



Northumberland

County Council

Your ref:

Our ref:

Enquiries to: Lesley Little

Email: Lesley.Little@northumberland.gov.uk

Tel direct: 01670 622614

Date: Friday, 4 June 2021

Dear Sir or Madam,

Your attendance is requested at a meeting of the **CASTLE MORPETH LOCAL AREA COUNCIL** to be held at County Hall, Morpeth, Northumberland, NE61 2EF on **MONDAY, 14 JUNE 2021 at 4.00 PM.**

Yours faithfully

Daljit Lally
Chief Executive

To Castle Morpeth Local Area Council members as follows:-

D Towns (Vice-Chair), L Dunn, D Bawn, J Beynon (Chair), S Dickinson, R Dodd, J Foster (Vice-Chair (Planning)), P Jackson, V Jones, G Sanderson, R Wearmouth, L Darwin and M Murphy

AGENDA

PART I

It is expected that the matters included in this part of the agenda will be dealt with in public.

1. MEMBERSHIP AND TERMS OF REFERENCE

The committee is asked to note the following membership and terms of reference for the Castle Morpeth Local Area Council which were agreed by Council on 26 May 2021.

The membership is made up of the county councillors who represent the 13 electoral divisions in the Castle Morpeth area:

Chair : J Beynon

Vice Chair: D Towns; Vice Chair (Planning): JD Foster

Quorum - 4

Conservative	Labour	Bedlington Independents	Liberal Democrat	Independents (Non-grouped)
D. Bawn	S.J. Dickinson			
J. Beynon	L. Dunn			
L.R. Darwin	J.D. Foster			
R.R. Dodd	M.B.Murphy			
P. Jackson				
V. Jones				
H.G.H. Sanderson				
D. Towns				
R. Wearmouth				

Terms of reference

- (1) To enhance good governance in the area and ensure that the Council's policies take account of the needs and aspirations of local communities and do not discriminate unfairly between the different Areas.
- (2) To advise the Cabinet on budget priorities and expenditure within the Area.
- (3) To consider, develop and influence policy and strategy development of the Council, its arms-length organisations, and other relevant bodies, to ensure that they meet local requirements and facilitate efficient and transparent decision making.
- (4) To receive information, consider and comment on matters associated with service delivery including those undertaken in partnership agencies, affecting the local area to ensure that they meet local requirements, including matters relating to community safety, anti- social behaviour and environmental crime.
- (5) To consider and refer to Cabinet any issues from a local community

perspective with emerging Neighbourhood Plans within their area, and consider local planning applications as per the planning delegation scheme

(6) To consider and recommend adjustments to budget priorities in relation to Local Transport Plan issues within their area, and to make decisions in relation to devolved capital highway maintenance allocations.

(7) To engage, through the appropriate networks, with all key stakeholders from the public, private, voluntary and community sectors to facilitate the delivery of area priorities. This will include undertaking regular liaison with parish and town councils.

(8) To inform, consult and engage local communities in accordance with Council policy and guidance, through the appropriate networks.

(9) To, as appropriate, respond or refer with recommendations to local petitions and councillor calls for action.

(10) To make certain appointments to outside bodies as agreed by Council.

(11) To determine applications for grant aid from the Community Chest, either through Panels for individual Local Area Councils, or through the Panel of Local Area Council Chairs for countywide applications.

(12) To refer and receive appropriate issues for consideration to or from other Council Committees, and as appropriate invite Portfolio Holders to attend a meeting if an item in their area of responsibility is to be discussed.

(13) To exercise the following functions within their area:-

(a) the Council's functions in relation to the survey, definition, maintenance, diversion, stopping up and creation of public rights of way.

(b) the Council's functions as the Commons Registration Authority for common land and town/village greens in Northumberland.

(c) the Council's functions in relation to the preparation and maintenance of the Rights of Way Improvement Plan.

(d) the Council's functions in relation to the Northumberland National Park and County Joint Local Access Forum (Local Access Forums (England) Regulations 2007.

(e) the Council's role in encouraging wider access for all to the County's network of public rights of way and other recreational routes.

2. APOLOGIES FOR ABSENCE

3. MINUTES

(Pages 1
- 8)

The Minutes of the meeting of the Castle Morpeth Local Area Council held on Monday 12 April 2021, as circulated, to be confirmed as a true record and signed by the Chair.

4. DISCLOSURE OF MEMBERS' INTERESTS

Unless already entered in the Council's Register of Members' interests, members are required to disclose any personal interest (which includes any disclosable pecuniary interest) they may have in any of the items included on the agenda for the meeting in accordance with the Code of Conduct adopted by the Council on 4 July 2012, and are reminded that if they have any personal interests of a prejudicial nature (as defined under paragraph 17 of the Code Conduct) they must not participate in any discussion or vote on the matter and must leave the room. NB Any member needing clarification must contact the monitoring officer by email at monitoringofficer@northumberland.gov.uk. Please refer to the guidance

on disclosures at the rear of this agenda letter.

5. DETERMINATION OF PLANNING APPLICATIONS

(Pages 9
- 12)

To request the committee to decide the planning applications attached to this report using the powers delegated to it.

Please note that printed letters of objection/support are no longer circulated with the agenda but are available on the Council's website at <http://www.northumberland.gov.uk/Planning.aspx>

6. 20/01768/FUL

(Pages
13 - 26)

**Change of use: vehicle depot to material recycling facility (B2 Use Classes)
Watsons Yard, Barrington Road, Bedlington, Northumberland
NE22 7AH**

7. 20/03389/FUL

(Pages
27 - 50)

**Proposed residential development of four dwellings (as amended 21.12.2020)
Land South Of Centurion Way , Centurion Way, Heddon-On-The-Wall,
NE15 0BY**

8. APPEALS UPDATE

(Pages
51 - 60)

For Members' information to report the progress of planning appeals. This is a monthly report and relates to appeals throughout all 5 Local Area Council Planning Committee areas and covers appeals of Strategic Planning Committee

9. PETITION - PLANNING ENFORCEMENT IN LYNEMOUTH

(Pages
61 - 66)

The report reviews the issues raised in a petition received setting out concerns about a series of Planning Enforcement cases in Lynemouth. This report sets out the background and matters arising in these cases and the specific circumstances.

10. URGENT BUSINESS

To consider such other business as, in the opinion of the Chair, should, by reason of special circumstances, be considered as a matter of urgency.

IF YOU HAVE AN INTEREST AT THIS MEETING, PLEASE:

- Declare it and give details of its nature before the matter is discussion or as soon as it becomes apparent to you.
- Complete this sheet and pass it to the Democratic Services Officer.

Name (please print):
Meeting:
Date:
Item to which your interest relates:
Nature of Registerable Personal Interest i.e either disclosable pecuniary interest (as defined by Annex 2 to Code of Conduct or other interest (as defined by Annex 3 to Code of Conduct) (please give details):
Nature of Non-registerable Personal Interest (please give details):
Are you intending to withdraw from the meeting?

1. Registerable Personal Interests – You may have a Registerable Personal Interest if the issue being discussed in the meeting:

a) relates to any Disclosable Pecuniary Interest (as defined by Annex 1 to the Code of Conduct); or

b) any other interest (as defined by Annex 2 to the Code of Conduct)

The following interests are Disclosable Pecuniary Interests if they are an interest of either you or your spouse or civil partner:

(1) Employment, Office, Companies, Profession or vocation; (2) Sponsorship; (3) Contracts with the Council; (4) Land in the County; (5) Licences in the County; (6) Corporate Tenancies with the Council; or (7) Securities - interests in Companies trading with the Council.

The following are other Registerable Personal Interests:

(1) any body of which you are a member (or in a position of general control or management) to which you are appointed or nominated by the Council; (2) any body which (i) exercises functions of a public nature or (ii) has charitable purposes or (iii) one of whose principal purpose includes the influence of public opinion or policy (including any political party or trade union) of which you are a member (or in a position of general control or management); or (3) any person from whom you have received within the previous three years a gift or hospitality with an estimated value of more than £50 which is attributable to your position as an elected or co-opted member of the Council.

2. Non-registerable personal interests - You may have a non-registerable personal interest when you attend a meeting of the Council or Cabinet, or one of their committees or sub-committees, and you are, or ought reasonably to be, aware that a decision in relation to an item of business which is to be transacted might reasonably be regarded as affecting your well being or financial position, or the well being or financial position of a person described below to a greater extent than most inhabitants of the area affected by the decision.

The persons referred to above are: (a) a member of your family; (b) any person with whom you have a close association; or (c) in relation to persons described in (a) and (b), their employer, any firm in which they are a partner, or company of which they are a director or shareholder.

3. Non-participation in Council Business

When you attend a meeting of the Council or Cabinet, or one of their committees or sub-committees, and you are aware that the criteria set out below are satisfied in relation to any matter to be considered, or being considered at that meeting, you must : (a) Declare that fact to the meeting; (b) Not participate (or further participate) in any discussion of the matter at the meeting; (c) Not participate in any vote (or further vote) taken on the matter at the meeting; and (d) Leave the room whilst the matter is being discussed.

The criteria for the purposes of the above paragraph are that: (a) You have a registerable or non-registerable personal interest in the matter which is such that a member of the public knowing the relevant facts would reasonably think it so significant that it is likely to prejudice your judgement of the public interest; **and either** (b) the matter will affect the financial position of yourself or one of the persons or bodies referred to above or in any of your register entries; **or** (c) the matter concerns a request for any permission, licence, consent or registration sought by yourself or any of the persons referred to above or in any of your register entries.

This guidance is not a complete statement of the rules on declaration of interests which are contained in the Members' Code of Conduct. If in any doubt, please consult the Monitoring Officer or relevant Democratic Services Officer before the meeting.

NORTHUMBERLAND COUNTY COUNCIL

CASTLE MORPETH LOCAL AREA COUNCIL

At the meeting of the **Castle Morpeth Local Area Council** held Remotely on Wednesday, 21 April 2021 at 4.00 pm.

PRESENT

L Dunn (Vice Chair - Planning) (in the Chair)

MEMBERS

S Dickinson
J Foster
G Sanderson

R Dodd
P Jackson
R Wearmouth

OTHER COUNCILLORS

OFFICERS

L Dixon
D Hadden
G Horsman
R Laughton
L Little
C Mead
R Murfin
J Murphy

R Soulsby
A Fogerty
SJ Imrie

A Wall

Democratic Services Apprentice
Solicitor
Principal Planning Officer
Planning Officer
Senior Democratic Services Officer
Highways Development Manager
Director of Planning
Planning Area Manager - Development
Management
Planning Officer
IT Apprentice
Principal Highways Development
Management Officer
Environmental Health Officer

217 **PROCEDURE TO BE FOLLOWED AT A VIRTUAL PLANNING COMMITTEE**

Councillor Dunn, Vice-Chair (Planning) outlined the procedure which would be followed at the virtual meeting and of the changes to the public speaking protocol.

