental to the environment and residential amenity  
BE12 Protection of landscaped areas

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

STP1 - Spatial strategy  
STP2 - Presumption in favour of sustainable development  
STP3 - Principles of sustainable development  
STP4 - Climate change mitigation and adaptation  
STP5 - Health and wellbeing  
HOU2 - Provision of new residential development  
HOU9 - Residential development management  
QOP1 - Design Principles  
QOP 2 - Good design and amenity  
TRA1 - Promoting sustainable connections  
TRA2 - The effects of development on the transport network  
ENV1 - Approaches to assessing the impact of development on the natural, historic and built environment  
ENV2 - Biodiversity and geodiversity  
ENV 3 – Landscape

## 6.2 National Planning Policy

National Planning Policy Framework (2019)

National Planning Practice Guidance (2019, as updated)

## **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.

7.3 The key planning issue raised by the proposed variation of condition 12 of permission 16/04246/FUL include:-

- Principle of the variation of condition
- Impact on surrounding area

#### Principle of the variation of condition

7.4 The principle of the development has already been established through the extant permission. The main issue to consider therefore is the effects of the variation and the impact that this would have on the surrounding area.

#### Impact on surrounding area

7.5 The reason that condition 12 was attached to the previous permission was : 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 Core Strategy.

7.6 Under Policy S16 of the ADCS all new development will be expected to achieve a high standard of design, reflecting 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.

7.7 It is noted that the other dwellings at Stamford (not subject to this application) are all constructed with slate roofs and this is the predominant material in the locale. Notwithstanding this, it is considered that, on balance, the use of concrete tiles does not result in such unacceptable adverse effects upon the character and appearance of the site and surrounding area such as to warrant refusal of this application particularly given that the tiles are grey in colour. It is therefore considered that the proposal is acceptable in relation to Policy S16 of the ADCS.

7.8 Both the parish council and a local resident have objected to the application on the grounds of a detrimental effect on the visual amenity and have raised concerns that the proposed change in material will not be in keeping with the local architectural vernacular. As outlined above, whilst concrete is a departure from the predominant materials in the locale, the impact of such is not sufficient, on balance as to warrant refusal of this application.

7.9 In relation to conditions, the planning permission has been fully implemented as the dwellings have been erected and are occupied and therefore it is not necessary to place the standard three year time limit for commencement of development relating to this.

7.10 It is recommended that the remaining conditions on the original approval that are still relevant be applied to this permission.

### Equality Duty

7.11 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

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

### Human Rights Act Implications

7.13 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.

7.14 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.

7.15 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 principle of the variation of the condition is acceptable.

8.2 The development complies with the policies of the Development Plan and the National Planning Policy

## 9. Recommendation

That this application be GRANTED permission subject to the following:

### Conditions/Reason

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:-

Drawing no 16026-EArch-PL-SI-DR-A-0105-P4 titled site location plan  
Drawing no 16026-EArch-PL-XX-DR-A-0123-P4 titled Floor plans and elevations plots number 2 and 4  
Drawing no 16026-EArch-PL-XX-DR-A-0124-P1 titled Floor plans and elevations plots 1 and 3  
Drawing no 16026-EArch-CN-SI-DR-A-0111-c1 titled site plan - vehicle sweep path analysis  
Drawing no 16026--EArch-ST-XX-PL-0011-P5 titled site plan as proposed (roof plan)  
Drawing no 16026-EArch-CN-SI-DR-A-0110-C1 titled site plan as proposed  
Drawing no MD1019/100 titled external works dated November 2016  
Flood Risk Assessment dated November 2016 by Wardell armstrong  
Arboriculture Survey dated November 2016

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

02. No development shall be carried out other than in accordance with the guidance set out in Pollution Prevention Guidance: Works or Maintenance in or Near Water PPG5, Environment Agency, 2007.

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

03. The biodiversity management plan shall be implemented in accordance with the details approved under 17/01288/discon.

Reason: To protect and enhance the biodiversity of the site in accordance with Policy S12 of the Alnwick District Core Strategy.

04. Any permanent and temporary lighting on the site shall be implemented in accordance with the details approved under application 17/01288/discon.

Reason: To prevent the risk of harm to protected species from the outset of the development in accordance with Policy 12 of the Alnwick District Core Strategy.

05. i) All trenches and excavations deeper than 0.30m left open overnight should have a ramp installed at an angle of no more than 45 degrees to allow the escape of entrapped mammals.

ii) Gaps shall be created and retained in all boundary fences between dwellings to allow the passage of small mammals such as hedgehog. Gaps shall measure no less than 13cm by 13cm.

Reason: to enhance the biodiversity of the site for a UK BAP priority species in accordance with Policy S12 of the Alnwick District Core Strategy.

06. The finished floor levels shall be implemented in accordance with the details approved under application 17/01523/discon including the document titled External works, ref MD1019/100.

REASON: To prevent the risk of surface water flooding.

07. The construction method statement shall be implemented in accordance with the details approved under application 17/03711/discon.

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

08. The development shall not be occupied until the approved refuse storage area has been formed in accordance with the approved plans. The approved refuse storage area shall thereafter be retained for the storage of refuse at all times.

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

09. The dwellings hereby approved shall only be used for C3 use only and for no other purpose (including any other purpose in Class C3 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: To ensure that the use remains compatible within the site.

10. The materials to be used in the construction of the external walls of the buildings hereby approved shall be implemented in accordance with the details approved under 17/01288/discon.

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 Core Strategy.

11. The development shall not be occupied until the car parking area indicated on the approved plans, including any disabled car parking spaces contained therein, has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

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



## Informatives

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
<https://www.gov.uk/government/organisations/the-coal-authority>

2. This is a planning permission granted under the Town and Country Planning Act. It does not convey any other form or consent that may be required from the Council. In particular building works may require approval under the Building Regulations and an Environment permit may be required. Further information on these approvals can be obtained from the planning department at Northumberland County Council.

**Date of Report:** 01.10.2019

**Background Papers:** Planning application file(s) 19/03043/VARYCO