



# Northumberland

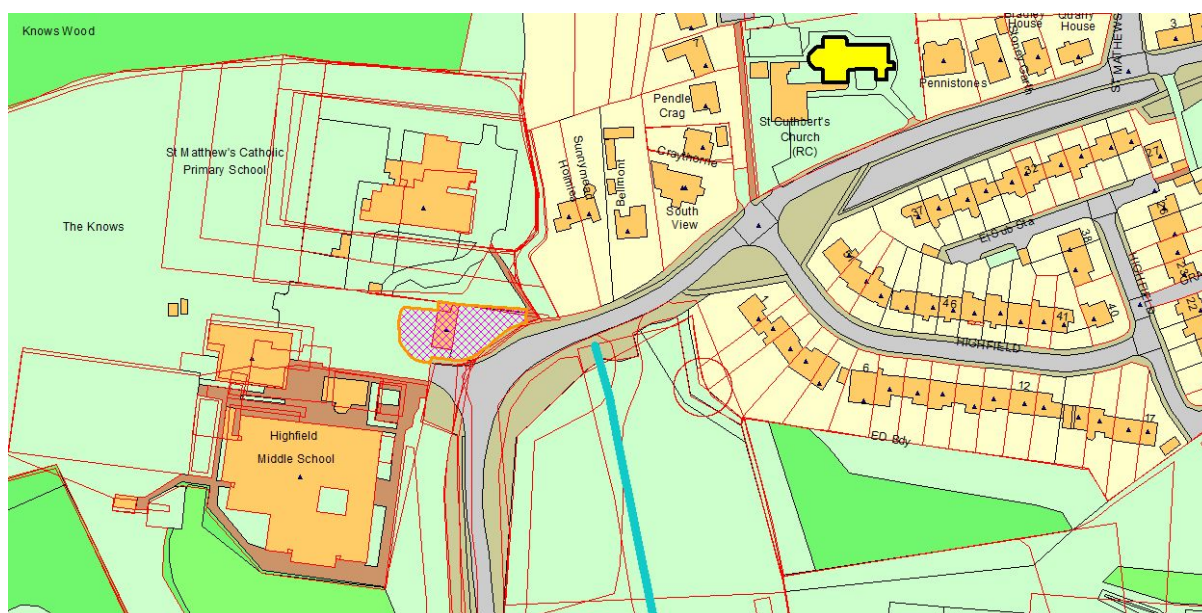
## County Council

### Strategic Planning Committee

#### 7 January 2020

<b>Application No:</b>	19/03754/FUL		
<b>Proposal:</b>	Change of use from caretakers bungalow Class C3 to School D1 and conversion of existing car port to garage (Amended Description and Application Type 14/11/2019).		
<b>Site Address</b>	School House, Highfield Middle School, Highfield Lane, Prudhoe Northumberland NE42 6EY		
<b>Applicant/ Agent</b>	Ian Henderson 2 Ferndale Avenue, Gosforth, Newcastle Upon Tyne, NE3 5QE		
<b>Ward</b>	Prudhoe North	<b>Parish</b>	Prudhoe
<b>Valid Date</b>	12 September 2019	<b>Expiry Date</b>	10 January 2019
<b>Case Officer Details</b>	Name: Mr Callum Harvey Job Title: Planning Officer Tel No: 01670 623625 Email: <a href="mailto:Callum.Harvey@northumberland.gov.uk">Callum.Harvey@northumberland.gov.uk</a>		

**Recommendation:** That Members are minded to GRANT permission for this application, subject to recommended conditions.



## **1. Introduction**

- 1.1 The application is for works to a building within the grounds of a Middle School. As such the application has been referred to the Strategic Planning Committee for determination in accordance with the current Scheme Delegation.

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

- 2.1 Planning permission is sought for the change of use of an existing caretaker's bungalow (Use Class C3) to a flexible learning space ancillary to the Middle School (Use Class D1). The proposal also seeks to convert an existing car port to a garage for storage purposes, and create 5no. car parking bays within the curtilage of the building. The building subject to this application is within the grounds of Highfield Middle School, Prudhoe.
- 2.2 The building subject to this application was constructed as a caretaker's bungalow as part of the wider school development now known as Highfield Middle School. The application submits that the proposed change of use of the bungalow would be a cost-effective way to improve the school facilities, by creating an additional learning space for pupils and staff. The proposed works would not lead to an increase in pupil numbers at the school.
- 2.3 The single storey building measures 4.5m in height, 16m in length and 7.4m in depth, and is constructed of facing brick with a dual pitched concrete tile roof and upvc windows. The received plans show that the proposed learning space would comprise a meeting room, dining room and storage, whilst the existing bathroom and kitchen would be retained. The existing car port would be converted to create a garage to be used for storage. The flat roof garage would be constructed facing brick to match existing.
- 2.4 The application site is within the High Risk Coal Area as identified by the Coal Authority.

