

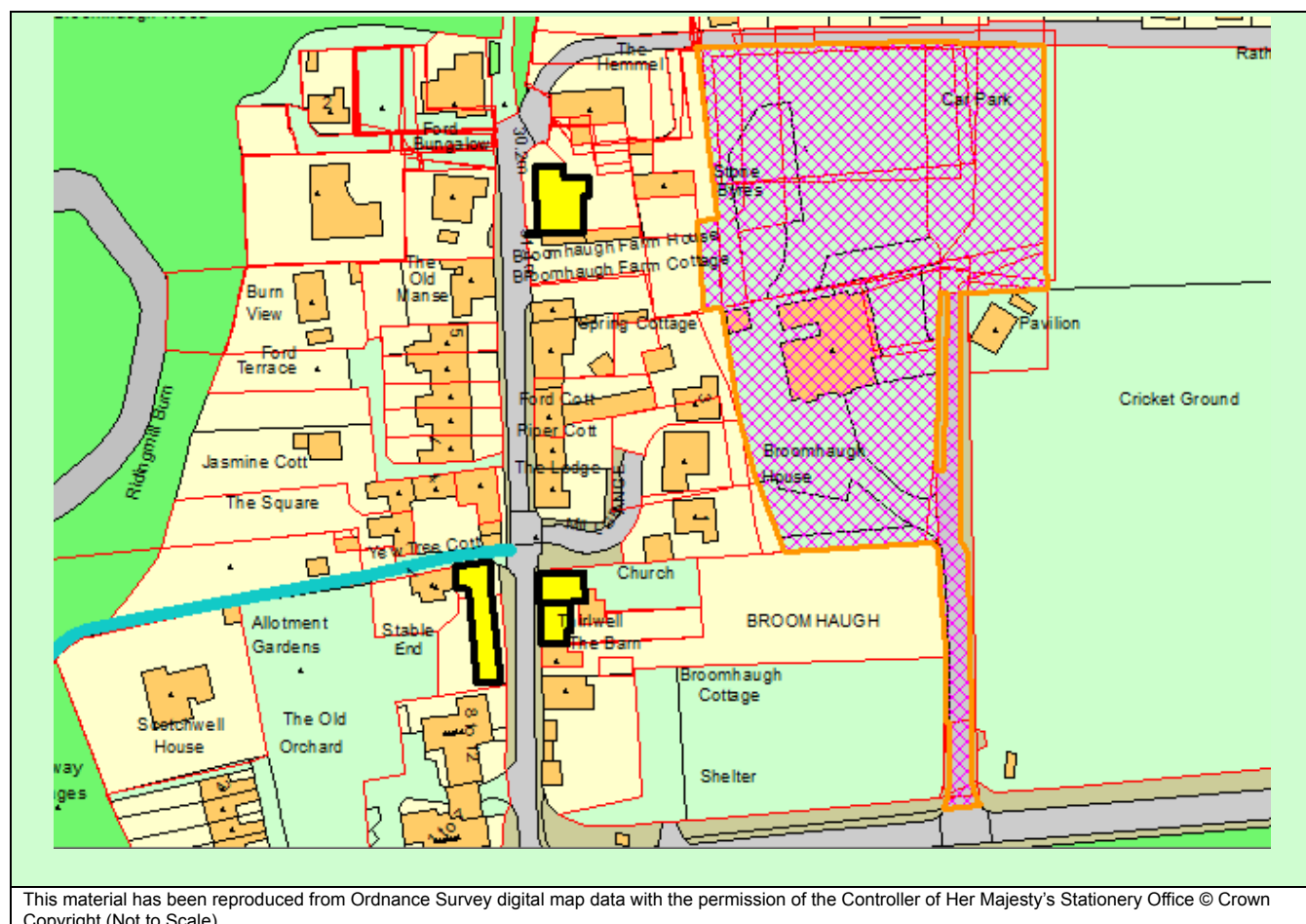


Northumberland

County Council

Application No:	19/02392/VARYCO		
Proposal:	Variation of condition 2 pursuant to planning permission 17/03218/FUL in order to allow minor amendments to the design		
Site Address	Osbit Power Ltd, Broomhaugh House, Riding Mill, Northumberland NE44 6AW		
Applicant:	Dr Tony Trapp Broomhaugh House, Osbit Power Ltd, A695 Riding Mill To Broomhaugh, Riding Mill NE44 6AW	Agent:	Mr Jon Tweddell Coble Quay, Amble, Northumberland, NE65 0FB United Kingdom
Ward	Stocksfield And Broomhaugh	Parish	Broomhaugh And Riding
Valid Date:	26 July 2019	Expiry Date:	15 November 2019
Case Officer Details:	Name: Ms Marie Haworth Job Title: Planning Officer Tel No: 01670 623787 Email: Marie.Haworth@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