218 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Armstrong, Jones and Towns.

219 **MINUTES**

RESOLVED that the minutes of the meeting held of the Castle Morpeth Local Area Council held on Monday 8 March 2021, as circulated, be confirmed as a true record and signed by the Chair.

220 **DISCLOSURE OF MEMBERS' INTERESTS**

Councillor Foster advised that she would be speaking as local member on behalf of residents on application 20/01768/FUL and would therefore withdraw from the meeting once she had spoken and take no part in the determination of that application.

221 **DETERMINATION OF PLANNING APPLICATIONS**

The report requested the Committee to decide the planning applications attached to the report using the powers delegated to it. Members were reminded of the principles which should govern their consideration of the applications, the procedure for handling representations, the requirement of conditions and the need for justifiable reasons for the granting of permission or refusal of planning applications.

RESOLVED that the information be noted.

222 **20/01333/FUL**

**Proposal to demolish a later addition garage and build a greater quality replacement
Espley Hall, Espley, Morpeth, Northumberland, NE61 3DJ**

There were no questions in relation to the site visit videos which had been circulated in advance of the meeting.

The application was introduced by J Murphy, Planning Area Manager - Development Management, with the aid of a power point presentation. She advised that there was an error in paragraph 7.18 of the officer's report and the third last sentence should read ... it was considered that, on balance, there would **not** be sufficient grounds to refuse the application

A written statement in objection to the application from Russell Emmerson was read out to the Committee by G Horsman, Principal Planning Officer. A copy of the statement would be filed with the signed minutes of the meeting and would be uploaded to the Council's website.

A written statement in support of the application from Michael Hepburn, Lichfields, was read out to the Committee by R Soulsby, Planning Officer. A copy of the statement would be filed with the signed minutes of the meeting and would be uploaded to the Council's website.

Councillor Dickinson joined the meeting at 4:16pm after the Officer's presentation on the application it was confirmed that he would take no part in the deciding of this application.

The Planning Area Manager provided clarification on the full dimensions of the proposed development. The Director of Planning advised that this was a Green Belt site and therefore any development needed to satisfy the legal test of very special circumstances and that Members should look at the application in these terms rather than as a balancing of harm versus benefit.

In response to questions from Members of the Committee the following information was provided:-

- The application had been assessed as a stand-alone building under paragraph 145 of the NPPF which stated that the replacement of a building should not be materially larger than the one it replaced. The applicant was asking for it to be considered from the permitted development perspective and how much bigger the new building would be from the permitted development, however Officers had assessed it on the existing garage.
- Whilst it was welcomed that the applicant had wished to improve the design over the permitted development, the Director of Planning advised caution as there could be differing options under permitted development rights and not just what had been shown from the applicant.
- Paragraph 79 of the NPPF which allowed support for schemes of exceptional architectural design must also significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area. The proposed development did not meet this criterion.

Councillor Dodd proposed acceptance of the recommendation to refuse the application as outlined in the officer report, which was seconded by Councillor Foster. A vote was taken and it was unanimously

RESOLVED that the application be **REFUSED** for the following reason:

1. The proposed garage by virtue of its scale and massing was considered to be inappropriate development within the Green Belt and the open countryside. The proposal failed to meet any of the exceptions within paragraph 145 of the NPPF and no very special circumstances had been demonstrated. As such, the proposal did not comply with policies C1, C16 and C17 of the Castle Morpeth District Local Plan, Policies Set1 and DES1 of the Morpeth Neighbourhood Plan and paragraph 145 of the National Planning Policy Framework.

**Change of use: vehicle depot to material recycling facility (B2 Use Classes)
Watsons Yard, Barrington Road, Bedlington, Northumberland
NE22 7AH**

R Soulsby, Planning Officer provided an introduction to the application with the aid of a power point presentation. He advised that one further objection had been received since the report had been published which stated *"I strongly object to this planning application due to increased noise, pollution and heavy traffic in the local area"*

A written statement in objection to the application from residents was read out to the Committee by G Horsman, Principal Planning Officer. A copy of the statement would be filed with the signed minutes of the meeting and would be uploaded to the Council's website.

Councillor Foster, as the local Ward Member read out a statement in relation to the application. A copy of the statement would be filed with the signed minutes of the meeting and would be uploaded to the Council's website.

A written statement in support of the application from the Agent, K Wood, was read out to the Committee by L Little, Senior Democratic Services Officer. A copy of the statement would be filed with the signed minutes of the meeting and would be uploaded to the Council's website.

In response to questions from Members the following information was provided:-

- Waste management facilities were an acceptable use on industrial and commercial estates with the proviso that they were modern and well managed operations. Robust planning conditions would control noise from the operation and in addition the day to day activities of the site would be covered by dual controls with the Environment Agency under their permit which would set out how the Company would manage noise/dust etc. The activities which created the most dust would take place inside with dampening down of materials outside. The Environment Agency would undertake checks as part of the permit. Therefore there would be a range of controls over the site and what had been presented fell within what was felt to be acceptable in terms of adverse impact. Members were asked to consider that this was an industrial estate with a wide range of uses which could cause dust/noise and that as this site would have more controls the Director of Planning was satisfied that there would be sufficient controls in place.
- The nearby housing had been in existence for an extensive period of time within the existing settlement of Bedlington Station and was not new housing built next to an industrial estate. The site was allocated for employment uses with policies not requiring additional controls on the type of activities to be undertaken and there was a range of activities taking place with the site also adjacent to a railway line.
- A condition which would limit noise measured at noise sensitive properties provided that background noise was at no more than 5 decibels. The conditions would ensure that the site was managed

under current best practice. The Environment Agency required management of the site and would undertake both announced and unannounced visits to monitor uses. The Environment Agency were also able to require continuous improvements and could vary the conditions that they imposed on the site to require different ways of working if necessary. A fee was required to be paid to hold an Environment Agency permit and the way in which the site was designated and the number of complaints received would determine the frequency of their inspections.

Councillor Dodd proposed acceptance of the recommendation to approve the application as outlined in the officer report, which was seconded by Councillor Sanderson.

During discussions on the application, some Members of the Committee expressed concern on the proximity of the neighbouring dwellings to the site and the type of materials to be processed as it was known that problems had been encountered at other locations and if the use was appropriate in this location. It was stated that this Council wished to recycle more and be a greener authority and if industrial estates could not be used for this purpose then there was a problem. Members stated that whilst they were not opposed to putting recycling facilities on industrial estates, this was very close to residential properties and further assurance was required on what was appropriate.

Members were advised by the Director of Planning that the starting point for consideration was that this was an employment site suitable for a modern well managed waste management facility. There had been potential in the Northumberland Local Plan to keep employment sites for non-waste activities, however that step had not been taken in relation to this site where there were already heavy uses. The site would have an environmental management plan through the Environment Agency and it could be that the application could be deferred in order to ask the applicant to supply the environmental management plan in order that Members would be aware of how issues would be dealt with. It was also suggested that, when Covid restrictions allowed, an actual site visit would be valuable in this instance.

Councillor Jackson proposed to defer the application to allow a site visit to be undertaken and the environmental management plan to be provided. Councillor Dodd advised that he would withdraw his motion to approve the application in favour of deferring the application to allow a site visit and extra information to be provided to which Councillor Sanderson agreed. Councillor Dickinson then seconded Councillor Jackson's proposal that the application be deferred to allow a site visit and the additional information to be provided. A vote was taken and it was unanimously

RESOLVED that the application be **DEFERRED** to allow a site visit to be undertaken as soon as practicable and request that an environmental management plan be submitted to the Committee.

**Proposed residential development of four dwellings (as amended 21.12.2020)
Land South Of Centurion Way , Centurion Way, Heddon-On-The-Wall, NE15 0BY**

There were no questions related to the site visit videos previously circulated.

R Laughton, Senior Planning Officer introduced the application to the Committee with the aid of a power point presentation. An update was provided as follows:-

- The Highways Team had requested that condition 6 be removed and replaced with a condition for the applicant to provide further details on parking to ensure that cars could manoeuvre safely within the site as follows:-

“The development shall not commence until details of the car parking area has been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter the car parking area shall be retained in accordance with the approved details.”

A statement in objection to the application from Mrs L Twizell was read out to the Committee by L Little, Senior Democratic Services Officer. A copy would be filed with the signed minutes and be uploaded to the Council's website.

A statement in support of the application on behalf of the applicant was read out to the Committee by R Soulsby, Planning Officer. A copy would be filed with the signed minutes and be uploaded to the Council's website.

In response to questions from Members the following information was provided:-

- The site was within the settlement boundary and it was identified in the new Local Plan as a settlement village and it was assumed this site would be anticipated to come forward for housing during the plan period. The new Local Plan was not yet fully adopted and therefore to attach full development plan status it was safer to rely on the existing Local Plan.
- There had been previous applications for the site from a number of years ago and some information was not available. There had also been proposals for 2 dwellings further down the site, but these applications had been assessed on different planning policies which were in place at that time.
- The principle of residential development on this site was that subject to an appropriate design this was acceptable. The merits of this scheme should not be measured against other schemes. This scheme was a reaction to modern design and policies in the NPPF, in response to the current market and was of a high end design quality.
- In certain locations design cues would be taken from existing buildings, however as there was no over-riding design in the area that was not appropriate in this instance. These design of these houses was in response to height restrictions on the site in terms of scale and massing. Members must ask themselves if the response

was so insufficient that the harm caused by the proposals outweighed the benefit of delivering housing on a site identified for housing in the Local Plan. The Director of Planning suggested that the application was in response to design cues to the built form and topography of the area. The right to a view through a site was not a material planning consideration, however visual impact was, i.e. that if the buildings were so inappropriate by virtue of their design that they caused an unacceptable visual impact then a refusal could be based on that. However in this instance he advised that this application was not out of scale for the site and a refusal for this reason would be difficult to defend at appeal.

- The height of the dwellings from street level was quite low and a condition attached to any permission granted required that all site levels were to be submitted to the Local Planning Authority. The height of the proposed dwellings was no higher than those previously consented.

Councillor Jackson advised that he considered there was an issue of whether the development was compatible with the distinctive vernacular character of the locality in Policy H15 was crucial and as stated in the NPPF that it had to be sympathetic to the local character and history of the built up and landscaped setting, and overdevelopment of the site. It was a small site and suitable for 2 to 3 small bungalows, but not for 4 x 5 bedroomed houses. He thought that the buildings would have a greater impact than being stated and also questioned if sufficient car parking could be provided. He proposed that the application be deferred to allow a site visit to be undertaken due to the impact that was not shown on the photographs, car parking issues and to judge if 4 x 5 bedroomed houses was an overdevelopment of the site. This was seconded by Councillor Wearmouth, who advised that whilst he was tending to think that the proposals were acceptable, it would be useful to have a site visit.

