



Northumberland County Council

Tynedale Local Area Council 14th January 2020

Application No:	19/04685/FUL		
Proposal:	Erection of 2m high wooden fence to north and east elevation of the building curtilage		
Site Address	The Drill Hall, Swalwell Close, Prudhoe, Northumberland NE42 6EX		
Applicant/ Agent	Liam Howley Northumberland County Council, West Hartford Community Fire Station, West Hartford Business Park, West Hartford Cramlington Northumberland NE23 3JP		
Ward	Prudhoe North	Parish	Prudhoe
Valid Date	25 November 2019	Expiry Date	20 January 2020
Case Officer Details	Name: Mr Callum Harvey Job Title: Planning Officer Tel No: 01670 623625 Email: Callum.Harvey@northumberland.gov.uk		

Recommendation: That Members are minded to GRANT permission for this application, subject to recommended conditions and subject to no new issues being raised during the public consultation period.



1. Introduction

- 1.1 The application has been submitted by Northumberland County Council, and the application site is of notable local interest. Following referral to the Head of Service it is considered that the County Council have significant interest in the proposed works, and that the application be referred to members of the Tynedale Local Area Council Planning Committee for determination.

2. Description of the Proposals

- 2.1 Planning permission is sought for the erection of a 2m high wooden fence adjacent to the northern and eastern site boundaries of the former Drill Hall on Swalwell Close, Prudhoe.
- 2.2 The application site benefits planning consent for the demolition of the unused former Drill Hall and erection of six 4 bedroom terraced houses, planning reference 16/02306/FUL. The consent was granted in October 2016 and the Council's Building Control records show that demolition works commenced in March 2018.
- 2.3 Following the commencement of the works the building has been left in a partially demolished state. County Council colleagues in Building Control and Environment Health have investigated the site, and the Environmental Health team have submitted the current application to help secure the site until the demolition works have been completed and have suggested a time period of 2 years would be acceptable to resolve matters, though this could be subject to extension.
- 2.4 The proposed fence would measure 2m in height and would comprise of timber panels fixed to vertical timber posts. The proposed fence would replace the existing heras fencing, which is considered a temporary measure. The proposed fence would provide a physical barrier to prevent anyone entering the site, and would provide a visual screen.
- 2.5 The back lanes to the north and east of the site are adopted highway, and provide access to the neighbouring terraced properties to the north of the site.
- 2.6 The application site is located within the High Risk Coal Area as identified by the Coal Authority.

3. Planning History

Reference Number: 16/02306/FUL

Description: Demolition of unused former drill hall and erection of six 4 bedroom terraced houses

Status: Permitted

4. Planning Policy

4.1 Development Plan Policy

Tynedale Core Strategy 2007

Policy GD1 – Locational policy setting out settlement hierarchy

Policy GD4 – Principle for transport and accessibility

Policy BE1 – Principles for the built environment

Tynedale District Local Plan 2000 (Saved Policies 200)

Policy GD2 - Design criteria for development

Policy GD4 - Highway safety criteria

Policy CS19 – Pollution Control

Policy CS23 – Land Contamination

4.2 National Planning Policy

National Planning Policy Framework (2019)

National Planning Practice Guidance (2019)

4.3 Emerging Planning Policy

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

Policy STP 1 Spatial strategy (Strategic Policy)

Policy QOP 1 Design principles (Strategic Policy)

Policy QOP 2 Good design and amenity

Policy QOP 3 Public Realm design principles

Policy QOP 6 Delivering well-designed places

Policy TRA 2 The effects of development on the transport network

Policy TRA 4 Parking provision in new development

Policy ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)

5. Consultee Responses

Public Protection	No comment.
Highways	<i>Comments dated 13.12.2019:</i>

	No objection provided that fence is located within the site and set back slightly from the edge of the highway and rear access for neighbouring properties.
Prudhoe Town Council	<i>Comments dated 17.12.2019:</i> Support.

6. Public Responses

Neighbour Notification

Number of Neighbours Notified	37
Number of Objections	2
Number of Support	0
Number of General Comments	0

Notices

General site notice, put in place 5th December 2019

No Press Notice Required.

Summary of Responses:

Two comments have been received from neighbouring residents raising the following concerns:

- The Drill Hall should be fully demolished due to a health and safety risk.
- The application site is an eyesore.
- The proposed fence would make little difference.