1. Introduction

1.1 A relatively significant number of representations have been received in relation to this application. Therefore, under the provisions of the Council's current Scheme of Delegation, the application has been referred to the Senior Planning Manager – Development Management and the Chair of the relevant Planning Committee for consideration to be given as to whether the application should be referred to a Planning Committee for determination. This matter has been duly considered under these provisions and it has been confirmed that the application should be referred to the Committee for determination.

2. Description of the Proposals

2.1 Planning permission was granted on the 14th March 2018 under application number 17/03218/FUL for the extension to offices (B1a use), retention of mobile offices (retrospective) and siting of 3 additional temporary mobile offices at Osbit Power Ltd, Broomhaugh House, Riding Mill Northumberland.

2.3 Permission is now sought to vary Conditions 2 (approved plans) to allow for a change in design.

2.4 Condition 2 states:

The development hereby approved shall be carried out in complete accordance with the approved plans. These plans are:

Drawing No. PL_843_01: Proposed Site Plan, received 7th September 2017
Drawing No. PL_843_01: Proposed Site Plan (showing the location of temporary mobile offices), received 29th January 2018
Drawing No. PL_843_02: Proposed floor plans and elevations

Reason: For the avoidance of doubt, and in the interests of proper planning.

2.5 The following conditions pertaining to application number 17/03218/FUL have been discharged under application number 18/02721/DISCON on the 12th November 2018;

- Discharge of condition 3 (Materials) -
- Discharge of condition 4 (Construction Method Statement)
- Discharge of condition 7 (Cycle Parking)
- Discharge of condition 8 (Electric Vehicle Charging)

2.6 The proposed changes include the link building and the installation of a door to the western elevation. In addition, the proposed plans now better reflect the development which has been constructed on site as the plans submitted under application number 17/03218/FUL could be considered to be misleading as they show the height of the building at the highest ground level and failed to take into consideration the topography of the land which slopes to the eastern aspect of the site. As a result of this the gable to the eastern elevation of building, which is

currently under construction appears higher than that for which consent was granted. However, the only change in terms of building height is that of the link building on the southern side of the wall which has been increased in height from 3.5m to 4.35m.

3. Planning History

Reference Number: 17/03218/FUL

Description: Proposed extension to offices (B1a use), retention of mobile offices (retrospective) and siting of 3 additional temporary mobile offices

Status: PERMITTED

Reference Number: 18/02721/DISCON

Description: Discharge of conditions 3 (Materials), 4 (Construction Method Statement), 7 (Cycle Parking) and 8 (Electric Vehicle Charging) relating to planning permission 17/03218/FUL

Status: PERMITTED

Reference Number: T/20100617

Description: Listed Building Consent for installation of white UPVC windows to the north, south and west elevations

Status: REFUSED

Reference Number: T/20080437

Description: Retention of existing two-storey office portacabins

Status: PERMITTED

Reference Number: T/20060181

Description: Installation of second storey on existing office portacabin, and extension to car parking area to rear

Status: PERMITTED

Reference Number: T/20050641

Description: Installation of portacabin and construction of car park extension

Status: PERMITTED

Reference Number: T/93/E/662

Description: Erection of conservatory.

Status: PERMITTED

Reference Number: T/91/E/A/972

Description: New housing development information sign.

Status: REFUSED

Reference Number: T/90/E/600

Description: Construction of three dwellings, (as amended by letter dated 21.11.90 & attached plans).

Status: PERMITTED

Reference Number: T/90/E/272

Description: Construction of fire escape in connection with internal alterations.

Status: PERMITTED

Reference Number: T/84/E/919

Description: Retention of existing access to A.695 east of Broomhaugh.

Status: PERMITTED

Reference Number: T/84/E/545

Description: Construction of vehicular access road.

Status: PERMITTED

Reference Number: T/83/E/698

Description: Extension to existing functions room.

Status: PERMITTED

Reference Number: T/83/E/133

Description: Erection of two dwelling houses, as amended by letter dated 18.3.83 and attached plan.

Status: REFUSED

Reference Number: T/74/E/511

Description: Residential development.

