

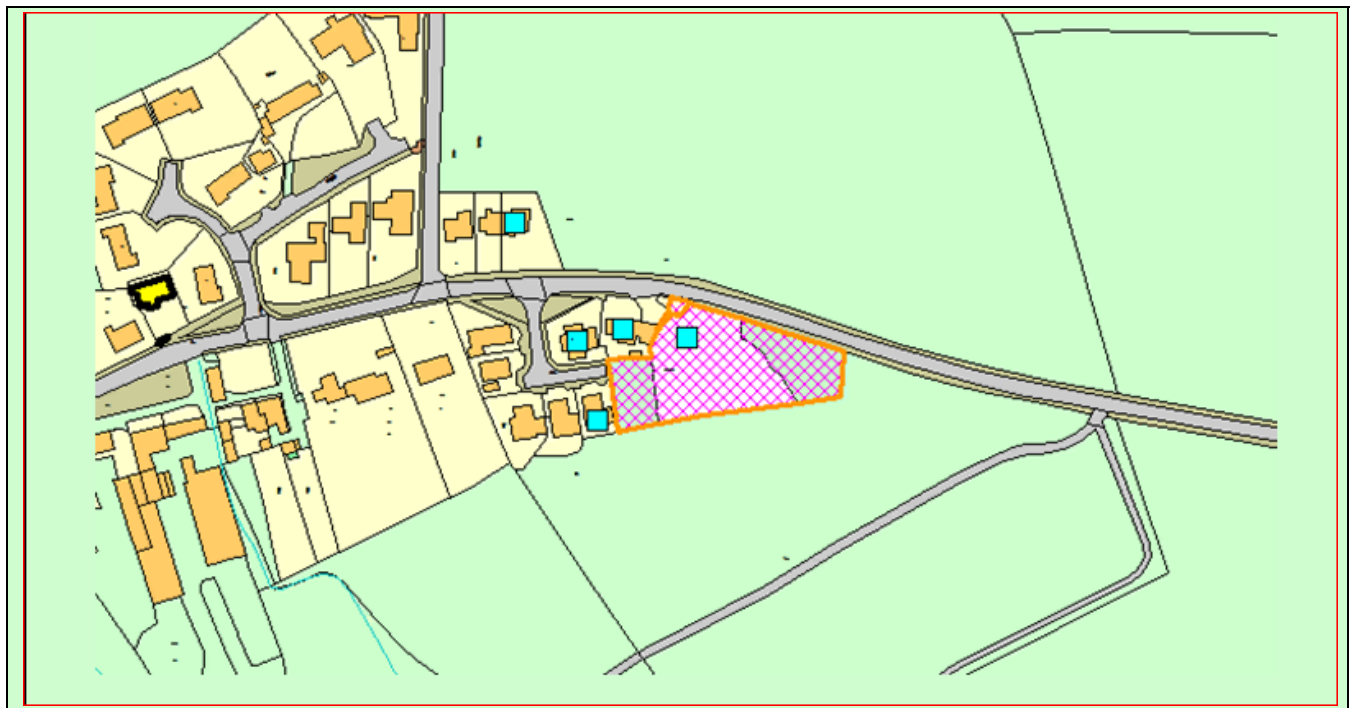
# NORTHUMBERLAND

Northumberland County Council

## Tynedale Local Area Council Planning Committee 14 January 2020

<b>Application No:</b>	19/03535/VARYCO		
<b>Proposal:</b>	Variation of conditions 2 (Approved Plans) ,3,5 (highways) ,and remove conditions 7 (drainage) and 8 (construction method statement) pursuant to planning application 17/00093/FUL		
<b>Site Address</b>	Phoenix House, Hedley, Stocksfield, Northumberland NE43 7SW		
<b>Applicant:</b>	Mr John Clark Phoenix House, Hedley, Stocksfield, Northumberland NE43 7SW	<b>Agent:</b>	Mr Anton Lang PO Box 462, Newcastle Upon Tyne, NE3 9DY,
<b>Ward</b>	South Tynedale	<b>Parish</b>	Hedley
<b>Valid Date:</b>	23 August 2019	<b>Expiry Date:</b>	13 December 2019
<b>Case Officer Details:</b>	Name:	Ms Marie Haworth	
	Job Title:	Planning Officer	
	Tel No:	01670 623787	
	Email:	<a href="mailto:Marie.Haworth@northumberland.gov.uk">Marie.Haworth@northumberland.gov.uk</a>	

