

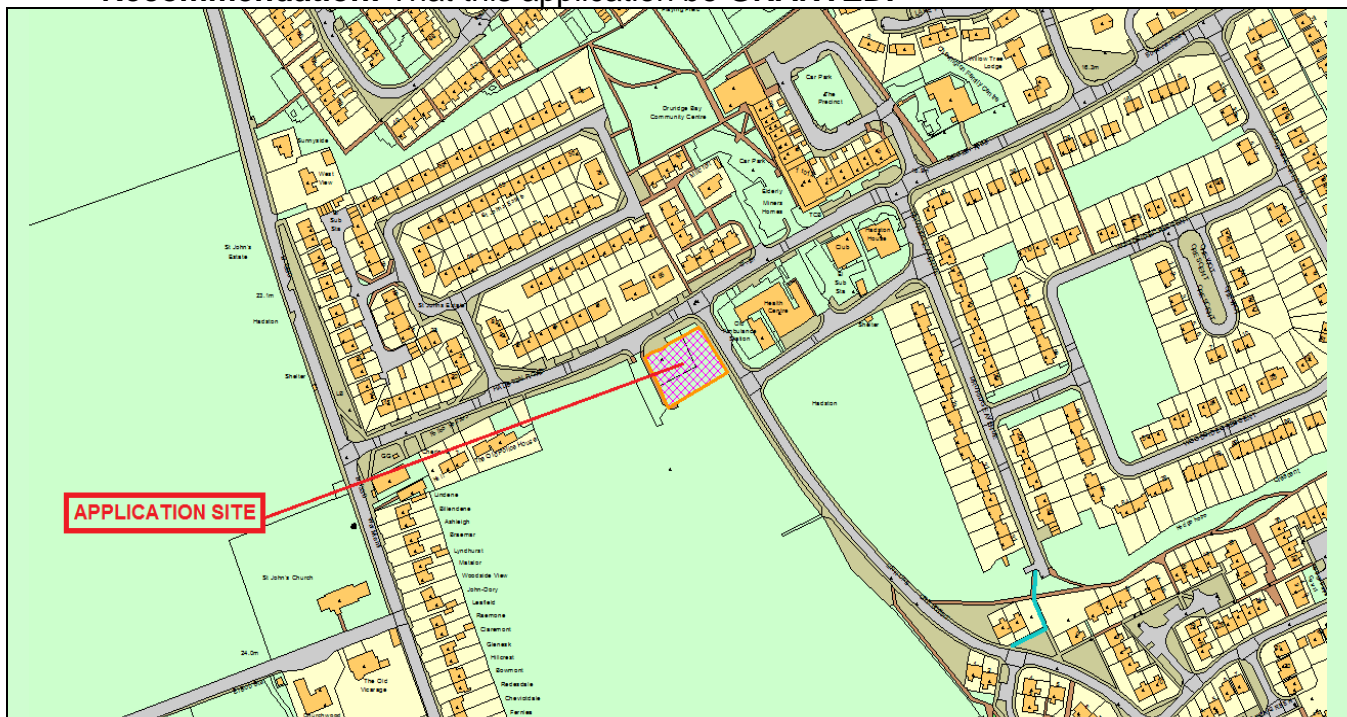


Northumberland County Council

Virtual Strategic Planning Committee 3rd November 2020

Application No:	20/01217/CCD		
Proposal:	Erection of dwelling to provide care facilities for up to 4 persons together with communal/shared living and cooking facilities, games room, offices, store, utility/laundry and plant area as supplemented by supporting statement received 12/05/20 (revised by applicant 19/05/20), by ecology report received 30 June 2020, and by amended elevations/plans received 03/07/20.		
Site Address	School House, Druridge Bay Community Middle School, Hadston Road, South Broomhill Northumberland NE65 9SE		
Applicant:	Miss Sara Whitaker County Hall, Morpeth NE61 2EF Northumberland	Agent:	None
Ward	Druridge Bay	Parish	East Chevington
Valid Date:	23 April 2020	Expiry Date:	18 June 2020
Case Officer Details:	Name: Mr Malcolm Thompson Job Title: Planning Officer Tel No: 01670 622641 Email: Malcolm.Thompson@northumberland.gov.uk		

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



1. Introduction

1.1 Under the Council's current Scheme of Delegation, this application is being reported to Committee as the proposal has been submitted by Northumberland County Council (NCC).

1.2 In addition to the above, the application has raised significant concern from local residents.

2. Description of the Proposals

2.1 The completed application form describes the proposal as being:

The proposed development is to build a new 4 bedroom home, with living and office accommodation on the ground floor and to the first floor there will be 4no. en-suite bedrooms and a main bathroom.

The proposal description was subsequently amended so as to accurately describe those works for which planning permission is being sought and reads:

“Erection of dwelling to provide care facilities for up to 4 persons together with communal/shared living and cooking facilities, games room, offices, store, utility/laundry and plant area”.

A supporting statement was subsequently received and the proposal description amended so as to read “.....as supplemented by supporting statement received 12/05/20”.

