



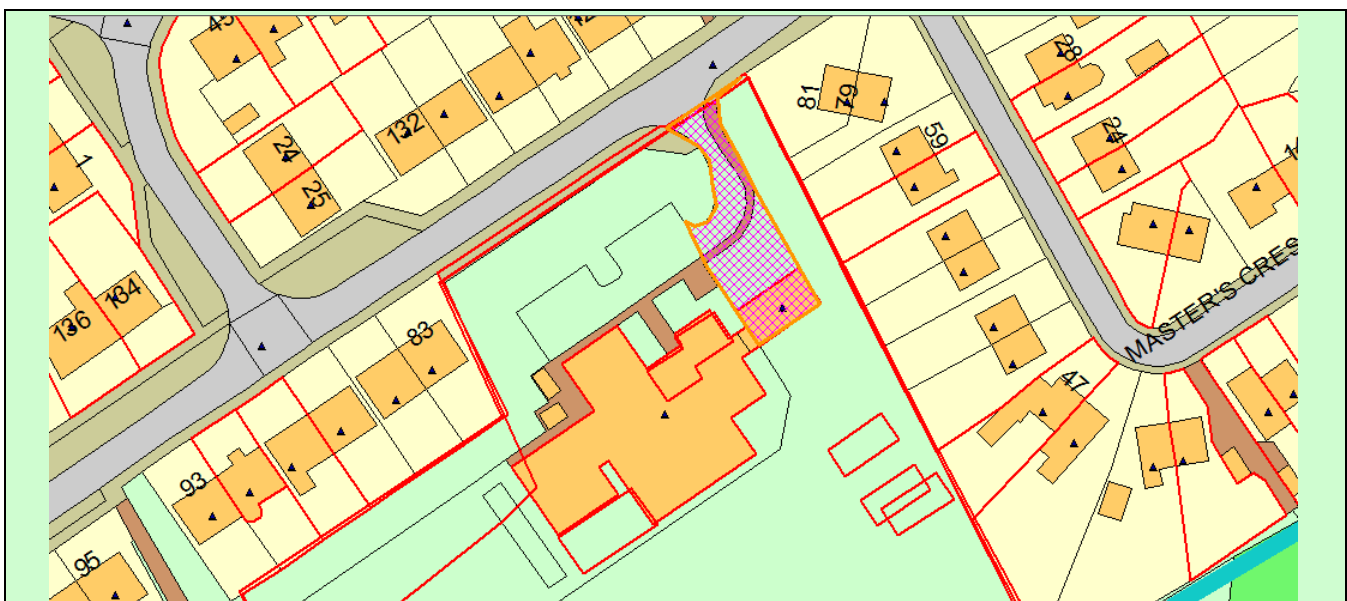
# Northumberland County Council

## Tynedale Local Area Council Planning Committee

9 April 2019

|                              |  |                     |               |
|------------------------------|--|---------------------|---------------|
| <b>Application No:</b>       | 19/00062/CCD   |                     |               |
| <b>Proposal:</b>             | Change of use from residential to school use   |                     |               |
| <b>Site Address</b>          | School House, Prudhoe Castle First School, Castle Road, Prudhoe<br>Northumberland<br>NE42 6PH  |                     |               |
| <b>Applicant:</b>            | Mrs Tammy Allen<br>Prudhoe Castle First School ,<br>Castle Road, Prudhoe, NE42<br>6PH  | <b>Agent:</b>       | None          |
| <b>Ward</b>                  | Prudhoe North  | <b>Parish</b>       | Prudhoe       |
| <b>Valid Date:</b>           | 28 February 2019   | <b>Expiry Date:</b> | 25 April 2019 |
| <b>Case Officer Details:</b> | Name: Ms Marie Haworth<br>Job Title: Planning Officer<br>Tel No: 01670 623787<br>Email: <a href="mailto:Marie.Haworth@northumberland.gov.uk">Marie.Haworth@northumberland.gov.uk</a> |                     |               |

**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 this application is being brought to the Committee as the application is on land within the ownership of the Council.

## 2. Description of the Proposals

2.1 The application seeks planning permission for the change of use of the existing residential property (Use Class C3) to School (Use Class D1) at Prudhoe Castle First School, Castle Road, Prudhoe.

2.2 The site is located within the built up area of Prudhoe approximately 1 mile from Prudhoe Town Centre, and is adjacent to a number of residential properties. The application property is the former caretakers' residence which adjoins the existing school building and is within the school curtilage.