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



## 1. Introduction

1.1 Under the provisions of the Council's current Scheme of Delegation, where applications have an objection from the Parish Council and/or there are a number of neighbour objections, they are referred to the Head of Service and committee chairs for consideration to be given as to whether the application should be referred to a Planning Committee for determination. The matter was duly considered under these provisions at which time it was confirmed that the decision be determined by the Tynedale Local Area Committee.

## 2. Description of the Proposals

2.1 Planning permission was granted on the 27th April 2017 under application reference number 17/00093/FUL for the change of use from existing two-storey residential dwelling to also allow for use as a cafe and two bedroom & breakfast operation with associated alterations including servery hatch, indoor & outdoor tables & seating, external toilet block and new vehicular, cycle & pedestrian accesses with new 4-space car parking area at Phoenix House Hedley Stocksfield Northumberland.

2.3 Permission is now sought to vary Conditions 2 (Approved Plans), 3, 5 (highways) and remove conditions 7 (drainage) and 8 (construction method statement).

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. 1048-023: Proposed ground floor layout showing proposed catering area

Drawing No. 1048-025: Proposed carpark layout for cycle cafe/proposed B&B

Drawing No. 1038/010: First Floor Layout

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

2.5 Condition 3 states;

The development 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 hard surfaced, sealed and marked out in parking bays. 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 Policies GD4 and GD6 of the Tynedale Local Plan and the National Planning Policy Framework.

2.6 Condition 5 states:

Within three months of the date of this decision, details of the following highway works shall be submitted to and approved by the Local Planning Authority –

- Extension of the existing footway on the southern side of the C259 to the vehicular access to the proposed parking area.
- Amendment to the Traffic Regulation Order to provide for alterations to the existing speed limit, together with associated alterations to street furniture and speed limit signage.

The proposed parking area and Bed and Breakfast operation shall not be brought into use until the highway works have been implemented in accordance with the approved details.

Reason: In the interests of highway safety, in accordance with Policies GD4 and GD6 of the Tynedale Local Plan and the National Planning Policy Framework

2.7 Condition 7 states;

Prior to the development being brought into use, details of surface water drainage to manage runoff from private land have been submitted to and approved by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is brought into use and thereafter maintained in accordance with the approved details.

Reason: In order to prevent surface water run off in the interests of the amenity of the area and to ensure suitable drainage has been investigated for the development and implemented, in accordance with the National Planning Policy Framework.

2.8 Condition 8 states:

Development shall not be brought into use until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the demolition/construction period. The Construction Method Statement shall, where applicable, provide for:

- i. details of temporary traffic management measures, temporary access, routes and vehicles
- ii. vehicle cleaning facilities
- iii. the parking of vehicles of site operatives and visitors
- iv. the loading and unloading of plant and materials
- v. storage of plant and materials used in constructing the development
- vi. measures to control the emission of dust and dirt

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

2.9 The following information has been submitted in support of the application;

- Information sheet titled - 3 Ways Asphalt and Concrete Are Affecting the Planet
- Justification for variation of conditions on Extant Planning Permission

### 3. Planning History

**Reference Number:** 16/00764/FUL

**Description:** Proposed single storey side extension

**Status:** PERMITTED

**Reference Number:** 17/00093/FUL

**Description:** Change of use from existing two-storey residential dwelling to also allow for use as a cafe and two bedroom & breakfast operation with associated alterations including servery hatch, indoor & outdoor tables & seating, external toilet block and new vehicular, cycle & pedestrian accesses with new 4-space car parking area