2.2 The application seeks full planning permission for the erection of a 2 storey dwelling to be used solely for the purposes of providing a care home under Use Class C2 (Residential Institutions) for children. The care home would be run by NCC and registered with Ofsted as a care provider.

2.3 The application site occupies an almost central position within the defined settlement boundary for Hadston as appears in the Castle Morpeth District Local Plan and as defined by policy HDC1 therein.

2.4 To the west of the site is the 2 storey former police house, to the north and immediately opposite (over Hadston Road) are 2 storey dwellings whereas slightly beyond are “Elderly Miners Homes” and the shopping precinct comprising a supermarket, hot food takeaways, post office, and a community centre. To the east of the site and across Linhope Crescent is the “Old Ambulance Station” (now converted to a dwelling) and the local health centre.

2.5 The supporting information submitted with the application indicates that the proposed care home would make provision for the following:

Ground floor

- entrance hallway;

- meter room;
- cloakroom/store;
- WC;
- enclosed telephone kiosk;
- living room/kitchen/dining room;
- games room;
- utility/laundry room;
- meeting room;
- office; and
- plant/bin storage accommodation.

First floor

- 4 bedrooms (each with en-suite and cupboards);
- 1 no. staff sleeping room; and
- bathroom.

Externally there are garden areas shown to 3 sides together with parking for up to 6 vehicles together with appropriate turning area. A timber boundary fence is proposed. Access is shown as being taken via an existing road leading from Hadston Road with on-site parking provision being shown for up to 6 spaces.

2.6 The home would operate 24 hours a day, 365 days a year supported by on average 3 members of staff working varied shift patterns. During shift changes and dependent upon the time of day, there could be up to a maximum of six staff on site at any one time. It would provide for the long-term care of up to four children aged up to 18 years old. No emergency placements will be accepted.

2.7 As mentioned above, the site lies entirely within the existing and well-established settlement boundary for Hadston. It was previously occupied by a school caretaker's dwelling with the caretaker's home and associated school buildings. In August 2011 notification was received on behalf of the County Council's then Commercial and Property Services Team of an intention to demolish the school and associated buildings within the site. The reason stated in the completed notification for the demolition of the buildings was due to the fall in pupil numbers. Following appropriate assessment it was subsequently offered under delegated powers that there were no objections to the proposal.

2.8 The facility would be run by Northumberland County Council as part of a project of expansion in building new and converting existing residential homes for children and young people, who can be cared for in their local area and community. Some of the children and young people for whom care is provided do not have the basics, from the love and care of family to regular routines such as meal times or the guidance that all children and young people need in order to thrive and develop into healthy adults. The aim is to provide a safe family home from home environment in a non-institutionalised way to help the most vulnerable children and young people recover from adverse childhood experiences, injustice, deprivation and inequality.

2.9 The application has been submitted without the benefit of a pre-application enquiry.

3. Planning History

Reference Number: 11/01352/DEMGDO

Description: Demolition of existing middle school.

Status: NO OBJECTIONS

4. Consultee Responses

East Chevington P.C.	Support.
Highways	No objections - standard conditions and informatives offered.
Northumbrian Water	No comments.
Strategic Estates	No response received.
Natural England	No objection - informative provided.
The Coal Authority	No objection - conditions offered.
County Ecologist	No objections - conditions offered.
Architectural Liaison Officer - Police	Comments only regarding location, boundary protection, and security measures. Also mention of applicant to consider arranging Management Protocols.

5. Public Responses

Neighbour Notification

In accordance with normal procedures, neighbour consultation letters were sent by CRT to the following addresses:

Hadston Road

The Old Police House
The Old Ambulance Station
The Dental Practice
Broomhill Health Centre

St. Johns Estate

Nos. 97, 98, 99,

Aged Miners Cottages

No. 4

Following receipt of the supporting statement, 21- day consultation letters were sent to those neighbours listed above, but also to those that had made representations at that time and also to the following additional addresses:

Millcroft

Nos. 1, 2, and 3; and

Hadston Road

Nos. 91 - 96 (incl.).

Number of Neighbours Notified	15
Number of Objections	54
Number of Support	16
Number of General Comments	1

Copies of all representations received are available in the Member's Lounge and will also be made available at the meeting of the Committee.

Notices

Site Notice not required

No Press Notice required.

Summary of Responses:

In response to consultation/publicity in respect of the proposal, 71 representations (54 objections/16 support/1 general comment) have been received. The objections make reference to the following:

- lack of appropriate consultation/publicity;
- fear of crime;
- neighbour amenity;
- lack of facilities in Hadston;
- choice of site considered to be "political";
- impact on ecology;
- lack of relevant supporting information;
- lack of community engagement;
- design/scale of proposal;
- loss of public open space;
- need;
- underhand action by the Council/transparency;
- increase in level of anti-social behaviour/violent crime/criminal damage in Hadston;
- highway safety;
- drainage; and
- construction-related noise.

In addition to the above, a petition containing 133 signatures has also been received.