Following a short discussion on the merits of having a site visit to determine if Members considered the proposed development would be overdevelopment on the site a vote was taken on the proposal to defer the application in order to carry out a site visit as follows: FOR 4; AGAINST 2; ABSTENTIONS 1.

RESOLVED that the application be **DEFERRED** for a site visit to be undertaken.

225 **APPEALS UPDATE**

RESOLVED that the information be noted.

CHAIR.....

DATE.....

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Northumberland County Council

CASTLE MORPETH LOCAL AREA COUNCIL

14 JUNE 2021

DETERMINATION OF PLANNING APPLICATIONS

Report of the Executive Director of Place

Cabinet Member: Councillor C Horncastle

Purpose of report

To request the Local Area Council to decide the planning applications attached to this report using the powers delegated to it.

Recommendations

The Local Area Council is recommended to consider the attached planning applications and decide them in accordance with the individual recommendations, also taking into account the advice contained in the covering report.

Key issues

Each application has its own particular set of individual issues and considerations that must be taken into account when determining the application. These are set out in the individual reports contained in the next section of this agenda.

DETERMINATION OF PLANNING APPLICATIONS

Introduction

1. The following section of the agenda consists of planning applications to be determined by the Castle Morpeth Local Area Council in accordance with the current delegation arrangements. Any further information, observations or letters relating to any of the applications contained in this agenda and received after the date of publication of this report will be reported at the meeting.

The Determination of Planning and Other Applications

2. In considering the planning and other applications, members are advised to take into account the following general principles:
 - Decision makers are to have regard to the development plan, so far as it is material to the application

- Applications are to be determined in accordance with the development plan unless material considerations indicate otherwise
 - Applications should always be determined on their planning merits in the light of all material considerations
 - Members are reminded that recommendations in favour of giving permission must be accompanied by suitable conditions and a justification for giving permission, and that refusals of permission must be supported by clear planning reasons both of which are defensible on appeal
 - Where the Local Area Council is minded to determine an application other than in accordance with the Officer's recommendation, clear reasons should be given that can be minuted, and appropriate conditions or refusal reasons put forward
3. Planning conditions must meet 6 tests that are set down in paragraph 206 of the NPPF and reflected in National Planning Practice Guidance (NPPG, March 2014 as amended). They must be:
- Necessary
 - Relevant to planning
 - Relevant to the development permitted
 - Enforceable
 - Precise
 - Reasonable in all other respects
4. Where councillors are contemplating moving a decision contrary to officer advice, they are recommended to consider seeking advice from senior officers as to what constitutes material planning considerations, and as to what might be appropriate conditions or reasons for refusal.
5. Attached as Appendix 1 is the procedure to be followed at all Local Area Councils.

Important Copyright Notice

- 6 The maps used are reproduced from the Ordnance Survey maps with the permission of the Controller of Her Majesty's Stationery office, Crown Copyright reserved.

BACKGROUND PAPERS

These are listed at the end of the individual application reports.

IMPLICATIONS ARISING OUT OF THE REPORT

Policy: Procedures and individual recommendations are in line with policy unless otherwise stated

Finance and value for Money:	None unless stated
Human Resources:	None
Property:	None
Equalities:	None
Risk Assessment:	None
Sustainability:	Each application will have an impact on the local environment and it has been assessed accordingly
Crime and Disorder:	As set out in the individual reports
Customer Considerations:	None
Consultations:	As set out in the individual reports
Wards:	All

Report author Rob Murfin
Director of Planning
01670 622542
Rob.Murfin@northumberland.gov.uk

APPENDIX 1: PROCEDURE AT PLANNING COMMITTEES

Chair

Introduce s application

Planning Officer

Updates – Changes to Recommendations – present report

Public Speaking

Objector(s) (5mins)

Local Councillor/Parish Councillor (5 mins)

Applicant / Supporter (5 mins)

NO QUESTIONS ALLOWED TO/ BY PUBLIC SPEAKERS

Member's Questions to Planning Officers

Rules of Debate

Proposal

Seconded

DEBATE

- No speeches until motion is seconded
- Speech may not exceed 10 minutes
- Amendments to Motions
- Approve/ refuse/ defer

Vote (by majority or Chair casting vote)

Chair should read out resolution before voting

Voting should be a clear show of hands.

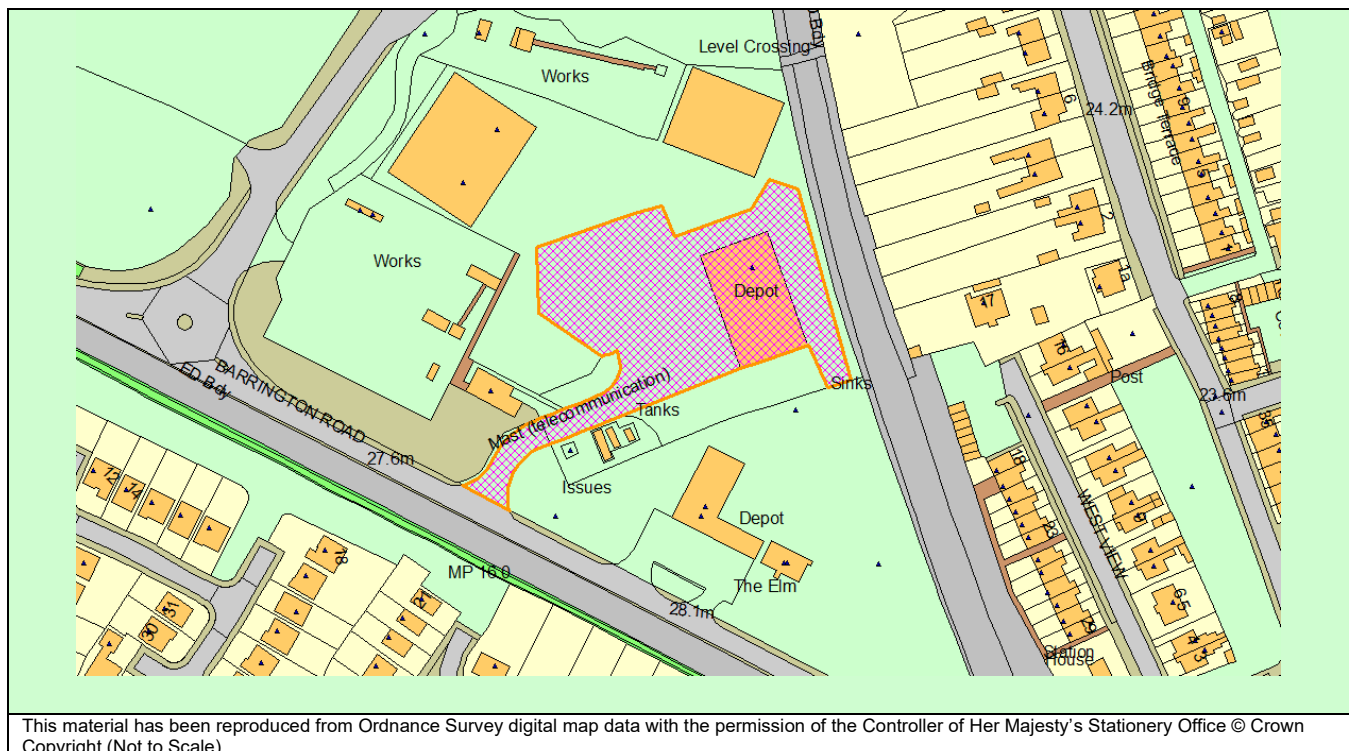


Northumberland County Council

Castle Morpeth Local Area Council 14th June 2021

Application No:	20/01768/FUL		
Proposal:	Change of use: vehicle depot to material recycling facility (B2 Use Classes)		
Site Address	Watsons Yard, Barrington Road, Bedlington, Northumberland NE22 7AH		
Applicant:	Mr Kevin Watson Watsons Of Bedlington, Watsons Yard, Barrington Road, Bedlington NE22 7AH	Agent:	Mrs Katie Wood 1 Meadowfield Court, Meadowfield Ind Est, Ponteland, Newcastle Upon Tyne, NE20 9SD
Ward	Stakeford	Parish	Choppington
Valid Date:	5 May 2020	Expiry Date:	18 February 2021
Case Officer Details:	Name: Mr Ryan Soulsby Job Title: Planning Officer Tel No: 01670 622627 Email: Ryan.Soulsby@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



1. Introduction

- 1.1. This application is being referred to the Local Area Council for a decision following a 'call in' from a local councillor. It is considered that there is significant local interest regarding the application which warrants a Local Area Council decision. The application was previously considered at CMLAC on 21st April 2021 and was deferred at Members' request to allow a site visit to take place.

2. Description of the Proposals

- 2.1 Planning permission is sought for the change of an existing vehicle depot into a construction and demolition waste recycling facility at Watsons Yard, Barrington Road, Bedlington.
- 2.2 The existing premises is currently vacant but was last occupied by Roadsafes who used it as a depot for the storage and maintenance of their vehicles. The site is approximately 0.4 hectares in size and vehicular access is onto Barrington Road.
- 2.3 The existing building is bounded by neighbouring units to the North, South and West whilst residential properties are located to the East. There would be no alterations to the external elevations of the building.
- 2.4 The application site is located within designated general employment land as defined by the Wansbeck District Local Plan.
- 2.5 Whilst the use classes order was amended on 1st September 2020, the proposal remains in use class B2 following these changes.

3. Planning History

Reference Number: 00/00036/COU

Description: Change of use from garage to vehicle spraying unit

Status: Permitted

Reference Number: 04/00479/MAST

Description: Installation of telecommunication apparatus comprising: 15 m. monopole with antennas and associated cabinets with a secure fenced compound

Status: Permitted

4. Consultee Responses

Choppington Parish Council	Concerns regarding environmental impacts and existing building condition. Consideration needs to be given to traffic and pedestrian movement on site.
Strategic Estates	No response received.
Highways	No objection subject to recommended conditions.
Public Protection	No objection subject to recommended conditions.
East Bedlington Parish Council	Concerns relating to environmental impacts arising from odour, noise, dust and vehicular movement.
Environment Agency	No objection; environmental permit required.
Network Rail	No objection. Condition and informative recommended.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	37
Number of Objections	71
Number of Support	0
Number of General Comments	0

Notices

No Site Notice Required.

No Press Notice Required.

Summary of Responses:

71 objections were received against the application from neighbouring residents and members of the public. Concerns were raised regarding:

- Adverse impact on residential amenity;
- Environmental impacts (pollution, dust, noise);
- Proximity to residential dwellings;
- Highway safety implications;

These material planning considerations shall be assessed within the below appraisal.