2.3 There are no proposed changes to the external layout of the building.

## 3. Planning History

**Reference Number:** T/85/E/683

**Description:** Renewal of temporary planning approval for siting of 1 mobile classroom.

**Status:** PER

**Reference Number:** T/76/E/23

**Description:** Mobile toilet block.

**Status:** PER

**Reference Number:** T/75/E/731

**Description:** Temporary Classroom.

**Status:** PER

**Reference Number:** T/20010573

**Description:** 01/00143/CCD - Construction of classroom extensions and extension to car park at

**Status:** NOOBJ

## 4. Consultee Responses

|                        |                         |
|------------------------|-------------------------|
| Prudhoe Town Council   | Support the application |
| Education - Schools    | No response received.   |
| Northumbrian Water Ltd | No comments             |

|                   |   |
|-------------------|---|
| Highways          | No objection subject to relevant informatives |
| Strategic Estates | No response received.                         |

## 5. Public Responses

### Neighbour Notification

|                               |    |
|-------------------------------|----|
| Number of Neighbours Notified | 11 |
| Number of Objections          | 0  |
| Number of Support             | 0  |
| Number of General Comments    | 0  |

### Notices

General site notice,  
No Press Notice Required.

### Summary of Responses:

None recieved

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=PL0PX8QSLA200>

## 6. Planning Policy

### 6.1 Development Plan Policy

Tynedale Core Strategy 2007

GD1 Principles of development  
BE1 Principles for the Built Environment  
CS1 – Principles for Community Services

Tynedale Local Plan 2000 (saved policies 2007)

GD2 General development criteria

### 6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2019)

National Planning Practice Guidance (NPPG) (2014) (as amended)

### 6.3 Other Documents/Strategies

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

QOP1 Design principles

QOP2 Good design and amenity

## **7. Appraisal**

7.1 In assessing the acceptability of any proposal regard must be given to the 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 Tynedale Local Plan and Tynedale Core Strategy as identified above.

7.2 Paragraph 48 of the NPPF states that 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. Further consultation is currently taking place up until 13 March 2019 on the emerging Northumberland Local Plan. From the Publication Date of 30 January 2019, greater weight (some weight) can be attributed to emerging Local Plan policies.

7.3 The main considerations in the determination of this application are:

Principle of the development;  
Design and impact on amenity

### *Principle of the development*

7.4 The application site lies within the settlement of Prudhoe which is identified as a main town and the main focus for development within Tynedale Core Strategy Policy GD1. The application property served as the school caretakers' residence but has been empty for over 6 months. Tynedale Core Strategy Policy CS1 seeks to address deficiencies in services and facilities and facilitate improvements in their level of provision, quality and accessibility.

7.5 The proposal involves the change of use of an existing residential property (Use Class C3), the property has been unoccupied for over 6 months, it is proposed that the building would cease to be used as a dwelling and would be incorporated into the existing school use (Use Class D1). The property is sited within a prominent position within the existing school curtilage and has always been a building associated with the school. It is considered that the proposals would constitute acceptable development which would improve facilities at the existing school; it would bring back into use a redundant building and as such would be considered acceptable in accordance with Tynedale Core Strategy Policies GD1 and CS1 and the aims of the emerging Local Plan.

### *Design and Impact on amenity*

7.6 Tynedale Core Strategy Policy BE1 sets out the principles for the built environment and seeks to conserve and where appropriate enhance the quality and integrity of Tynedale's built environment. Tynedale Local Plan Policy GD2 sets out the design criteria for new development which includes that the design should be appropriate to the character of the site and its surroundings, existing buildings and their setting, in terms of the scale, proportions, massing, positioning and appearance of buildings, use of materials, structures and landscaped and hard surfaced areas and there will be no adverse effect on adjacent land or buildings, in terms of loss of light, noise or other disturbance, overbearing appearance or loss of privacy. Policies QOP1 and QOP2 of the emerging Northumberland Local Plan advocate good design and states that development which would result in unacceptable adverse impacts on the amenity of neighbouring uses, in terms of both individual and cumulative impacts, will not be supported.

7.7 The proposal involves the change of use from dwelling house for a school caretaker for use integral to the school. There are no internal or external alterations proposed. The property lies within the existing school curtilage and backs onto existing playing fields. It is considered that the proposal would not have a significant adverse impact on the visual amenity of the building or street scene, nor would it have a detrimental impact on neighbouring amenity. Therefore, the proposal is considered acceptable in terms of design in accordance with Policy BE1 of the Tynedale LDF Core Strategy, Policy GD2 of the Tynedale District Local Plan, Policies QOP1 and QOP2 of the emerging Northumberland Local Plan and the NPPF.

#### *Other considerations*

#### Equality Duty

7.8 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

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

#### Human Rights Act Implications

7.10 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.

7.11 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.

7.12 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 application has been considered above against the relevant local planning policies and the National Planning Policy Framework; it is considered that the proposed development is appropriate in the context of its location and would not be detrimental to the character or amenity of neighbours of the surrounding area and therefore to withhold consent would be unreasonable.

## **9. Recommendation**

That this application be GRANTED permission subject to the following:

### Conditions/Reason

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

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

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plan. The approved plan for this development is:-

Location Plan

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

## **Informatives**

Coal Mining in Coalfield Standing Advice

01. 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>

02. Reminder to obtain advertisement consent

This permission does not give consent to any advertisement(s) intended to be displayed on the site for which separate Express Consent may be necessary under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as Amended/Revoked).

03. Reminder to not store building material 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,

04. 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

**Background Papers:** Planning application file(s) 19/00062/CCD