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=Q8XIOJQSFVS00>

6. Planning Policy

6.1 Development Plan Policy

Castle Morpeth District Local Plan – 2003

- C1 & HDC1 – Settlement Boundaries;
- C11 – Protected Species;
- C15 – Trees in the Countryside and Urban Areas
- RE1 – Energy Conservation;
- RE2 – Renewable Energy;
- RE5 – Surface Water Run-off and Flood Defences;
- RE9 – Ground Stability;
- H5 – Local Authority Housing;

H15 – New Housing Developments;
E5 – Employment;
T3 – Traffic Management;
T6 – Provision for cyclists;
T9 – Access for the Disabled; and
T11 – Car Parking Standards;

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2019)
NPPG - National Planning Practice Guidance (2019)

6.3 Other Documents/Strategies

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.

Northumberland Local Plan Publication Draft Plan (Regulation 19) (NLPPD)

STP1 - Spatial strategy (Strategic Policy)
STP2 - Presumption in favour of sustainable development (Strategic Policy)
STP3 - Principles of Sustainable Development (Strategic Policy)
HOU2 - Provision of New Residential Development (Strategic Policy)
HOU11 - Homes for Older and Vulnerable People
QOP1 - Design Principles (Strategic Policy)
QOP2 - Good design and amenity
QOP4 - Landscaping and trees
TRA4 - Parking provision in new development
ENV1 - Approaches to Assessing the Impact of Development on the Natural, Historic, and Built Environment (Strategic Policy)
ENV2 - Biodiversity and Geodiversity
ENV3 - Landscape
INF6 - Planning Obligations

Habitats Regulations 2017

Wildlife and Countryside Act 1981

Conservation of Habitats and Species Regulations 2017

7. Appraisal

7.1 In assessing the acceptability of any proposal, regard must be given to policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material

consideration and states that the starting point for determining applications remains with the development plan, which in this case contains policies from the Blyth Valley District Local Plan (2007), Blyth Valley Core Strategy (2007), and the Blyth Valley Development Control policies DPD (2007).

7.2 The main considerations in the assessment of this application are:

- Principle of Development;
- Design and Visual Impact;
- Impact on Amenity;
- Ecology;
- Highways; and
- Ground Condition.

Principle of development

7.3 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 for the area within which the application site is located comprises of saved policies of the Castle Morpeth District Local Plan (CMDLP).

7.4 The site is located within the defined settlement of Hadston as shown in inset map no. 7 of the Castle Morpeth District Local Plan. The proposed development would continue to support the services in Hadston. In this respect the development would accord with the NPPF in the context of promoting sustainable development. In addition the proposal would accord in principle with CMDLP policy H15 which sets out the principle for new housing developments. The policy allows for new housing development within settlements where they meet the relevant criteria.

7.5 Paragraph 48 of the NPPF states that some 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 submitted to Government on 29th May 2019 for examination. As such, the policies contained within this document carry some weight in the determination of planning applications at this stage.

7.6 Policies STP2 and STP3 of the draft Northumberland Local Plan also seek that decisions apply a presumption in favour of sustainable development. Due to the nature of the scheme and intended users, the application site is ideally situated within a highly sustainable area, accessible by footpaths, public transport, cycling or private car rather than an isolated location. Policy HOU11 of the draft Northumberland Local Plan is supportive of housing and other residential accommodation which meets the changing needs of older people and vulnerable needs groups and which supports residents' desires to live securely and independently in their own homes and communities over their lifetimes will be delivered wherever possible.

7.7 In addition to the above the emerging Northumberland Local Plan (NLP) policy STP1 sets out the spatial distribution of development. The site would be located in Hadston which is "Service Village" where the forthcoming NLP provides:

“Service Villages generally have a school or a shop, and population of a size considered likely to maintain the viability of such services into the future. They have a reasonable level of public transport to enable residents to access some higher level services without the reliance upon private transport. A settlement's status is not reliant upon one specific criterion, and may be influenced by its close proximity to other settlements”.

As such, therefore the proposal would accord with this policy in that it is a sustainable location. It would also accord with policy STP3 of the NLP in that it would retain the provision of a mix of housing and is also utilising a previously developed (Brownfield) site.

7.8 The emerging NLP is mindful of the Council's duty in the provision of homes for older and vulnerable people and provides that the Council will appropriately provide for the needs of various vulnerable groups of people. Of direct relevance to this proposal is policy H11 “Homes for older and vulnerable people (Strategic Policy)” of the emerging NLP that states:

Housing and other residential accommodation which meets the changing needs of older people and vulnerable needs groups and which supports residents' desires to live securely and independently in their own homes and communities over their lifetimes will be delivered wherever possible, by:

a. Supporting the adaptation of existing homes and the provision of new adaptable homes, including bungalows, level-access flats and sheltered 'extra care' accommodation, located in accessible and sustainable central locations well-served by local health, leisure, education and transport facilities; and

c. Supporting and enabling the provision of Use Class C2 residential care and nursing home accommodation options for those older and vulnerable people with physical disabilities and other needs who are unable to live independently, where justified by a specialist housing needs assessment.