Status: REFUSED

Reference Number: T/970559

Description: Proposed change of use from hotel to commercial offices

Status: PERMITTED

Reference Number: T/960793

Description: Proposed change of use of open land to garden land construction of double garage and two static caravans (As amended by letter received 2/12/96)

Status: PERMITTED

Reference Number: T/940375

Description: Single storey extension for Ladies Toilet

Status: PERMITTED

Reference Number: T/20010978

Description: Construction of two storey rear office extension, single storey extension, ancillary car parking & landscaping at

Status: PERMITTED

Reference Number: T/20010112

Description: Construction of two storey rear office extension (20m x 31m) and additional ancillary car parking (79 spaces) (As amended by drawing received 11 May 2001)

Status: REFUSED

Appeals

Reference Number: T/20100617

Description: Listed Building Consent for installation of white UPVC windows to the north south and west elevations

Status: DISMISSED

4. Consultee Responses

Broomhaugh And Riding Mill Parish Council	No objection.
Highways	No objection.
County Archaeologist	No objection.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	22
Number of Objections	10
Number of Support	0
Number of General Comments	0

Notices

General site notice, 29th August 2019
No Press Notice Required.

Summary of Responses:

11 representations have been received objecting to the proposals on the following grounds:

- Over development of the site
- Impact on a Listed Building
- Impact on the Green Belt
- Loss of privacy
- Character – scale, height and massing
- Impact on trees
- Osbit Sign

The above is a summary of the comments. The full written text is available on our website at:

<http://publicaccess.northumberland.gov.uk/onlineapplications//applicationDetails.do?activeTab=summary&keyVal=PV7DW7QSHEB00>

6. Planning Policy

6.1 Development Plan Policy

Tynedale Local Development Framework Core Strategy 2007

GD1 Locational policy setting out settlement hierarchy
BE1 Principles for the built environment
GD2 Design Criteria for development, including extensions and alterations

Tynedale District Local Plan 2000 (saved policies 2007)

GD2 Design Criteria for development, including extensions and alterations
BE22 Setting of Listed Buildings
NE7 New buildings in the Green Belt
NE14 Green Belt

6.2 National Planning Policy

National Planning Policy Framework (2019)
National Planning Practice Guidance (2018, as updated)

6.3 National Planning Policy

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

QOP 1 Design principles
QOP 2 Good Design and amenity
ENV 7 Historic environment and heritage assets
Policy ENV 7 – Historic Environment and Heritage Assets
Policy STP 7 – Strategic Approach to the Green Belt (Strategic Policy)
Policy STP 8 – Development in the Green Belt (Strategic Policy)

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 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. The emerging Northumberland Local Plan is in its submission stage and 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.

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

Principle of the development

Design

Impact on the Green Belt

Impact on the setting of the listed building

Impact on amenity

Principle of the development

7.4 The principle of development has been established in the granting of planning permission under application number 17/03218/FUL which is extant.

Design

7.8 In relation to design Tynedale Core Strategy Policy BE1 and Tynedale Local Plan Policy GD2 are relevant. The emerging Northumberland Local Plan Policy QOP1 is sets out design principles which must underpin the design of any new proposed development in Northumberland and as such is afforded some weight.

7.9 The application proposes some minor changes to the approved design of the building, namely the link building and the installation of a door to the western elevation, it is considered that these changes are minor works and would not detract from the character or appearance of the building and area of the site; in fact it is considered that the amendments to the furthestmost western element of the link building which attaches to the host building are more sympathetic and more in keeping with the existing building and as such considered an enhancement on the approved design. Taking the above into deliberation the proposals are considered acceptable in terms of design, appearance and siting. As such the proposal would accord with Local Plan Policy GD2 and Core Strategy Policy BE1.

Impact on the Green Belt

7.5 The site located in the Green Belt, where development is strictly controlled. Policy NE7 indicates planning permission will only be granted for limited extensions of existing dwellings, subject to the satisfaction of other relevant development plan policies. Similarly, the NPPF allows for extensions to existing buildings in the Green Belt provided they do not result in 'disproportionate' development over and above the original building.

7.6 In considering whether a development proposal is 'limited' and 'proportionate' for the purposes of relevant policy, it is necessary to take into account not only the scale of the development, but also their design.

7.7 The plans submitted under application number 17/03218/FUL show the height of the building at the highest ground level and failed to take into consideration the topography of the land which slopes to the eastern aspect of the site as a result of this the gable to the eastern elevation of building, which is currently under construction and appears higher than that for which consent was granted. However, the only change in terms of building height is that of the link building on the southern side of the wall which has been increased in height from 3.5m to 4.35m. It is

considered that this slight increase in height to the rear of the existing built form would not have a detrimental impact on the openness of the Green Belt and as such would be considered to be limited and acceptable in accordance with Local Plan Policy NE7 and the NPPF.