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=QBTD0XQS0CI00>

6. Planning Policy

6.1 Development Plan Policy

Wansbeck District Local Plan (WDLP) (2007)

Policy GP1 - Location of development

Policy GP4 - Accessibility

Policy GP5 - Landscape character

Policy GP22 – Flood risk and erosion

Policy GP23 – Development causing pollution and nuisance

Policy GP24 – Pollution

Policy GP25 – Noise generating development

Policy GP26 – Development exposed to noise

Policy GP29 – Land contamination

Policy GP30 – Visual impact of development

Policy EMP1 – General employment areas

Policy T3 - Provision for cyclists

Policy T4 - Provision for walking

Policy T6 - Traffic implications of new development

Policy CF7 - Planning conditions and obligations

Northumberland Waste Local Plan (adopted December 2001) (NWLP)

Policy S3 - Protecting communities and the environment

Policy EP2 - Protecting local communities

Policy EP21 - Encouraging alternatives to road transport and mitigating impacts

Policy EP23 - Ensuring acceptable site operations

Policy RE3 - Material recycling facilities

Policy RE5 - Recycling construction and demolition waste

Policy SM1 - Ensuring good site management

6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2019)

National Planning Practice Guidance (NPPG) (2020)

6.3 Other Documents/Strategies

Northumberland Local Plan Publication Draft Plan (Regulation 19) including proposed minor modifications (NLP)

Policy STP 1 – Spatial strategy (Strategic Policy)

Policy STP 2 – Presumption in favour of sustainable development (Strategic Policy)

Policy STP 3 – Principles of sustainable development (Strategic Policy)

Policy STP 4 – Climate change mitigation and adaptation (Strategic Policy)

Policy STP 5 – Health and wellbeing (Strategic Policy)

Policy ECN 1 – Planning strategy for the economy (Strategic Policy)

Policy ECN 4 – Round 2 Enterprise Zones (Strategic Policy)

Policy ECN 6 – General employment land allocations & safeguarding (Strategic Policy)

Policy ECN 7 – Key general employment areas for B-class uses

Policy ECN 9 – Additional flexibility in general employment areas

Policy ECN 15 -Tourism and visitor development

Policy QOP 1 – Design principles (Strategic Policy)

Policy QOP 2 – Good design and amenity

Policy QOP 4 – Landscaping and trees

Policy QOP 6 – Delivering well-designed places

Policy TRA 1 – Promoting sustainable connections (Strategic Policy)

Policy TRA 2 – The effects of development on the transport network

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

Policy POL 2 – Pollution and air, soil and water quality

Policy WAS 1 – Principles for location of waste re-use, recycling and recovery facilities

Policy WAS 2 – Development management criteria for waste re-use, recycling and recovery facilities

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 Wansbeck District Local Plan (WDLP). The main considerations in the assessment of this application are:

- Principle of development;
- Design and visual character;
- Residential amenity/public health;
- Highway safety;
- Environment Agency.

In accordance with paragraph 48 of the NPPF, local planning authorities (LPA's) may also give weight to relevant policies within emerging plans depending on the stage of preparation, extent of unresolved objections and the degree of consistency with the NPPF. Policies contained within the NLP (including proposed minor modifications May 2019) can therefore be given some weight in the assessment of this application.

Principle of development

- 7.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration. The development plan comprises the Wansbeck District Local Plan (2007). This document is the starting point for determining applications as set out in the NPPF. However, the NPPF advises that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
- 7.3 In accordance with the NPPF 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 latest version of the NLP was submitted to the Secretary of State for examination in May 2019 and the examination in public into the Plan has recently concluded. Relevant policies in this document are a material consideration in determining this application and it is considered that such policies can be afforded some weight at this time.
- 7.4 For the purposes of WDLP Policy GP1 the site lies within the defined settlement boundary of Bedlington Station and seeks to bring an existing, vacant premises back into use. The WDLP also identifies the application site as being located within a general employment land area where *'proposals for development in classes B1, B2 and B8 will be permitted'*.
- 7.5 Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

- 7.6 The proposal therefore represents an acceptable form of development in accordance with both local and national planning policy.

Design and visual character

- 7.7 Policy GP5 of the WDLP stipulates that *'development must respect the character of the District's landscape'*. Policy GP30 further states that all proposed development will be assessed in terms of its visual impact. Developments which in visual terms would cause significant harm to the character and quality of the surrounding environment will be refused.
- 7.8 Moving onto national planning policy, NPPF paragraph 170 further advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside. NLP Policy ENV3 reflects the above Local Plan and NPPF policy.
- 7.9 No external alterations are proposed to the existing building therefore, the proposal would not represent any impacts upon the design and visual character of the area. An existing wall is proposed to be removed within the site with an additional wall proposed to the East of the site, closing off an area that is currently open at present. Supporting information included within the proposals states that recycling operations will be undertaken within the existing building. Recycled CD&E waste (rubble, bricks, timber and concrete) would be stored within the curtilage of the site in existing aggregate bays whilst recyclable material will be stored within the building before it is sent to a separate facility for onwards recycling. Any material which cannot be recycled will be stored in a separate part of the building until it is removed for disposal at landfill.
- 7.10 The proposal therefore accords with local and national planning policy in regard to design.

Residential amenity/public health

- 7.11 Policy GP23 of the WDLP states that *'When determining planning applications, the authority will consider whether a proposed development has the potential to cause pollution or nuisance. Planning permission will not be granted for development liable to cause significant harm to either:*
- a) human health and safety*
 - b) the amenity of local residents and other land users*
 - c) the quality and enjoyment of all aspects of the environment'*
- 7.12 Policy GP24 mirrors these provisions, more specifically focusing upon how the source of pollution may impact upon users of the proposed development. Policy GP25 outlines that the local authority must consider the levels and characteristics of any noise which may be generated as a result of permitting the development. Proposals which could cause significant harm will be refused.
- 7.13 Whilst full weight cannot yet be given to policies within the emerging NLP, Policy POL 2 mirrors provisions of the WDLP where it states *'Development*

proposals in locations where they would cause, or be put at unacceptable risk of harm from, or be adversely affected by pollution by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances will not be supported’.

- 7.14 Paragraph 127, part f) of the NPPF states that planning decisions should ensure developments *‘create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users’*. Paragraph 170, part e) seeks for planning decisions to contribute to and enhance the local environment *‘preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality’*.
- 7.15 The application site is located within designated general employment land thus determining the principle of the proposed use acceptable. Nevertheless, the LPA still need to give consideration regarding amenity implications and how they may be impacted upon by the proposals. The existing building is bounded by neighbouring units to the North, South and West with residential properties located to the East. The closest residential property is approximately 50 metres East of the site with further dwellings to the North East approximately 75 metres from the site, an existing railway line separating the 2no sites.
- 7.16 Consultation was undertaken with the local authority’s Public Protection department who, following the submission of additional information, raised no objection to the proposals subject to recommended conditions. The application submission consists of a noise assessment statement, and memorandum, along with dust management details, existing lighting plan and a planning statement outlining the proposed operations on site.
- 7.17 The proposed change of use to form a recycling facility would be an intensification of activity at the existing commercial site. Public Protection has engaged extensively with the planning agent on behalf of the LPA to clarify the nature of the proposal and any potential risk to the health of neighbouring residents. Public Protection has readily identified aspects of the development where it is appropriate to control risks through suitably worded conditions. Planning Conditions are deemed to be necessary to control any potential dust, light, odour, smoke and noise. Furthermore the Environment Agency’s enforcement role in requiring the operator to apply for and hold a live permit is also acknowledged. The Standard Rules permit which is sought is limited to enforcing waste activities.
- 7.18 The proposal can therefore be considered in accordance with relevant local and national planning policy in regard to residential amenity, subject to appropriate conditions.

Highway safety

- 7.19 Policy GP4 of the Wansbeck District Local Plan states that new development should be located to reduce the need to travel and to minimise journey length. It should be accessible to all users by a choice of means of transport including

buses, walking and cycling. Policy T6 states that when planning applications are determined, the volume and character of traffic likely to be generated by and attracted to the proposed development will be considered. Proposals will only be permitted if: a) the existing highway network is adequate to cope with any additional traffic resulting from the development or necessary improvement works will be carried out before the development goes ahead; b) the proposed arrangements for access and egress will allow the safe and efficient movement of vehicles; c) internal circulation arrangements will be able to absorb vehicular traffic entering the site without queues forming on existing roads and will include measures to achieve safe traffic speeds; and d) adequate provision is made, in terms of safety and operating efficiency, for servicing and deliveries and for other heavy vehicles such as buses and emergency vehicles. A Transport Assessment, including a travel plan and an assessment of accessibility where appropriate, will be required to be submitted with proposals for development that will have significant transport implications.

- 7.20 Policies TRA1 and 2 of the emerging Local Plan reflect the above WDLF Policies.
- 7.21 Consultation was undertaken with Highways Development Management who, following the submission of additional information, raised no objection to the proposals subject to recommended conditions. The imposition of conditions and informatives in regard to controlling vehicle movements at the site would address potential issues that may arise in relation to highway safety. Whilst full details in relation to car parking have not been provided as part of this application submission, such information can be conditioned with the information required prior to the change of use being implemented.
- 7.22 A condition is also recommended restricting the number of heavy good vehicle movements at the site in the interests of highway safety. Subject to recommended conditions, the proposals accord with relevant local and national planning policy in regard to highway safety.

Environment Agency

- 7.23 As referenced within the consultation response provided by Public Protection, the applicant will require an environmental permit from the Environment Agency prior to the proposed use being brought into action on site. This is a matter to be dealt out with the planning process between the applicant and the Environment Agency.

Equality Duty

- 7.24 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

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

Human Rights Act Implications

- 7.26 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.
- 7.27 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.
- 7.28 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 proposal represents an acceptable form of development in accordance with both local and national planning policy, subject to recommended conditions. The application is therefore recommended for approval.

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 plans. The approved plans for this development are:-

- 1) Location plan drawing no. BL_004_SB (received 15th June 2020)
- 2) Proposed site plan drawing no. BL_003_SB (received 15th June 2020)
- 3) Existing lighting plan drawing no. BL_005_SB (received 15th June 2020)
- 4) Dust management report version 1 standard operations (received 28th September 2020)
- 5) Noise management report version 1 standard operations (received 28th September 2020)

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

03. The maximum number of movements of Heavy Goods Vehicles exceeding 7.5t unladen weight associated with the export of recycled and/or residual material shall not exceed 12 two-way movements (6 in / 6out) per week and 400 two-way movements (200 in / 200 out) per annum.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

04. Prior to the change of use being implemented, a route management plan for all Heavy Goods Vehicles exceeding 7.5t unladen weight associated with the export of recycled and/or residual material shall be submitted to and approved in writing by the Local Planning Authority. The route management plan shall indicate the routing of such vehicles to and from the development site and the measures to ensure such vehicles adhere to the plan, including a vehicle log. Thereafter, the approved details shall be adhered to at all times.