7.9 Officers acknowledge that little weight can be attributed to the emerging Local Plan at this stage however, it does set out the county council's way forward during the forthcoming Plan period in shaping how the County can be developed. In that respect, the proposal is considered to be in general accordance with policies STP2, STP3 and the principles within HOU11.

7.10 In assessing proposals such as this, due consideration is to be given to:

- a) in terms of the likely needs of the prospective residents, the development is sufficiently accessible to local services and facilities;
- b) it is accessible by public transport, on foot and by cycle;
- c) residents will enjoy satisfactory living conditions in terms of privacy, outlook, outdoor amenity space and freedom from disturbance and pollutant; and
- d) there is unlikely to be any disturbance to neighbours.

7.11 The site is within walking distance of a wide range of community facilities, key services, schools, employment opportunities and public transport links. In this respect the application would accord with CMDLP policy H15. This is consistent with the general principles within the National Planning Policy Framework (NPPF) in the context of promoting sustainable development. Officers consider that based on the

location of the proposed development there would be adequate levels of amenity for residents without detriment to the existing occupants in terms of outlook, privacy and loss of light. In addition, there is no evidence to indicate that the scheme would generate a significant level of noise and disturbance.

7.12 Overall, the application is considered to be acceptable in principle as it would provide housing for vulnerable children by re-using a previously developed site within a sustainable location in a settlement.

Design and visual impact

7.13 Policy H15(i) of the Castle Morpeth District Local Plan details that all proposed development within the former district will be assessed in terms of its visual impact. Since its conception in 2012 and since its revision in 2019, the NPPF has directed local planning authorities to be receptive to development that will function well and add to the overall quality of an area, not just for the short term but over the lifetime of the development. Also, that development should create attractive and comfortable places to live, work and visit along with optimising the potential of a site to accommodate, create and sustain an appropriate mix of uses and support local facilities and transport networks. Additionally, the NPPF has required local planning authorities to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. In summary, the NPPF has directed local planning authorities not to create policies that seek to impose architectural styles or particular tastes thereby stifling innovative development.

7.14 The proposed building is shown in the submitted details as being of a modern design and constructed with a steel-frame clad in facing brick at lower (ground floor) level and a mixture of Cedar timber cladding and render at upper (first floor) level. A contrasting roof in a grey finish together with grey-coated aluminium window frames is also shown. Construction materials will as far as possible, be locally sourced and in order to reduce energy consumption, thereby reducing the building's carbon footprint, due to the installation of an air source heat pump that will transfer heat absorbed from outside to the inside via proposed under floor heating.

7.15 The proposed building is shown in the submitted details as being set well behind the established building line in this part of Hadston Road. The building itself would be set behind retained boundary trees and hedging surrounding the proposed car park, in addition to a 1.4 metres high fence, part being by way of a close-board fence the remainder being a chain link fence along the northern and eastern site boundaries.

7.16 Officers consider that there would not be any adverse impact caused upon the appearance of the site. It is therefore considered that the proposal accords with policy H15 of the CMDLP.

Impact on amenity

7.17 As mentioned above, Policy HOU11 of the emerging NLP refers specifically to the provision of homes for older and vulnerable people. Of direct relevance to this current proposal is section "c" which reads:

“Supporting and enabling the provision of Use Class C2 residential care and nursing home accommodation options for those older and vulnerable people with physical disabilities and other needs who are unable to live independently, where justified by a specialist housing needs assessment”.

7.18 Paragraph 127 of the NPPF seeks to ensure that developments will create places with a high standard of amenity for existing and future users. Paragraph 58 states in relation to 'Requiring good design' that:

"Planning policies and decisions should aim to ensure that developments:
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;"

The NPPF goes on to state in para.69 in relation to 'Promoting healthy communities' that:

"Planning policies and decisions...should aim to achieve places which promote:
- safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion”.

7.20 The application has raised considerable objections from local residents, one of which is repeated reference to a lack of community engagement prior to submission and the timing of submission.

7.19 As mentioned above, the application was submitted without the benefit of a pre-application enquiry or discussions with officers in the planning department.

7.21 The supporting statement accompanying the application states “... *the proposed home is **not** a secure home, nor a home for a young person being placed under any criminal orders. The home is for four children or young people where Northumberland County Council are the corporate parent for the children or young persons who are unable to live with parents due to safeguarding concerns”.* The applicant further offers that with regards to those concerns relating to anti-social behaviour, the facility is to provide housing for vulnerable children who may suffer from behavioural difficulties that are related to deprivation or adverse childhood experiences.

7.22 Whilst all issues raised are noted within the determination of a planning application, there can only be great weight attached to those 'material considerations' that relate to land use planning. The strength of feeling from the local residents in respect of this proposal is fully understood however, issues such as perceived behavioural matters, vulnerable tenants, anti-social behaviour, substance abuse or a number of similar uses within the area are not recognised as material considerations. These are controlled by other bodies, such as Ofsted, the police and other bodies of the Council, such as the anti-social behaviour and housing team.