**Status:** PERMITTED

**Reference Number:** T/20110032

**Description:** Construction of one dwelling including new vehicular and pedestrian access

**Status:** REFUSED

**Reference Number:** T/81/E/13

**Description:** Erection of 5 detached bungalows.

**Status:** REFUSED

### 4. Consultee Responses

Highways	No objection.
Hedley On The Hill Parish Council	<p>Objection.</p> <p>The 3 – D plans, particularly the elevation drawings, are unclear with several of them apparently focusing on Greenlea Cottage and not Phoenix House.</p> <p>Description on the planning web page and the application forms are misleading</p> <p>Dormer window proposal is for a very large window, apparently in an attic room which was not designed for occupancy</p> <p>The gypsy style caravan is not acceptable.the external land is not the meadow land that was promised but is a mown lawn – it is highly visible from anywhere and is not in keeping other properties in the village</p> <p>The existing footpath not yet having been extended.</p> <p>The gravel does not improve this but makes it worse so that water will flow onto the Highway.</p>

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## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	5
Number of Objections	2
Number of Support	0
Number of General Comments	0

### Notices

General site notice, 11th September 2019  
No Press Notice Required.

### Summary of Responses:

6 letters of objection were received from 2 neighbour representations objecting to the proposals on the following grounds:

Flood Risk  
Highways and pedestrian safety  
Size and scale of rear dormer  
Impact on landscape character – Gypsy Style Caravan  
Meadow land not reinstated

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=PWMM66QSJBO00>

## 6. Planning Policy

### 6.1 Development Plan Policy

*Tynedale LDF Core Strategy 2007*

GD1 Locational policy setting out settlement hierarchy  
GD5 Flooding  
BE1 Principles for the built environment

*Tynedale District Local Plan 2000 (saved policies 2007)*

GD2 Design Criteria for development, including extensions and alterations  
GD6 Car parking standards outside the built-up areas

### 6.2 National Planning Policy

### 6.3 Other Documents/Strategies

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

QOP 1 Design principles  
TRA 4 Parking provision in new development  
WAT 3 Flooding

## **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  
Visual Impact  
Highways Safety

### **Principle of the development**

7.4 The application site is within on a large plot of land at the eastern edge of the village of Hedley on the Hill. The principle of development has been established in the granting of planning permission for the original dwelling house under application number T/20110032 which was permitted on Appeal and planning application number 17/00093/FUL, for the change of use of the existing two-storey residential dwelling to also allow for use as a cafe and two bedroom & breakfast operation with associated alterations including servery hatch, indoor & outdoor tables & seating, external toilet block and new vehicular, cycle & pedestrian accesses with new 4-space car parking area, which was granted on the 27th April 2017, which remains an extant planning permission allowing for the development of the site.

### Principle of development 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 The submitted application proposed the addition of a Gypsy Style Caravan outside of the residential curtilage and within an area of green field. The introduction of the Gypsy Style Caravan would introduce a new structure which was not part of the original description and as such is considered a new element to the site; to this end this element of the proposal cannot be considered under Section 73 of the Town and Country Planning Act as it does not fall within the parameters of a modification. This element of the proposal has subsequently been removed. Following consultation with the applicant the proposed rear dormer extension to the existing building has been removed also. The application therefore is to regularise works which had been undertaken to the car park which are not in accordance with the approved plans. The principal of development in relation to the car park was established in the granting of planning permission on the 27th April 2017 under application reference number 17/00093/FUL. The consideration in relation to this application is whether or not the construction of the car park as undertaken would have a greater impact on the openness of the Green Belt than the design for which consent was previously granted. The car park for which consent was granted would measure approximately 16 metres in length and 6 metres in depth; the constructed car park which is the subject of this application measures approximately 16 metres in length by 9.4 metres in depth, an increase of approximately 3.4 metres. Whilst it is acknowledged that the car park as constructed has increased in depth and has some impact on the character and appearance of the site when taking as a whole, it is considered that the increase in size would not have a detrimental impact on the openness of the Green Belt due to its siting adjacent to the northern boundary of the site and the existing dwelling to the west, and as such would not be considered inappropriate development in the Green Belt in accordance with the provisions of the NPPF.