Reason: In the interest of highway safety, in accordance with the National Planning Policy Framework.

05. Notwithstanding the details submitted, prior to the change of use being implemented details of car parking and manoeuvring for the development including adjoining units on the northern side of the site shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the car parking areas shall be retained in accordance with the approved details.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

06. Within one month of the date of this planning permission details of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented within 3 months of the date of this permission and 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.

07. The premises shall not operate outside the hours of Monday to Friday 08:00 – 18:00 and Saturday 08:00 – 13:00 with no working on Sunday or Bank Holidays

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

08. During the construction period, there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside the hours:

Monday to Friday - 0800 to 1800, Saturday 0800 to 1300.

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

09. Deliveries to and collections from the demolition and/or construction phase of the development shall only be permitted between the hours:

Monday to Friday - 08:00 to 18:00
Saturday - 08:00 to 13:00

With no deliveries or collections on a Sunday or Bank Holiday, unless agreed in writing with the LPA.

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

10. During the construction phase no dust or debris caused by construction activity is permitted to be blown into the curtilage of a residential dwelling. An enforcement officer authorised by Northumberland County Council is the appropriate person to determine by their vision if dust or debris is being blown into the curtilage of a residential dwelling.

Reason: To protect residential amenity and provide a commensurate level of protection against dust and debris.

11. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any statutory instrument amending or replacing it, the Site shall not be used for any purposes other than that which is the subject of this permission or permission

Reason: To protect residential amenity and provide a commensurate level of protection against pollutants with the potential to cause harm.

12. No waste other than inert, solid, non-biodegradable, non-putrescible waste shall be imported, stored, stockpiled or processed on the Site.

Reason: To protect residential amenity and provide a commensurate level of protection against pollutants with the potential to cause harm.

13. No waste, recycled or recyclable materials shall be burned on the Site at any time.

Reason: To protect residential amenity and provide a commensurate level of protection against pollutants with the potential to cause harm.

14. The site must comply with the following Standard Operations Procedures:
- Noise Management – Standard Operations Procedure SOP/1.10/NM September 2020
 - Dust Management – Standard Operations Procedure SOP/1.14/DM September 2020

Reason: To protect residential amenity and provide a commensurate level of protection against pollutants with the potential to cause harm.

15. The rating level of sound emitted from activities at the use hereby approved shall not exceed background sound levels by more than 5dB(A) between the hours of 0800 - 1800 (taken as a 15 minute LA90 at the nearest sound-sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound-sensitive property. Any deviations from the LA90 time interval and the nearest sound-sensitive premises stipulated above shall be agreed in writing with the local planning authority.

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

16. Stock must not be piled higher than the external walls of the bay and must not be forward of the bay.

Reason: To protect residential amenity and provide a commensurate level of protection against windblown dust and debris.

17. No additional or replacement external lighting units may be installed on-site, other than those present as existing (shown on plan: Existing Lights Plan BL_005_SB 14- 9-2020) without the written consent of the Local Planning Authority.

Reason: To protect residential amenity and provide a commensurate level of protection against light.

18. Within 21 days from receipt of a written request from the Local Planning Authority notifying the operator of a justified noise complaint the Operator shall, employ a competent independent acoustic consultant to assess the level of noise emissions from the development at the complainant's property. The assessment shall be undertaken in accordance with the methodology described in BS 4142:2014 (or later revisions of the same British Standard). The operator shall submit a report based on the consultant's findings to the Local Planning Authority for written approval. Where the noise levels from the

development exceeds the level stated in condition 15, at the complainant's property, appropriate mitigation measures shall be agreed and implemented in full within a timescale approved in writing by the Local Planning Authority.

Reason: To protect residential amenity and provide a commensurate level of protection against noise

19. Prior to the change of use being implemented, the applicant must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

Reason: To ensure public safety

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 streetworks@northumberland.gov.uk for Skips and Containers licenses
- 2) In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway
- 3) In all cases, the Council retains its rights under the Section 79 & 80 of the Environment Protection Act 1990, in respect of the enforcement of Statutory Nuisance.
- 4) It should be noted that because of the nature of the proposals, Network Rail would not want to see materials piled against our boundary. Items to be heaped on site should be kept away from the boundary an equal distance as the pile is high to avoid the risk of toppling and damaging or breaching our boundary. We also have concerns over the potential for dust clouds and rubbish created from the processing at the site affecting the railway signal sighting. Therefore, adequate measures for preventing dust and rubbish blowing onto Network Rail property are to be in operation.

Date of Report: 1st February 2021

Background Papers: Planning application file(s) 20/01768/FUL

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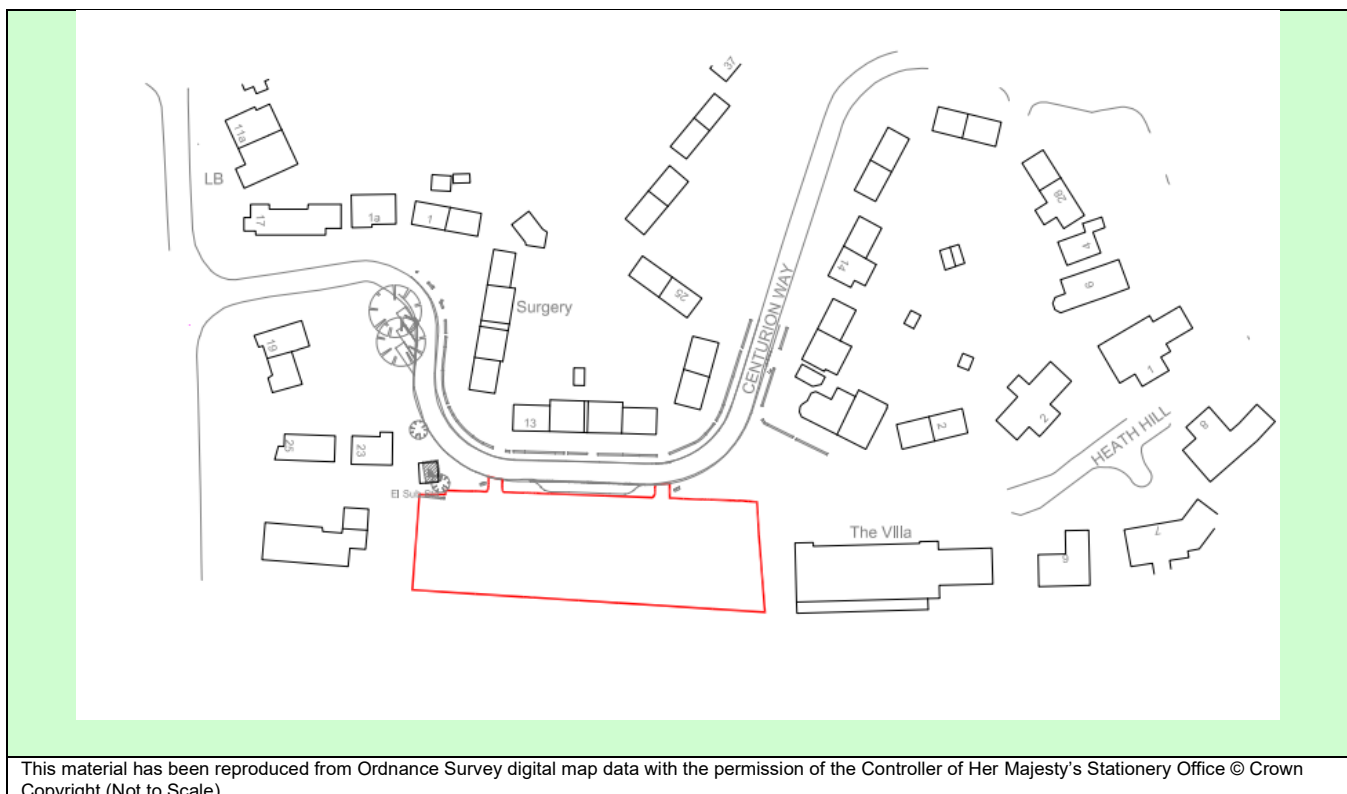


Northumberland County Council

Castle Morpeth Local Area Council 14th June 2021

Application No:	20/03389/FUL		
Proposal:	Proposed residential development of four dwellings (as amended 21.12.2020)		
Site Address	Land South Of Centurion Way , Centurion Way, Heddon-On-The-Wall, NE15 0BY		
Applicant:	Mr Aidan Hamilton St Anns Wharf , 112 Quayside, Newcastle upon Tyne, NE1 3DX	Agent:	Miss Amelia Robson Unit 3, Hexham Enterprise Hub, Burn Lane, Hexham NE46 3HY
Ward	Ponteland South With Heddon	Parish	Heddon-on-the-Wall
Valid Date:	13 October 2020	Expiry Date:	12 February 2021
Case Officer Details:	Name: Mr Richard Laughton Job Title: Planning Officer Tel No: 01670 622628 Email: richard.laughton@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission subject to a s106 agreement.



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1. Introduction

1.1 Under the provisions of the Council's current Scheme of Delegation, this application is being reported to the Castle Morpeth Local Area Council as it raises significant planning issues.

1.2 This application went to Castle Morpeth Local Area Council on 21 April 2021 but was deferred for a site visit following Cllr. Jackson concerns relating to potential over-development of the site in the context of the settlement:

Councillor Jackson advised that he considered there was an issue of whether the development was compatible with the distinctive vernacular character of the locality in Policy H15 was crucial and as stated in the NPPF that it had to be sympathetic to the local character and history of the built up and landscaped setting, and overdevelopment of the site. It was a small site and suitable for 2 to 3 small bungalows, but not for 4 x 5 bedroomed houses. He thought that the buildings would have a greater impact than being stated and also questioned if sufficient car parking could be provided. He proposed that the application be deferred to allow a site visit to be undertaken due to the impact that was not shown on the photographs, car parking issues and to judge if 4 x 5 bedroomed houses was an overdevelopment of the site. This was seconded by Councillor Wearmouth, who advised that whilst he was tending to think that the proposals were acceptable, it would be useful to have a site visit.

2. Description of the Proposal

2.1 The application is seeking planning permission for the proposed residential development of four dwellings at land South of Centurion Way, Centurion Way, Heddon-On-The-Wall.

2.2 The site is an area of undeveloped land on the southern side of the U9115 Centurion Way in Heddon on the Wall but lies within the defined settlement boundary within the Castle Morpeth District Local Plan. The site is within a modern residential area on the southern edge of Heddon-on-the Wall. The site is on an embankment with elevated views of the valley looking towards the River Tyne and residential properties to the North, west and east.