7.23 The requirements within the NPPF relate to crime and disorder which associates new development and designing out crime. In any instance, there should be evidence to support identifying a specific group of people and the perceived risk of anti-social behaviour and crime. It should be noted that 'disturbance' should not be directly related to crime and anti-social behaviour and is a planning judgement on the impact to neighbours from the increased levels of activity based on the scale of the scheme. In this case, the nature of the proposal does not give immediate rise to

concerns of disturbance. As described earlier in the report, no more than 4no. children would reside in the property at any one time. When taken in context, this is not dissimilar to a standard family residence.

7.24 The application is seeking to construct a property, the sole purpose of which is to provide a care home which falls within Use Class C2 (Residential Institution) as provided-for in the Schedule to the Town & Country Planning (Use Classes) Order 1987. It should be noted that Use Class C3(b) is defined within Class C3 as "Dwelling houses". Classes C3(a) and (b) are set out as follows:-

"Use as a dwelling house (whether or not as a sole or main residence) —

- (a) by a single person or by people living together as a family, or
- (b) by not more than 6 residents living together as a single household (including a household where care is provided for residents)..."

7.25 Given the above, a children's care home could therefore fall within the existing Use Class C3(b) (Dwelling houses) where the total number of residents does not exceed six and the carer(s) and the cared-for live as a single household. The definition within 3(b) does not refer to 'personal care' and parents provide care for their own children as a household, this is the same function as a shift care worker. The current application proposes housing for 4no. children and a carer which would fall within the requirements under Class 3b as a dwelling house and therefore, the application could possibly be considered a permitted development if the number of carers was reduced.

7.26 Permitted development however, under use class 3(b) provision has given rise to debate in case law, particularly where carers do not permanently live at the premises, but operate on a shift basis. The general consensus is that constantly changing supervising adults cannot be considered part of a household. For a household to be created there would need to be at least one permanent adult living on the premises with the children. Whilst care homes in general are of a similar function to a dwelling house, the additional activity of shift changing and cars may also provide a material change of use.

7.27 Of relevance to this application and in the case between North Devon District Council v The First Secretary of State (2004), it was held that where the carers did not live permanently within the premises, the occupants would not be living together as a single household and consequently would not fall within Class C3. The main issue however, was whether the lack of any carers 'living' within the property materially changed the character of the property as a dwelling house. It was the inspector's opinion that it did not. Although when carers visiting the site would increase activity, this would not disturb local residents or affect the character of the area. Additionally, although local residents were fearful about the children committing anti-social acts or increasing crime levels, he decided that it was not inherent in the character of a children's care home that the proposed use of the property would have an adverse impact upon the local community and welfare services. Consequently, this was not a factor which would materially alter its basic character as a dwelling house. The children would be supervised and have to obey a set of written rules but in his view it was not uncommon for a family to have its own set of unwritten rules.

7.28 Upon receipt of the application and following expressions of concern towards a perceived increase in criminal activity attributable to the proposal, Northumbria

Police were formally consulted. In response, and despite the expressions of concerns from nearby local residents, Northumbria Police have indicated that following appropriate internal consultation with the Morpeth Neighbourhood Policing Team, "... *there is a low level of anti-social behaviour on an ad-hoc basis, however, this was not deemed to be a high risk area*" and as such, they "... *had no concerns around the proposed location*". In providing a final comment to response, Northumbria Police note the considerable number of objections from local residents and as such, a concern would be that any children placed in the facility will find themselves in a hostile environment which could lead to having an impact on how the facility is managed? In the event that the applicant considered the installation of security measures such as CCTV, access control measures or physical security of the building Northumbria Police would be more than happy to discuss this with the applicant.

7.29 In summary, there is debate within different examples of case law on whether small scale children care homes should be considered a C2 or C3 use class however, there is a consistent judgement, including a decision from the Secretary of State, that care homes for a small number of children would not have a material change to the character and function of a dwelling house. Although applications are assessed on a case by case basis, it was determined that the care for a small number of children, the level of activity would not provide significant disturbance than that of a household within a large dwelling in a suburban location where levels of activity alters within different households.

7.30 The submitted planning statement states that Northumberland County Council will operate the property as a residential home for children and young people and will therefore, operate at all times, in a similar manner as that of a normal residential home. The home will be registered as a care provider with Ofsted and managed on a day-to-day basis by a registered manager who will ordinarily be based at the property Monday to Friday, 9am until 5pm. The registered manager will be supported by a suitably qualified staff team in line with current Ofsted regulations. Rotas will reflect the needs of the individual children residing at the property. It is envisaged that when children are in education during term time, staffing levels may decrease. Due to the need to provide continuity of care to the children and young people, a hand over period between the shifts will be necessary which will be for 30 minutes.

7.31 NLP policy HOU11 covers developments for all possible size and scale and it is considered that based on the provision of housing for 4 no. vulnerable children within an existing dwelling, it is of a minor scale rather than a large new build residential institution catering for a small community of residents. The level of activity would not be to a significant level. The site will also be managed by carers to supervise the children.