## **3. Planning History**

- 3.1 The Middle School features an extensive planning history due to various works that have been carried out the school. Therefore this section of the report only lists the planning history relevant to the consideration of the current application.

**Reference Number:** C/75/E/095

**Description:** Acquisition of 9.137 acres as the proposed site of Prudhoe County Middle School

**Status:** Permitted

**Reference Number:** C/75/E/710

**Description:** Erection of a county middle school on 0.27 ha

**Status:** Permitted

**Reference Number:** C/75/E/623

**Description:** Erection of proposed Prudhoe West County Middle School and a Roman Catholic First School on 4.95 ha

**Status:** Permitted

**Reference Number:** 16/01484/CCD

**Description:** Proposed single storey extension to front elevation and various internal alterations. Proposed single storey rear extension to create two additional classrooms.

**Status:** Permitted

## **4. Planning Policy**

### **4.1 Development Plan Policy**

Tynedale LDF Core Strategy 2007

Policy GD1 – Locational policy setting out settlement hierarchy

Policy GD4 – Principles for transport and accessibility

Policy BE1 – Principles for the built environment

Policy CS1 – Principles for community services and facilities, including schools

Tynedale District Local Plan 2000 (Saved Policies 2007)

Policy GD2 – Design Criteria for development

Policy GD3 – Development of buildings for education purposes

Policy GD4 – Transport and accessibility criteria

Policy GD7 – Car parking provision within the built up area of Prudhoe

Policy CS19 – Pollution Control

Policy CS23 – Land Contamination

### **4.2 National Planning Policy**

National Planning Policy Framework (2019)

National Planning Practice Guidance (2019)

### **4.3 Emerging Planning Policy**

Emerging Northumberland Local Plan Publication Draft (January 2019) with Minor Modifications (May 2019)

Policy STP 1 – Settlement Boundaries

Policy HOU 1 - Making the best use of existing buildings (Strategic Policy)

Policy HOU 8 - Residential development in the countryside

Policy HOU 9 - Residential development management

Policy QOP 1 - Design principles (Strategic Policy)

Policy QOP 2 - Good design and amenity  
 Policy TRA 1 – Promoting sustainable connections (Strategic Policy)  
 Policy TRA 2 – The effects of development on the transport network  
 Policy TRA 4 – Parking provision in new development  
 Policy ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)  
 Policy POL 1 – Unstable and Contaminated Land  
 Policy POL 2 – Pollution and air, soil and water quality  
 Policy INF 2 – Community Services and Facilities

## 5. Consultee Responses

Highways	<i>Comments received 17.10.2019:</i> Amended plans and additional information required detailing proposed use of building, change in staff or pupil numbers, hours of use, proposed internal arrangement, proposed car parking arrangement.
Highways	<i>Comments received 12.12.2019:</i> Objection resolved following receipt of additional plans and information. Conditions and informatives recommended.
Public Protection	No objection.
Prudhoe Town Council	The Town Council resolved to support the application.
Strategic Estates	No response received.

## 6. Public Responses

### Neighbour Notification

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

### Notices

No Site Notice Required.

No Press Notice Required.

### Summary of Responses:

None Received.

## 7. Appraisal

7.1 The NPPF states that from the day of its publication, weight can be given to policies contained in emerging plans dependent upon the stage of preparation

of the plan, level of unresolved objections to policies within the plan and its degree of consistency with the NPPF. The emerging Northumberland Local Plan was submitted to the Planning Inspectorate in May 2019 for independent examination, supported by a schedule of Minor Modifications following a six week period of consultation earlier this year. The Authority are therefore affording appropriate weight to policies contained within the emerging plan which form a material consideration in determining planning applications alongside Development Plan Policies.

7.2 The main issues for consideration in the determination of this application are:

Principle of the development  
Design and visual impact  
Residential amenity  
Highway safety  
Coal Mining Legacy

#### Principle of the Development

7.3 The application seeks consent for the change of use of an existing building from a residential dwelling to flexible learning space ancillary to Highfield Middle School, within the grounds of the school. The application site is located within the built up area of the main town of Prudhoe. The principle of the works is considered acceptable in this location, in accordance with Policy GD1 of the Tynedale Core Strategy.