2.3 The application proposes 4 large, detached properties comprising 5 bedrooms. The design adapts to the sloping land descending to the south from the street level with the appearance of a bungalow from Centurion Way and two storeys of space to the rear incorporating a modern glazed elevation and a central pitched roof. The original plans within the application have been amended in order to provide a more continuous pitched roof and sympathetic design in response to the existing residential development at Centurion Way.

2.4 The application is subject to a Section 106 agreement to ensure extant planning consent for (20/00658/AGRGDO) is not constructed/implemented following approval of the current planning application (20/03389/FUL). Application 20/00658/AGRGDO was gained prior approval for an agricultural barn immediately adjacent to the

southern boundary of the application site and the construction would impact the rear elevations of the proposed scheme.

2.5 There are historic applications for this site for smaller schemes for one, two and three dwellings on the site. The planning history is identified below.

2.6 Amended plan were received on 18th March to reduce the mass of the roof of each dwelling and provide single garage to each plot rather than double garages.

3. Planning History

Reference Number: CM/89/D/343

Description: Erection of 2 no detached bungalows with garages.

Status: Approved

Reference Number: CM/76/D/271

Description: ERECTION OF 3 DETACHED HOUSES AND DOUBLE GARAGES ON LAND (AS AMENDED BY DRAWINGS RECEIVED 16TH SEPTEMBER 1976).

Status: Approved

Reference Number: CM/94/D/425A

Description: RENEWAL OF PLANNING PERMISSION FOR ERECTION OF 2 NO DETACHED BUNGALOWS WITH GARAGES.

Status: Approved

Reference Number: CM/76/D/017

Description: ERECTION OF DETACHED DWELLINGHOUSE.

Status: Approved

Reference Number: CM/94/D/425

Description: ERECTION OF 2 NO DETACHED BUNGALOWS WITH GARAGES AS AMENDED BY PLANS RECEIVED 21 DECEMBER 1995 20 FEBRUARY 1996 AND LETTER AND PLANS OF 5 MARCH 1996.

Status: Approved

4. Consultee Responses

Highways	No objection subject to conditions
Lead Local Flood Authority (LLFA)	No objection subject to condition
Heddon On The Wall Parish Council	Objection (see below)
Highways	No objection subject to conditions
The Coal Authority	No objections
County Ecologist	No objection subject to conditions
Northumbrian Water Ltd	No objection
Public Protection	No objection subject to conditions

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	13
Number of Objections	41
Number of Support	0
Number of General Comments	0

Notices

General site notice 28th October 2020
No Press Notice Required.

Summary of Responses:

Heddon Parish Council – Initial comments

The Parish Council meeting held 11 November 2020 discussed the proposed planning and hereby lodges an objection to the development. In considering its position the Parish Council was made aware that over 60 signatures had been added to an online petition, strongly suggesting that the development was opposed by a large number of residents. It was also felt that the Parish Council needed to represent the views of those who less able to object on the NCC portal, through a lack of online presence or the IT skill set required to complete the process.

Height of proposed development

Despite the topography falling away sharply from Centurion Way the roofline of the proposed development will be significantly higher than the neighbouring bungalow toward the west of Heath Hill, and the bungalow to the west of the proposed development at 27 Heddon Banks. Lower rooflines were imposed by NCC planning upon the development at The Villa, Heath Hill, Heddon NE15 0DQ; higher rooflines will undoubtedly impact the views enjoyed by village residents and visitors.

Traffic movement through construction

The Parish Council agreed that NCC planners should be invited to conduct a local survey to properly understand the very challenging logistics of a large number of HGV's moving along Centurion Way in either direction. Access is tight anyway, but given the homes on Centurion Way were built prior to consideration being needed for family cars this has resulted with parked cars lining the road creating further complications for logistics.

Safety

Access to the proposed site is at the corners of Centurion Way these are already obstructed by parked cars, further traffic movements from new residents will exacerbate safety concerns.

Heddon Parish Council - Additional comments following revised scheme

Heddon on the Wall Parish council raised objections to the development ref 20/03389/Ful on 13th November 2020. Subsequent to that date revised plans have been submitted which we do not believe address any of the concerns raised in that objection, indeed the roof line is more likely to block views now than in the original submission.

In addition we note that a hedge line that is currently running alongside the plot is no longer shown in the plans and that seating provided for residents and visitors alike has been moved to accommodate access to the properties. As the owners of that seating we would make it clear from the outset that we would object to that seating being moved, it was positioned for residents and visitors to enjoy the panoramic views and that seating should remain where it is.

We would hope that NCC have been in contact with Karbon Homes, who own the strip of land over which access is being assumed and which currently houses that mature hedge line, in order that their views are being considered. We would hope that their view would also be sought on the loss of use of the layby alongside the development which currently accommodates parking for up to 3 cars, that being lost would undoubtedly put pressure on parking around their estate but also on to surrounding areas, on that basis we would also raise our objections.

In the meantime we also wish to reiterate our objections of 13th November as few if any of the concerns raised there have been addressed in the revised submission

Local Residents

41 objections have been received in total from local residents with also the receipt of a petition on both the original plans and amended plans. The concerns received by residents have been noted on the Parish comments but in summary include:

- Loss of view for existing residents
- Loss of communal views
- Detrimental impact to character of area
- Inappropriate design is not in keeping with street in terms of design and scale
- Previous schemes were smaller scale
- Highway safety issues - poor access and limited parking & air, noise pollution
- Surface water drainage issues
- Loss of habitats and impact to ecology
- Impact to quality of life and loss of tranquillity
- Impact to house prices
- Not stated if carbon neutral buildings
- Loss of light and privacy

An e-petition with 84 signatures was submitted to the council -

"We wish to register our objection to plans that have been submitted to Northumberland County Council (Application no.20/03389/FUL) for four dwellings to be built in an area with "Outstanding long range views" on land South of Centurion Way. Heddon on the Wall. We ask NCC not to grant permission to build. These views are enjoyed by the whole village community and would no longer be visible to the public if built. This 'view' and the benches provided by the mining institute to enjoy it, are part of our mining, cultural and village heritage. The roads leading to the development would increase traffic and air pollution to a road system which was not designed for the current amount of traffic or parking and further endanger children playing outside and increase likelihood of damage to vehicles".

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=QI3GLQQSJE200>

6. Planning Policy

6.1 Development Plan Policy

Castle Morpeth District Local Plan

C1 – Settlement boundaries

H15 – New housing developments

HWC1 – Heddon-on-the-Wall settlement boundary

6.2 National Planning Policy

National Planning Policy Framework 2019 (NPPF)

National Planning Practice Guidance 2019

6.3 Emerging Policy

Northumberland Local Plan Publication Draft Plan (Regulation 19), are considered of relevance to this proposal:

Policy STP 1 - Spatial strategy

Policy STP 2 - Presumption in favour of sustainable development

Policy STP 3 - Sustainable development

Policy STP7 – Design principles;

Policy HOU2 – Provision of New Residential Development;

Policy HOU5 – House Types and Mix;

Policy HOU 2 - Provision of new residential development

Policy HOU 3 - Housing requirements for neighbourhood plan areas

Policy HOU 9 - Residential development management

Policy QOP 1 - Design principles

Policy QOP 2 - Good design and amenity

Policy QOP 4 - Landscaping and trees

Policy QOP 6 - Delivering well designed places

Policy TRA 4 - Parking provision in new development

Policy ENV 2 - Biodiversity and geodiversity

Policy ENV 3 - Landscape

Policy WAT 4 - Sustainable drainage systems

7. Appraisal

7.1 The main issues for consideration include:

- Principle of development
- Design
- Amenity
- Highway Safety
- Coal Risk and Land Contamination
- Ecology
- Drainage

Appraisal

Principle of development

7.2 Policy C1 and HWC1 of the local plan identifies the limits to settlements and restricts development to within the settlements unless the proposals can be justified as being essential to the needs of agriculture or forestry or are permitted by other policies. As the site is located within the settlement of Heddon on the Wall and within the identified settlement boundary as shown on inset map no 10 of the local plan the principle of the proposal would accord with Local Plan Policy C1.

7.3 The definition within the glossary of the Castle Morpeth Local Plan states infill development is '*Infilling of small gaps within an otherwise continuously built up frontage*'. The application is a small gap in between properties and positioned within a continuous building line fronting a highway and would fit the definition of 'infill development'.

7.4 The site is also within walking distance of a range of facilities and services, including schools, public houses and shops which are considered to make a settlement sustainable. In this respect the creation of the new dwellings would therefore accord with the NPPF in the context of promoting sustainable development and thus the application site is therefore considered to be an appropriate location for the siting new dwellings, in accordance with the NPPF and the Local Plan.

7.5 The latest version of the NLP was published in May 2019. Relevant policies in this document are a material consideration in determining this application but it is not considered that such policies can be afforded significant weight at this time due to the stage that this plan is at in its journey towards adoption. It is worth noting that the spatial strategy of Policy STP1 seeks to direct most new development to existing towns within the County.

7.6 Overall, the application site is considered to be an appropriate location for the siting of a new dwelling and is in accordance with Policy C1 and HWC1 of the Castle Morpeth District Local Plan and the NPPF.

Design and residential amenity

Design

7.7 Castle Morpeth District Local Plan policy H15 states that proposals must be compatible with any distinctive vernacular character present in the locality, in respect of layout, design and materials. This reflects the NPPF within paragraph 127 which in summary states that new development should function well and add to the overall quality of the area; is visually attractive as a result of good architecture, layout and appropriate and effective landscaping; is sympathetic to the local character and history, including the surrounding built environment and landscape setting.

7.8 Emerging policy QOP1 of the draft Local Plan states that proposals will be supported where design contributes to, or enhances, the positive aspects of local character and distinctiveness and incorporates high quality aesthetics.

7.9 Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.10 Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

7.11 The site is located on the southern boundary of the settlement that will restrict views over the valley for those properties located directly to the north on Centurion Way. The loss of views for those occupying neighbouring properties however, is not a material planning consideration but the scale, layout, density and design should still be appropriate to its surroundings.

7.12 The new dwelling is situated in between two properties and would follow the existing building line and not interrupt or detract from the continuous frontage of the street. There is no consistent style of housing in Heddon in general and near the site are large detached properties of varying design to the east and west and a terrace of four two storey properties to the north. The site presents an opportunity to provide a high quality design that would enhance its surroundings but recognise its location within an existing built-up residential area and position overlooking the open countryside.

7.13 The proposal would be consistent with those properties along the southern boundary in terms of being low density and of one-and-a half storey dwellings. In terms of the proposed elevations at street level, the original plans within the application have been amended from a more adventurous modern design to provide a more subtle bungalow appearance that sympathetically responds to the established residential form on Centurion Way. The rear of the property uses the sloping topography to provide an additional floor of habitable space and a modern design with floor to ceiling glazing.