7.32 Based on the identified case law and local police comments, there should not be significant weight afforded to the fear and perception of antisocial behaviour, without any evidence. The scheme would provide supervised valuable living accommodation for a vulnerable needs group that require support and have the right to live in safe conditions to improve their welfare and future upbringing.

7.33 Officers consider that the proposal is suitable for the needs as it is a generous sized 4 bedroom detached house with bedrooms located on the first floor and the layout of the rooms are ideal in terms of the ability of staff to safely monitor and supervise the children throughout the night as all rooms are in sight of the staff 'sleep

in room'. The property has its own gardens that are large enough to ensure the children have appropriate outdoor amenity space and also reduce any noise or disturbance to neighbours.

7.34 In terms of the management of anti-social behaviour this will be thoroughly and rigorously risk assessed as part of the management of the property in order to comply with their Ofsted Registration and their regulatory responsibilities which they must adhere to in order to provide the service. Anti-social behaviour will be continually and comprehensively reviewed as part of the day to day management of the home, the individual child's care plan and personalised risk assessments with the offer of regular contact and meetings with Northumbria Police in order to identify any threats or risks to home or wider environment so that at an early stage they can be captured in order to allow appropriate procedures to be addressed, risk assessed and mitigation measure implemented.

7.35 The home would be monitored through Ofsted regulations. Additionally care homes follow specific guidance and legislation to ensure the day to day running of the home and legislative requirement are fulfilled - this includes all areas of health and safety for the individuals, staff and environment both internally and externally. This is demonstrated through rigorous and on-going risk assessment, monitoring, regular audit and local delegation procedures to support completion of this. All of this is inspected as part of Ofsted's inspection criteria (at least annually) and overseen by the organisations monitoring tools.

In addition to Ofsted Inspections, the facility will receive annual monitoring visits. These visits are generally understood to be unannounced and a report will be completed which sets out, in particular, the monitoring officer's opinion as to whether:

- (a) children are effectively safeguarded; and
- (b) the conduct of the home promotes children's well-being.

This will ensure that the home remains compliant with all relevant legislative frameworks.

7.36 The proposal for this facility was chosen by the applicant due to the location for its good transport links and parking requirement; it is set back from the main highway and will not have people passing through. One of the objections raised by local residents is the proposal restricting access to a proposed countryside park. Officers are not aware of such proposal neither have they taken part in discussions with others in respect of such. Similarly, the applicant has confirmed that they too are not aware of any such proposal(s).

7.37 Overall, the application would be in accordance with Policy HOU11 of the emerging NLP and the NPPF. 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. It is considered that the proposal is in accordance with this.

Ecology

7.38 As mentioned in paragraph 2.6 above, the proposal relates to a previously developed (Brownfield) site. In the relatively short time since the demolition of the school and caretaker's house that previously occupier the site, it has become

overgrown whilst the trees and hedgerow that border the site continue to flourish. Photographs held on file and taken at the time of the site visit clearly show the existing arrangement.

7.39 In representations received, mention has been made of the loss of open space and also towards the potential impact on ecology. In initial response to consultation the County Ecologist noted that the site appears to have been largely unmanaged since the afore-mentioned demolition works. The area to be developed is characterised by closely mown amenity grassland, tall vegetation containing a small amount of rubbish, and overgrown hedgerows and semi-mature trees. None of the trees have potential for features that would be suitable for roosting bats. The vegetation on site however would be suitable for nesting birds. All wild birds and their nests are protected when in use and this will, therefore, need to be accounted for before any works commence (nesting period for most species would be fully encompassed by the period March - August incl.). Accordingly a planning condition should be imposed on any grant of planning permission in order protect nesting birds, all species of which are protected by law.

7.40 Off site and to the immediately to the south of the application site boundary, there is a large area of rough grassland which is the site of the former school, and beyond that an area of more formally managed amenity grassland, a play area and further rough grassland. There is a permanent pond located approximately 350m south of the site and it is reported that a depression c.50m south holds water. There are no records of Great Crested Newts from within 1km of the site. Hedgehogs, which are of priority conservation concern and are a Species of Principal Importance under Section 41 (S41) of the Natural Environment and Rural Communities Act (2006) may use site. An important factor in their recent population decline is that fencing and walls are becoming more secure, reducing their movements and the amount of land available to them. A simple measure to allow hedgehogs to move freely between gardens is known to be of benefit to the species. A specific condition requiring the provision of appropriate spacing at the base of any new fencing is proposed in the event that planning permission is granted.

7.41 The NPPF makes it clear that aside from purely mitigating against the harm that a development may cause to biodiversity the definition of sustainable development includes biodiversity enhancement. Paragraph 8 of the NPPF states: "*Pursuing sustainable development involves seeking positive improvements in the natural environment, including moving from a net loss of biodiversity to achieving net gains for nature*". The increased structural integrity of modern developments reduces the potential for birds and bats to utilise modern buildings for nesting and roosting therefore any new developments should integrate a variety of bird and/or bat boxes. Enhancement in buildings is expected at a ratio of 1 feature per dwelling. Externally mounted or tree-mounted nesting or roosting features are not considered to be permanent mitigation or enhancement as they can be removed. In-built/integrated nesting or roosting features are encouraged for birds and bats. Target species could include house sparrow and bats. The applicant has since provided an amended detailed drawing so as to indicate provision for bird boxes upon the exterior of the proposed building.