7.4 The application submits that the proposal would create a flexible learning space which would improve the quality of the teaching at the school, particularly for those students with special educational needs. This improvement in education provision for the Middle School which is a local community asset would accord with Policy CS1 of the Tynedale Core Strategy.

7.5 The building is proposed to be used in connection with the Middle School. It is considered that the access to the building and the levels across the site are suitable for those people within impaired mobility, therefore the proposal accords with Policy GD3 of the Tynedale District Local Plan.

#### Design and visual impact

7.6 The proposal seeks to change the use of an existing bungalow and convert an existing car port to a flat roof garage. The proposed garage would be constructed of facing brick to match the existing building and would appear subservient to the existing building. The scale and material palette of the development would not appear incongruous with the appearance of the school or the wider area. The proposal therefore accords with Policy BE1 of the Tynedale Core Strategy, Policy GD2 of the Tynedale District Local Plan and the NPPF.

#### Residential amenity

- 7.7 The proposal would not have an adverse impact on the amenity of neighbouring properties to the north east. The proposal therefore accords with Policy GD2 of the Tynedale District Local Plan.

#### Highway safety

- 7.8 The proposal seeks to create 5no. car parking bays within the curtilage of the existing bungalow. The development would not lead to an increase in pupil or staff numbers. The Council's Highways Development Management team have been consulted and had initially raised concerns due to a lack of sufficient information to fully assess the potential impact on highway safety. Following these comments further details were submitted and the Highways team were re-consulted. Highways have no objection following the report of the additional details, subject to the use of recommended conditions and informatives. Subject to the use of these conditions, it is considered that the proposal would not have an adverse on highway safety, in accordance with Policy GD4 of the Tynedale Core Strategy, Policies GD4 and GD7 of the Tynedale District Local Plan and the NPPF.

#### Coal Mining Legacy

- 7.9 The application site is located within the High Risk Coal Area as identified by the Coal Authority. The proposal is for the change of use of an existing building and replacement of an existing car port with a garage constructed of facing brick. Officers are mindful of the standard advice given by the Coal Authority, and consider that the application does not need to be supported by a Coal Mining Risk Assessment due to the scale and nature the proposed development. It is considered that the works would not lead to an increased risk of ground instability or ingress of ground gases, in accordance with Policies CS19 and CS23 of the Tynedale District Local Plan and the NPPF.

#### Other considerations

##### *Equality Duty*

- 7.10 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*

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

##### *Human Rights Act Implications*

- 7.12 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.
- 7.13 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.
- 7.14 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 change of use of the existing bungalow to a flexible learning space within the grounds of Highfield Middle school is considered acceptable, in accordance with the identified policies in the Development Plan.
- 8.2 The proposed works would not have an adverse impact on the appearance of the building, the school or the surrounding area, in accordance with the identified policies in the Development Plan.
- 8.3 The proposal would not have an adverse impact on the amenity of neighbouring properties, in accordance with the identified policies in the Development Plan.
- 8.4 Subject to the use of conditions and informatives recommended by the Highways Development Management team, the proposal would not have an adverse impact on highway safety, in accordance with the identified policies in the Development Plan.

- 8.5 It is considered that the proposal would not lead to an increased risk of ground instability or ingress of ground gases, in accordance with the identified policies in the Development Plan.

## 9. Recommendation

That this application be GRANTED planning permission subject to the following:

### Conditions

- 1) 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)

- 2) 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:-

Site Location Plan, Proposed Site Plan and Proposed Elevations; Dwg. No. PO-20-100 Revision B – received 21.11.2019

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

- 3) 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 demolition and 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 Policy GD4 of the Tynedale Core Strategy, Policy GD4 of the Tynedale District Local Plan, and the NPPF.

- 4) 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 Policy GD4 of the Tynedale Core Strategy, Policy GD4 of the Tynedale District Local Plan, and the NPPF.



## **Informatives**

### *Reminder to not store building materials or equipment on the highway*

Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.

### *Reminder to not deposit mud/ debris/rubbish on the highway*

In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway

## **EIA**

The proposal has been assessed and is not considered to fall under any category listed within Schedules 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The proposal is not considered to be EIA development and therefore does not require screening.

**Date of Report: 16.12.2019**

**Authorised by:**

**Date:**

**Background Papers:** Planning application file(s) 19/03754/FUL