7.14 Whilst the assessment of design is subjective, it is acknowledged that there is no distinctive vernacular in the general area and the proposed development has been designed to mitigate the presence of the new dwellings by creating a single storey height at street level but with a more modern approach to the rear. In terms of the NPPF, it is considered that the proposal satisfies paragraph 127 due to proposal providing a design that is sympathetic to local character but not discouraging innovation or change. The scheme will add to the overall quality of the area with a bespoke design that will provide attractive dwellings in both short and long range views within an infill plot of an existing settlement. Whilst the general loss of an open plot and views beyond may impact the visual amenity of the street, it is not considered that this would be significant reason to refuse the application as the dwelling would follow the existing pattern of development in an established residential area.

7.15 The proposed plans demonstrate that the northern boundary hedge will be retained with the exception for the new access points into the site. There will also be additional tree planting but a condition will be imposed to secure further details of boundary treatment.

Density

7.16 The applicant has submitted a density analysis of Heddon-on-the-Wall that states averages 29.03 dwellings per hectare. The proposed development is 18.03 dwellings per hectare.

7.17 In policy terms, Castle Morpeth District Local Plan notes that previous national PPG3 Housing (March 2000) advised a minimum density of 30 dwellings/ha in making the best use of available land. The latest revised NPPF (2019) takes a less prescriptive approach to achieving appropriate housing densities as part of making effective use of land (chapter 11):

“122. Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.*

123. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. In these circumstances:

- a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;*
- b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and*
- c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)”.*

7.18 The emerging new Northumberland Local Plan therefore simply sets out in draft Policy HOU2(1.c.) *“Making the best and most efficient use of land and buildings, encouraging higher densities in the most accessible locations...”*. The draft Local Plan does not set a minimum housing requirement for Heddon-on-the-Wall as there is not considered to be a shortage of land in that part of the county to meet the area’s distributed housing requirements, so the provisions of NPPF para.123 are not so relevant in this particular case.

7.19 The 2019 SHLAA in general, pointed to lower densities for sites located in the more rural parts of the county (normally 15-20 dwellings/ha in rural towns and villages, but falling to 5-10 dwellings/ha outside of settlements and in the most isolated locations), with higher densities of 30-40 dwellings/ha being more appropriate within the urban areas of existing main towns. The application’s proposed development scheme’s density of just over 18 dwellings/ha would therefore be broadly in line with the guideline approach used in the SHLAA for calculating the potential indicative capacity of sites in such rural village locations.

7.20 It is noted from the submitted density analysis by the applicant that there are various sample blocks of residential development in Heddon-on-the-Wall, that the block of 4 terraced dwellings immediately opposite the application site on Centurion Way is 0.09ha (0.22 acres) with a density of 44.4 dwellings/ha (18.2/acre), which is significantly higher than the application site (18.2/ha or 7.3/acre). The residential area around Centurion Way nevertheless has a mix of terraced housing blocks and larger semi-detached and detached dwellings within larger curtilage plots, plus some incidental amenity open spaces, with the terraced housing blocks immediately opposite the application site being some of the highest density housing in the village. The application site’s proposed scheme of 4 dwellings would not seem to appear to be out of character with the mix of housing densities in this part of the village and would actually be similar to some of the lowest density parts of the village.

7.21 Baseline monitoring for the new Local Plan shows that the average densities of new completed major housing developments (ie. 10 dwellings or more) in Northumberland between 2016-2020 has averaged about 21.3 dwellings/ha, including an average of 24.4 dwellings/ha in the Central Delivery within which Heddon-on-the-Wall is located.

7.22 There is no national or local plan policy to suggest that the proposed development of 4 dwellings on this site would be regarded as over-development of the site. The scheme would not represent over-development of the site and would not be unduly out of character with the village as a whole or that part of the village in terms of the density of development which is visually evident on the proposed plans showing the site in context with the surrounding development in Heddon-on-the Wall.

Amenity

7.23 Paragraph 127 of the NPPF highlights that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Policy H15 of the Castle Morpeth District Local Plan also provides guidance for separation distances between proposed and existing properties.

7.24 The scheme would obstruct current views to the south from Centurion Way, although the design has offset this impact with a single storey height at street level

and subsequent amendments which provide hipped roofs to reduce the mass of the ridge line and a reduction in garage size. The separation distances between proposed and existing primary elevations exceed 20m which satisfies the requirements within Policy H15 of the Castle Morpeth Local Plan.

7.25 No individual has a right to a view and this issue is not a material planning consideration. Whilst the development will impact the open aspect of this section of Centurion Way, the site itself is not an area of protected open space and the character of the area is also residential. There is some sympathy towards those residents that will lose the unrestricted views of the valley however, the site is an infill plot within a recognised settlement boundary with no land use restrictions and a previous history of planning permission for residential use. It is therefore suitable for development. The impact to the amenity of existing residents is not to a level that would render the area an unattractive place to live nor would the proposed development be to a scale that is too overbearing to become unacceptably harmful and warrant the refusal of the application.

7.26 In terms of the impact to future occupants, there would be no windows looking onto each other and there is sufficient outdoor garden space and surrounding curtilage. The existing south facing park benches on the highway verge will be retained although it accepted their location will have been to capture the open views which will now be permanently restricted in between properties. The views from the park benches have up until recently been limited due to the boundary hedging although sections have now been removed. Due to the proximity of the park benches to the proposed dwellings it has been agreed with the applicant to provide obscure glazing to those windows on the front elevation to protect privacy with the most habitable space and outlook to the rear.

Legal agreement

7.27 There is permission for the construction of a large agricultural barn directly adjacent to the southern boundary of the application site under a prior approval application (Ref: 20/00658/AGRGDO). The permission allows for the erection of a new portal framed steel and wood building measuring 75m x 10m up to a height of 9m for the storage of hay and straw. Whilst the intentions of constructing the building are unknown, the permission remains extant and the applicant wishes to ensure this cannot be implemented as its location would not offer adequate separation distances to the new rear elevations. The removal of the permission for the barn is being secured via a Section 106 agreement between the applicant and the landowner and will be legally bound to any approval granted.

7.28 Notwithstanding this, extant planning permission can form a material planning consideration in the overall planning balance. In this instance, should the current application for housing be refused, the barn can be built in close proximity to the proposed site which would offer similar visual impacts by restricting views to the south from Centurion Way.

7.29 Overall, the proposed design has sought to seek a suitable compromise between remaining sympathetic to the exiting street scene but offering a modern high quality design. The scale has also offset the impact to existing residents at street level but a right to a view is not a planning material consideration. The proposed height and scale of the dwellings therefore, would not provide a significant level of impact to loss of light, loss of privacy or an overbearing impact. The proposal

will retain the character of the residential area and infill a plot in between existing residential development. As such, the application is considered to be in accordance with Policy C1, HWC1 and H15 of the Castle Morpeth District Local Plan and the NPPF. Whilst limited weight can be given to the Northumberland Local Plan (NLP) in this respect the proposal would also accord with NLP Policy POL 2, QOP 1 and QOP2.

Highways

7.30 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.31 Policy H15 of the CMDLP states that proposals for new housing development must be able to demonstrate that the space around dwellings is adequate to allow for appropriate off street parking provision to meet the requirements of the local planning authority in consultation with the local highway authority.

7.32 For all sites, developers are expected to provide the minimum level of car parking in accordance with Appendix D of the Northumberland Local Plan Publication Draft Plan (Regulation 19).

7.33 Highways Development Management has been consulted and consider that the submitted site layout demonstrates that the site can accommodate the necessary access and parking arrangements.

Pedestrian routes

7.34 The most recent revised plan incorporates the requested section of 2.0m wide footway extending between the vehicular accesses to tie into the existing footways to the north east, with a section of footway extending to the substation footway to the western side. A section of private footway will be retained to the rear of the existing visitor parking spaces along the northern side of the dwellings which is considered to be acceptable given constraints which will prevent the delivery of an adoptable section of footway through this area.

Road Safety and car parking

7.35 Whilst no amendments were sought to the vehicular accesses from Centurion Way as part of the previous consultee response, the recent plans amend the access arrangement for Plots 1/2 with a reduced access width which is considered acceptable to serve 2 No. Dwellings in accordance with NCC access specifications. The access for Plots 3/4 has also been combined into a single access point and is acceptable as per Plot 1/2. The above revised access arrangements are considered to be acceptable and a condition is recommended to secure this.

7.36 The properties comprise 5 No. Bedrooms with integral garage space. The application of Appendix D car parking standard there requires 3 No. residents parking spaces per dwelling for residents and a minimum of 1 No. visitor parking spaces based in 1 visitor space per 4 dwellings. The garages internal dimensions are in accordance with the minimum internal dimensions (3.0m x 6.0m internally for single garages and 6.0m x 6.0m internally for double garages). Each plot provides suitable space to enable manoeuvrability and the in-curtilage parking areas are

sufficient to accommodate parking demand for residents in accordance with Appendix D Car Parking Standards. The scheme also provides visitor car parking bays which is not required to facilitate the demand for these dwellings who have sufficient resident parking within each individual drive to accommodate any visitor parking requirements.

7.37 Following the previous request for further parking details, the applicant has submitted revised plans showing the vehicle tracking for garage and driveway. The submitted plans are acceptable in terms of demonstrating in curtilage car parking facilities for each dwelling, however it must be noted that in order to successfully access/egress each individual plot drivers must utilise the neighbouring dwellings driveway space. Whilst this is a private issue, it does reduce the available space within the development site to provide appropriate additional visitor car parking provision.

7.38 The applicant is requested, and an appropriate highway works condition recommended, to provide sufficient utility and capacity on Centurion Way to accommodate the additional visitor car parking as a result of this development. It is considered that in relation to the scale of the proposed development, an additional visitor parking space is to be provided to the frontage of the site, and this can be accommodated by extending the existing visitor parking area to four spaces.

7.39 Centurion Way is a street lit adopted road with a 30mph speed limit and footways on the northern side serving the adjoining dwellings with no parking restrictions in place. With consideration of the above and as previously indicated, the development and any trip generation is not expected to lead to increased capacity or road safety issues on the surrounding road network and are acceptable in principle. The application is therefore in accordance with the NPPF and would not present a severe impact to the existing highway network.

7.40 The submission of a Construction Method Statement and accompanying plans (as required) are required outlining details of any traffic management measures, accesses, suitable parking, storage and vehicle cleaning facilities. A pre-commencement condition will be recommended to secure this requirement. It is advised that, in the interests of highway safety and the amenity of the surrounding area, that no building materials or equipment shall be stored on the highway and no mud, debris or rubbish shall be deposited on the highway as outlined in the conditions.