7.42 The applicant has since had a Preliminary Ecological Assessment (PEA) undertaken by a suitably qualified person. The County Ecologist has been re-consulted accordingly and in response offers no objections to the proposal subject to

the imposition of appropriate conditions with regards to tree felling, timing of vegetation removal, provisions for protected species, and landscaping.

7.43 As this is a proposed residential development within 7km of the coast, consideration needs to be given to the impact of increased recreational disturbance to bird species that are interest features of the coastal Sites of Special Scientific Interest (SSSI) 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 Local Planning Authority has to fulfil its obligations under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017 by ensuring that the development will not have adverse impacts on designated sites.

7.44 Following appropriate consultation and subsequent agreement with Natural England, 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 and monitoring. Contribution to the Coastal Mitigation Service enables a conclusion of no adverse effect on site integrity to be reached when a planning application is subject to Appropriate Assessment (Habitat Regulations 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.

7.45 The contribution for minor developments of 9 units or less contribute a one-off payment of £615 per unit within the 7km buffer of the coast but are exempt beyond that, and so the contribution for this development is $£615 \times 1 = £615$. This would normally be secured by a S.106 agreement payable on first occupation or by way of a unilateral undertaking. In respect of applications where the County Council is the applicant, a procedure has previously been put in place whereby the required funds are made via a Journal Transfer i.e. an internal transfer in the event that Members are of a mind to approve the application and prior to any decision notice being issued.

7.46A class Habitat Regulations Assessment has been agreed with Natural England and applies to all developments where a contribution to the Coastal Mitigation Service has been agreed which concludes that there will be no adverse effects on the integrity of any European sites. Consequently there is no need to complete an individual HRA for each scheme.

Highways

7.47 Paragraph 108 of the NPPF requires safe and suitable access for development and paragraph 109 states the development should only be prevented where the resultant highway impacts would be severe. There have been concerns raised from residents in respect to highway safety issues, increased vehicular movements and dangers from traffic.

7.48 The proposed development comprises the erection of a single dwelling located on the south side of Hadston Road with the site already benefitting from dedicated access and with existing surrounding lit footways with bus stops in an accessible walking distance, with cycle based journeys able to be accommodated through on-street cycling utilising existing carriageways. The levels of accessibility are

acceptable and in keeping with surrounding dwellings with no requirements to improve access to sustainable travel as part of this application.

7.49 The Highways Officer acknowledges and appreciates that the proposal would result in some increase in traffic levels with associated disturbance in relation to construction traffic. However, one additional dwelling together with the anticipated resultant traffic movements would not be likely to have a significant effect upon these matters.

7.50 In terms of road safety, the proposed development will be contained within the boundary of what was previously a caretaker's house in connection with a now demolished school. Vehicular access is shown as being via an existing access within the side road to the west of the application site and leading off Hadston Road. Subject to this intended use the trips associated with this site and the subsequent impact upon the highway and the access to the wider area would be considered as acceptable in principle.

7.51 Appendix D of the Northumberland Local Plan Publication Draft Plan (Regulation 19) outlines the parking requirements in respect of C2 Residential Institutions. This requires 1 space per unit for wardens or residential staff, 1 space per 2 non-resident staff, 1 space per 3 rooms for visitors and 1 space per 4 residents for residents. Section 18 (Employment) of the application form refers to the intention for the development to employ the equivalent of 6 no. full time staff, with the proposed site plan illustrating 6 no. parking spaces on the northern side. The supporting statement accompanying the application states:

"... depending upon the needs and the care plans for each individual child or young person and their place of education, children or young persons will be either driven, may walk and/or use public transport to get to their place of education and back. Dependent upon the geographical location where the proposed staff members live, and their personal circumstances, they will be encouraged to walk, use public transport or drive to the home".

7.52 The Local Highways Authority has been consulted and has no objections to the proposal. It is considered that the amended "As Proposed" site plan shows an acceptable level of provision to facilitate car parking associated with this change of use standard for both staff and visitor requirements without overspill parking obstructing manoeuvrability to the adjacent uses. The proposed parking is in accordance with the NCC parking standards and overall, it is not considered the application would have a significant impact to highway safety and is in accordance with the NPPF. Conditions are proposed requiring the following:

- Implementation of the car parking prior to occupation;
- The refuse storage details to be retained at all times;
- Details of cycle storage facilities to be provided.

Ground Condition

7.53 Hadston is located within what is referred-to as being "the former northern coalfield area". Saved policy RE9 of the CMDLP requires proposals for development on unstable or potentially unstable land to be accompanied by a statement/assessment on ground stability, together with details of measures proposed to deal with any instability.