Impact on the setting of the listed building

7.10 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The listed building of Broomhaugh Farmhouse lies some 70 metres to the northwest of the site. The proposed changes are considered relatively minor in scale; the Building Conservation Officer has been consulted and has raised no objections. The proposals would not affect the setting or essential character of the listed structure and would accord with Tynedale Core Strategy Policy BE1, Tynedale Local Plan Policy BE22 and the emerging Northumberland Local Plan Policy ENV7.

Impact on amenity

7.11 There have been a number of objections received in relation to the application in relation to loss of privacy and signage which has been added to an external wall of the site. The signage does not form part of this application and as such is not considered in its assessment. In relation to the loss of privacy, the proposal has been assessed against local and national planning policies and is not considered that the minor changes to the previously approved plans would have a significant impact on residential amenity and would not have a significant adverse impact on the design and visual amenity of the street scene. The proposal is considered to accord with Tynedale Core Strategy Policy BE1, Tynedale Local Plan Policies GD2, emerging Northumberland Local Plan Policies QOP1 and QOP2 and the NPPF.

Other considerations

Equality Duty

7.12 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

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 application has been considered against 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 the surrounding area and would not have a negative impact on the setting of a Listed Building. It is therefore considered that the proposal represents an appropriate form of development in terms of its location and purpose.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

01. The development hereby permitted must be begun before the expiration of three years from the 14th March 2018

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 details in the application and the approved plans. The approved plans for this development are:-

1. Drawing No. PL_843_01: Proposed Site Plan, received 7th September 2017
2. Drawing No. PL_843_01: Proposed Site Plan (showing the location of temporary mobile offices), received 29th January 2018
3. Drawing No. OPPN-45-453: Issue A: Archaeological Topography Survey: Received 25th July 2019
4. Drawing No. OPPN-45-452: Issue A: BH Extension Plan: Received 25th July 2019.
5. Drawing No. OPPN-45-451: Issue A: Sheet 1/3: Elevations and Plan: Received 25th July 2019.
6. Drawing No. OPPN-45-451: Issue A: Sheet 2/3: Elevations and Plan: Received 25th July 2019.
7. Drawing No. OPPN-45-451: Issue A: Sheet 3/3: Elevations and Plan: Received 25th July 2019.

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

03. The development shall be undertaken in complete accordance with the information submitted and approved under planning reference number 18/02721/DISCON , in relation to the discharge of condition 3 (materials) which was discharged on the 12th November 2018.

Reason: In the interests of visual amenity, in accordance with Policy GD2 of the Tynedale Local Plan and the National Planning Policy Framework.

04. The development shall be undertaken in complete accordance with the information submitted and approved under planning reference number 18/02721/DISCON , in relation to the discharge of condition 4 (Construction Method Statement), which was discharged on the 12th November 2018.

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

05. The existing temporary mobile offices on the site, and the three additional mobile offices approved under application 17/03218/FUL, shall be removed from the site prior to the approved office extension being brought into use, or within 5 years from the date of planning permission 17/03218/FUL, whichever is sooner.

Reason: In the interests of the appearance of the site and the openness of the Green Belt, in accordance with Policies GD2 and NE7 of the Tynedale Local Plan, Policy BE1 of the Core Strategy and the NPPF.

06. The office extension hereby approved shall not be brought into use 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 GD6 of the Tynedale Local Plan and the National Planning Policy Framework.

07. The development shall not be occupied until cycle parking has been implemented in complete accordance with the approved details submitted and approved under planning reference number 18/02721/DISCON, in relation to the discharge of condition 7 of planning application 17/03218/FUL which was discharged on the 12th November 2018. Thereafter, the cycle parking shall be retained in accordance with these 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.

08. The office extension hereby approved under application number 17/03218/FUL shall not be brought into use until the Electric Vehicle Charging has been implemented in complete accordance with the approved details submitted and approved under planning reference number 18/02721/DISCON, in relation to the discharge of condition 8 of planning application 17/03218/FUL which was discharged on the 12th November 2018. Thereafter, the electric vehicle charging points shall be retained in accordance with the approved details and shall be kept available for the parking of electric vehicles at all times.

Reason: In the interests of Sustainable Development, in accordance with the National Planning Policy Framework.

Informatives

1. Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345600 6400 for Skips and Containers licences.

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

Background Papers: Planning application file(s) 19/02392/VARYCO