Members should note that these are the comments received as of the time of writing of this report, on 17th December 2019. The public consultation period for the site notice put in place on 5th December runs until 26th December. Members will be updated with any comments received between the writing of this report and close of play 26th December when the public consultation period ends.

This is a summary of the comments received. The comments can be read in full at the following webpage:

<https://publicaccess.northumberland.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q1L498QS0CP00>

7. Appraisal

7.1 The NPPF states that from the day of its publication, weight can be given to policies contained in emerging plans dependent upon the stage of preparation of the plan, level of unresolved objections to policies within the plan and its degree of consistency with the NPPF. The emerging Northumberland Local

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

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

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

Principle of the development

7.3 The application seeks consent for the erection of a timber fence around part of a partially demolished site within the main town of Prudhoe. The purpose of the fence is to provide a physical barrier to prevent anyone entering the site, and would provide a visual screen. Officers consider that the erection of a fence in the proposed location is acceptable in principle, in accordance with Policy GD1 of the Tynedale Core Strategy and the NPPF.

Design and visual impact

7.4 The proposed fence would measure 2m in height and would be constructed of timber boarding fixed to vertical timber posts. The applicant has submitted photos of a very similar fence in situ elsewhere, to provide an indication of how the fence would appear. Officers consider that the fence would not have a significant adverse impact on the appearance of the streetscene, whilst the visual screening of the existing site would be an improvement over the existing appearance of the streetscene. The proposal is therefore considered acceptable in respect of its design and appearance, in accordance with Policy BE1 of the Tynedale Core Strategy, Policy GD2 of the Tynedale District Local Plan and the NPPF.

Residential amenity

7.5 The proposed fence at 2m in height would not lead to a loss of light to or have an overbearing impact on adjacent residential properties to the north and east. As such the proposal would not have an adverse impact on the amenity of neighbouring residents, in accordance with Policy GD2 of the Tynedale District Local Plan and the NPPF.

Highway safety

7.6 The proposed fence would be located within the application site, within the footprint of the former Drill Hall. To the north and east of the site are back lanes which provide access to residential properties to the north, and are adopted

highway. The County Council's Highways Development Management team have been consulted and have no concerns with the proposal from a highway safety perspective, provided that the fence does not encroach into either of the backlanes to the north or east. Following these comments the applicant has submitted an amended site plan which confirms that the proposed fence would be located within the site and set back slightly from the site boundary, to ensure there is no impact on vehicles using the back lanes. This amended plan has been discussed between the case officer and the Highways Development Management team and it is considered acceptable. The proposal would therefore not have an adverse impact on highway safety, in accordance with Policy GD4 of the Tynedale Core Strategy, Policy GD4 of the Tynedale District Local Plan and the NPPF.

Coal Mining Legacy

7.7 The application site is located within the High Risk Coal Area as identified by the Coal Authority. The proposal is for the erection of a 2m high timber fence which would not lead to significant ground intrusions. The application therefore does not need to be supported by a Coal Mining Risk Assessment, as the proposed development would not lead to an increased risk of ground instability or ingress of ground gases. The proposal is therefore considered acceptable in this respect, in accordance with Policies CS19 and CS23 of the Tynedale District 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 erection of a 2m high timber fence in the proposed location within the main town of Prudhoe is considered acceptable in principle, in accordance with the identified policies in the Development Plan.
- 8.2 The proposed fence would not have a significant adverse impact on the appearance of the streetscene, and by visual screening of the partially demolished site would improve the appearance of the street scene over the existing situation. As such the proposal is acceptable in respect of appearance, accordance with the identified policies in the Development Plan.
- 8.3 The proposal would not have an adverse impact on the amenity of neighbouring properties, in accordance with the identified policies in the Development Plan.
- 8.4 The proposal would not have an adverse impact on highway safety, in accordance with the identified policies in the Development Plan.

9. Recommendation

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

Conditions

- 1) The development to which this permission relates is granted for a temporary period expiring on 16th January 2022, after which the fence shall be removed from the site no later than one month from that date.

Reason: The fence is not considered to be suitable for permanent retention in this location in accordance with the National Planning Policy Framework and saved Policies GD1 and GD2 of the Tynedale District Local Plan and policy BE1 of the Tynedale Core Strategy.

2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:-

1. Site Location Plan and Proposed Site Plan – received 16.12.2019

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

Informatives

None

EIA

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

Background Papers: Planning application file(s) 19/04368/FUL; 16/02306/FUL