7.54 In accordance with council procedure in such instances, the views of The Coal Authority are sought. In response to consultation The Coal Authority has confirmed that in keeping with the Hadston area generally, the application site falls within the defined Development High Risk Area and therefore is within an area of both recorded and probable shallow coal mining; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

7.55 In response to formal consultation, The Coal Authority considers that the “assessment” accompanying the application has been informed by an appropriate range of sources of historical, geological and coal mining information. The “assessment” sets out an intention to mitigate the risks and contains appropriate recommendations to include a programme of investigative drilling / gas monitoring to be carried out in order to reliably establish drift/bedrock depth and the presence, depth and nature of mine workings beneath this site and the applicant would need to have their appointed technical consultants to design the remedial / mitigatory measures (ground stabilisation / foundation design / gas protection measures) that may be required to ensure that the site is suitable for development and the development will be safe and stable in accordance prior to commencement of any development and as set out in NPPF paragraphs 178-179. Accordingly, and based upon the supporting statement provided with the application, The Coal Authority raises no objections to the proposal subject to the imposition of an appropriate “pre-commencement” condition to secure the above.

Other matters

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 concerns of the objectors have been fully taken into account in the assessment of this proposal. In view of the material planning considerations the Local Planning Authority can attach weight to, it is considered that the proposal is of an appropriate design and represents an appropriate form of development that would not have a significant adverse impact on the street scene, or the amenity of nearby residents. The application has been assessed and found to be acceptable in relation to its impact upon highways. It is therefore considered that the proposal is in accordance with national and local planning policies and on that basis, is recommended for approval.

8.2 A further condition is considered appropriate to restrict the use to that of a children's care home within use class C2 unless an application is submitted to the Local Planning Authority.

9. Recommendation

That this application be GRANTED 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. Notwithstanding the submitted details and prior to the commencement of development, a schedule containing precise details of the types and colours of all materials to be used on the external elevations of the proposed development shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter, the development shall not be constructed other than with these approved materials.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of Castle Morpeth District Local Plan policy H15.

03. Except where modified by the conditions attached to this planning permission, the development shall be carried out in accordance with the details shown in drawing nos:

PI191010 (L)02 (Proposed Site Plan) dated Sept 2019 and received 17 April 2020;
and
PI191010 (0) (Plans/Elevations) dated Sept 2019 and received 03 July 2020.

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

04. The premises shall be used for a 'residential home for children and young people' and for no other purpose (including any other purpose in Class C2 of the Schedule to 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 with or without modification).

Reason: To protect residential amenity in accordance with the NPPF.

05. The development shall not be occupied until the car parking area indicated on the approved plan 135916/2002 Rev A, 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.

06. No external refuse or refuse containers 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

07. Development shall not commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved [Demolition and/ or Construction Method Statement] shall be adhered to throughout the demolition/ 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; and
- 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.

08. 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.

09. Site clearance and construction, including ground works and removal of vegetation, shall be carried out in accordance with the details contained in the Method Statement, Appendix 1 of the Ecological Impact Assessment June 2020, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. Should development not take place prior to March 2021 additional survey should be undertaken to assess any changes to the wet depression immediately south of the site.

Reason: To prevent harm to individual amphibians.

10. No tree felling or vegetation clearance shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed. Netting of hedgerows or trees is only permitted in exceptional circumstances in accordance with Chartered Institute of Ecology and Environmental Management/Royal Society for the Protection of Birds advice. A methodology and management plan for the installation and maintenance of the netting will be agreed in writing with the Local Planning Authority prior to installation.

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

11. All works on site shall be carried out in accordance with the guidance set out in BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations British Standards Institution, 2012.

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

12. Prior to first occupation or use of the development hereby approved the following biodiversity enhancement features must have been fully implemented;

- 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 hedgehogs.
- Integrated bird boxes and bat boxes constructed within the fabric of the new buildings following best practice guidance, at a ratio of 1 feature per dwelling.

Reason: To conserve and enhance local biodiversity in line with the NPPF.

13. Prior to occupation a landscape and ecological management plan (LEMP) for the area of open space identified within the Ecological Impact Assessment June 2020, shall be submitted to, and be approved in writing by, the local planning authority including;

- i - Aims and objectives of management;
- ii - Extent and location/area of proposed works on appropriate scale maps and plans;
- iii - Type and source of materials (e.g. wildflower seeds);
- iv - Prescriptions for management actions;

v - Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period); and
vi - Details of persons responsible for implementation of the plan.
Thereafter, the approved plan will be implemented in accordance with the approved details unless otherwise agreed in writing beforehand with the Local Planning Authority.

Reason: to conserve and enhance the natural environment in accordance with the NPPF.

14. Upon completion of the development and prior to first occupancy, the applicant shall make the necessary contribution under the Coastal Mitigation Scheme by way of a Journal Transfer.

Reason: In accordance with the Council's adopted Coastal Mitigation Scheme.

Date of Report: 16th October 2020

Authorised by:

Date:

Background Papers: Planning application file(s) 20/01217/CCD