### **Visual Impact**

7.7 The location of the existing car park is adjacent to the northern boundary of the site, and would be viewed against the backdrop of the existing dwelling. It is considered that the impact of the increase parking area would not have an impact on the visual amenity over and above that which exists and therefore would not adversely impact upon the character or appearance of the application site, or the surrounding area, and would therefore accord with Tynedale Local Plan Policy GD2.

### **Highways Safety**

7.8 The current application seeks to regularise the car parking area located to the north east of the existing dwelling house and associated conditions in relation to materials and layout and the provision for the footway extension as detailed in the granted consent 17/00093/FUL. The application also seeks the removal of Condition 7 which related to drainage and Condition 8 which relates to the submission of a Construction Method Statement. A new site layout plan was submitted. The Highways Development Management Team has been consulted in relation to this application; they have reviewed the amended plans and supporting information and have raised no objection to the amended plans.

7.9 A number of objections were received, including one from the Parish Council, which raised concerns in relation to potential flooding and the impact of drainage on highway safety. Information has been submitted detailing the specifications for drainage for the car parking area along with associated videos that show no considerable flow of surface water travelling from the site onto the highway; this information in relation to surface water drainage is considered acceptable.

7.10 In relation to the removal of Condition 8, the proposed development under 17/00093/FUL has been carried out without the applicant submitting a construction method statement and as such there is no longer a requirement for this condition to be discharged as such the Highways Development Team raised no objection to its removal.

7.11 Taking the above into deliberation it is considered that the works undertaken would not have a detrimental impact on highway safety, there would be no impact on highway safety in relation to surface water drainage and as such would accord with Tynedale Local Plan Policies GD4 and GD6.

## **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

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

### Human Rights Act Implications

7.14 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.

7.15 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.

7.16 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 Having assessed the application against the relevant local planning policies and the National Policy Planning Framework, it is considered that the proposed variation in design and layout of the car parking area, represents an appropriate form of development upon the site and would therefore not have a detrimental impact upon the dwelling house, the amenity of the neighbouring properties, highways safety, or the wider context of the landscape and Green Belt, and to withhold permission would therefore be unreasonable.

## **9. Recommendation**

That this application be GRANTED permission subject to the following:

### Conditions/Reason

01. 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. Drawing No. R1466-15: Site Layout Plan: Dated Aug 19. (Amended Plan)
2. Drawing No. 1048-023: Proposed ground floor layout showing proposed catering area
3. Drawing No. 1038/010: First Floor Layout

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

02. The development shall not be brought into use until a means of vehicular and cycle access has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety, in accordance with Policies GD4 and GD6 of the Tynedale Local Plan and the National Planning Policy Framework

03. The development shall not be brought into use until cycle parking shown on the approved plans have been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety, residential amenity and sustainable development, in accordance with Policy GD4 of the Tynedale Local Plan and the National Planning Policy Framework.

04. The cafe hereby approved shall only operate from 09:30-17:30 Monday - Saturday and 10:00-16:00 on Sundays and Bank Holidays, between 1st March - 31st October.

Reason: In the interests of protecting the residential amenity of the surrounding properties, in accordance with Policy GD2 of the Tynedale District Local Plan.

### Informatives

1. 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>

2. 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)

3. Under planning application number 16/00764/FUL which was allowed at Appeal, the south eastern boundary of the site is identified as meadow land on the Plan No. 148-005, the plan states that the meadow land is to be restored, however, this has not been implemented. Under planning application number 17/00093/FUL, although this land has been detailed in the red line boundary, there has been no consent given for the change of use of that land. It is therefore recommended that the land is restored to meadow land or an application be made for the change of use of the land if it is to be used as a garden area associated with the dwelling house or business.

**Background Papers:** Planning application file(s) 19/03535/VARYCO