Highway Works

7.41 Offsite Section 278 Agreement works are required to provide sections of 2.0m wide adoptable standard footway extending between the vehicular accesses as indicated on the revised plans. As part of any agreement formed, this would be subject to a technical approval process which is out with any planning permission granted, with conditions recommended to secure these works.

7.42 Subject to condition securing a parking provision, highway works, a construction method statement, and Details of boundary treatments, there is no objection from Highway Development Management. The application is considered to be in accordance with the NPPF.

Ecology

7.43 The application documents and ecological survey report indicate that the site is small, approximately 0.23ha in size and comprises a paddock dominated by scrub and ruderal vegetation of generally low ecological value with intact hedgerow boundaries.

7.44 The submitted plans show that the existing hedgerow will be retained with the exception of a section for the access and new landscaping and trees are proposed. There are no objections to the proposals on ecological grounds from the County Ecologist subject to conditions being imposed securing the avoidance, mitigation and enhancement measures detailed in the report are carried out in full. As such the application is in accordance with the NPPF.

Public Protection

Legacy Coal Mining Gas

7.45 Due to the history of coal mining in the area, this is a location where gas protection is expected to be designed and fitted new dwellings. Public Protection has been consulted and it would be expected that a gas membrane would be installed following current British Standards with either a suspended floor with a ventilated sub-floor void or a reinforced cast *in situ* raft/slab. This form of mitigation can be secured with conditions which have been recommended to the Local Planning Authority to address the required gas protection.

Land Contamination

7.46 The Phase I Site Investigation Report has been submitted and identified further site investigations to include:

- Assess the load bearing capabilities of the upper strata at the site it would be prudent to undertake an intrusive ground investigation to allow for the collection of geotechnical data to be used to inform future foundation design.
- Obtain environmental samples, including ground gas monitoring, to confirm the absence of a significant risk to human health or sensitive receptors.
- Extend the scope of any future site works to allow for the identification of the location of coal sub crops below the site as this could affect where future foundations or service runs are to be developed.
- Construction and maintenance work Should be subject to risk assessment. Workers should use appropriate procedures and to manage residual risk from exposure to materials on site.

7.47 Given the limited historic uses of the site, these investigations are acceptable. The Public Health Protection Unit does not object to this proposal subject to the measures detailed in the application documents being implemented as stated conditions securing further investigations in relation to land contamination and for gas membrane installation. As such the application is in accordance with the NPPF.

Drainage

7.48 There have been localised surface water flooding issues identified by residents during an event of heavy rainfall. The site is not located within a high flood risk zone and the submitted drainage report has identified that there is an overland surface

water flow path through the site. This provides a low risk of flooding from surface water. The flow path will be considered and incorporated into any design works completed. The discharge of surface water will be to the existing NWL system to the south east of the site with a reduced 5 litres/second discharge into their public surface water system.

7.49 Although not a statutory consultee for an application of this nature and scale, the Lead Local Flood Authority (LLFA) has been consulted and have no objections to the scheme subject to a condition securing further details for a scheme for the disposal of surface water from the development which shall use sustainable drainage techniques wherever possible. As such the application is in accordance with the NPPF as the development will ensure the effective disposal of surface water from the development.

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 application is acceptable in principle due to its sustainable location with Heddon-on the-Wall settlement boundary. The concerns raised by residents have been taken into consideration, however, as there is no right to a view it is not considered the proposed development would have a harmful impact to amenity. Despite the views of the Tyne Valley from Centurian Way, the infill plot is continuing the built form on the southern boundary of the village in an area characterised by residential development. On balance, it is considered the proposed design and scale of the proposal would provide an innovative design yet seek to remain sympathetic to the existing street scene. As such, the application is in accordance with National and Local Planning Policy.

9. Recommendation

That this application be GRANTED permission subject to a s106 and the following conditions:

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 plans. The approved plans for this development are:-

Plots 01-04 Proposed Floor Plans SD-20.01 Rev C
Proposed Elevations SD –30.01 Rev B
Indicative Street Scene SD-30.03 Rev C
Proposed Site Plan SD-10.02 Rev K
Proposed Boundary Treatment Plan SD-10.03 Rev I
Landscape and Surface Treatment Plan SD-10.04 Rev E
Proposed Site Sections SD-40.01 Rev B
Location Plan SD-00.01 Rev B

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

03. Prior to the occupation of the dwellings hereby permitted, the north facing windows as identified in the submitted plans shall be fitted with obscure glazing and be retained for the length of time the existing park benches as identified in the submitted plans are in situ.

Reason: In the interests of residential amenity and in order to avoid any overlooking or loss of privacy which may otherwise have resulted, in accordance with the provisions of the NPPF.

04. The development shall not be occupied until details of the proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is occupied.

Reason: In the interests of visual amenity and highway safety, in accordance with the National Planning Policy Framework.

05. The development shall not be occupied until details of the materials to be used in the construction of the external surfaces of the vehicular access and in-curtilage driveway areas have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, in accordance with the National Planning Policy Framework.

06. The development shall not be occupied until the car parking area indicated on the approved plans, 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.

07. Notwithstanding the details submitted, the development shall not be brought into use until details of the vehicular accesses, new footway connections, dropped kerb crossing points, extended visitor parking bays and all associated works have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the development shall not be brought into use until these works have been constructed in accordance with the approved plans.

Reasons: In the interests of highway and pedestrian safety, amenity and encouraging sustainable travel modes, in accordance with the National Planning Policy Framework.

08. Development shall not commence until a Construction Method Statement together with a supporting plan has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement and plan 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

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

09. 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.

10. No buildings shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS2 standard specified in BS8485:2015 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), have been submitted to and approved in writing by the Local Planning Authority. The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases).

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the occupants of the respective properties.

11. The development shall not be brought into use until the applicant has submitted a validation and verification report to the approved methodology in 10, which has been approved in writing by the Local Planning Authority.

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the occupants of the respective properties

12. The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been undertaken by a competent and qualified consultant then submitted to and approved in writing by the Local Planning Authority and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing:

a) A site investigation (Phase 2) shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters as recommended by the Phase 1 report (Phase 1 Ge-Environmental Risk Assessment produced by Roberts Environmental Limited, Reference: 200816.R.001 (Version 1.0) dated September 2020). It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.

b) Thereafter, a written Method Statement (or Remediation Strategy) detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without express written agreement of the Local Planning Authority.

Reason: To ensure that any contaminants within the site are dealt with in an appropriate manner to afford protection to the public, the buildings and the environment.

13. The development hereby permitted shall not be brought into use or continue in use until two full copies of a full closure (Verification Report) report shall be submitted to and approved by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants.

14. If during redevelopment contamination not previously considered is identified, then an additional method statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants.

15. During the construction period, there should be no noisy activity from mobile plant, pneumatic equipment, power tools etc. audible at the site boundary, on Sundays or

Bank Holidays or outside the hours:

Monday to Friday - 0800 to 1800

Saturday 0800 to 1300

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

16. Deliveries to and collections from the construction phase of the development shall only be permitted between the hours:

Monday to Friday - 08:00 to 18:00

Saturday - 08:00 to 13:00

With no deliveries or collections on a Sunday or Bank Holiday.

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

17. Prior to the construction, a scheme for the disposal of surface water from the development which shall use sustainable drainage techniques wherever possible shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details.

Reason: To ensure the effective disposal of surface water from the development.

18. Notwithstanding the description of materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls, roof and windows have been submitted to and approved in writing by the Local Planning Authority. All roofing and external facing materials used in the construction of the development shall conform to the materials thereby approved.

Reason: To retain control over the external appearance of the development in the interests of amenity in accordance with Policy C29 of the Castle Morpeth Local Plan.

19. No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report ('Preliminary Ecological Appraisal - Land off Centurion Way, Heddon on the Wall October 2020', OS Ecology Ltd., Version V2 (Final), 9.10.20) including, but not restricted to, inclusion of 'in built' bat roost and bird nesting features in the new buildings with numbers, types and locations to be agreed in writing with the LPA before construction progresses beyond foundation level; adherence to timing restrictions; adherence to precautionary working methods; adherence to external lighting recommendations in accordance with 'Bats & Lighting in the UK' Bat Conservation Trust/Institution of Lighting Professionals, 2018; any deep (in excess of 300mm) excavations left open overnight to be either securely covered or provided with an earth or timber ramp not less than 300mm wide and no steeper than 45 degrees to provide an escape route for terrestrial animals that might otherwise become entrapped; an updating in season (April to September inclusive) ecological survey to be carried out in the event that works do not commence before the end of August 2022 with the results of that survey together with any necessary modifications to avoidance, mitigation or enhancement measures to be forwarded to and agreed in writing with the LPA before works commence.'

Reason: To maintain the favourable conservation status of protected species.

20. No removal of vegetation or hedges 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.'

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

21. All new 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 hedgehog.

Reason: To maintain the population of a priority species.

22. No development shall be carried out other than in accordance with the guidance set out in 'BS5837:2012 Trees in Relation to Design, Demolition and Development: Recommendations' British Standards Institution, 2012 with a hedge protection plan to be submitted to the LPA for approval in writing prior to the commencement of development and fully implemented as approved.'

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

23. A detailed landscape planting plan, including the planting of locally native hedging and trees of local provenance, shall be submitted to and agreed in writing with the LPA with the planting to be fully implemented during the first full planting season (November ' March inclusive) following the commencement of development'.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site.

24. Development shall not commence until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use.

Reason: In the interests of visual amenity of the area, in accordance with the National Planning Policy Framework.

25. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any subsequent Order amending, revoking or re-enacting that Order), no fences, walls, gates or other means of enclosure shall be erected around the curtilage of any dwelling house hereby permitted in a position forward of any wall of that dwelling house which fronts onto a road, private drive, footway or open space area without the prior grant of planning permission from the Local Planning Authority.

Reason: To protect the open fronted nature of the development in the interests of visual amenity and in accordance with the NPPF.

Informatives

Ground Gas Protection

The first recommended gas protection condition sets out why gas protection is needed and what is proposed to meet this requirement submitted in the form of a "report":

The gas protection proposed should meet a minimum of Characteristic Situation 2 (CS2) to the level required in BS 8485:2015+A1:2019. Building type is Type A - residential dwelling.

The British Standard requires achieving a score of 3.5 for Building Type A.

This can be met by a:

- A gas membrane meeting the requirements of Table 7 of BS 8485:2015+A1:2019 (achieving 2.0 points) and a passively-ventilated, sub-floor void of at least good performance (1.5 points).
- Where a suspended floor is not possible and a cast *in situ* raft/slab is proposed then this should be "well reinforced" (achieving 1.5 points)
- A technical brochure for the gas membrane to be used and any manufacturer's installation guidance (if available) and that the membrane will be installed following manufacturer guidance (if available).

- That the installation will be carried out by a suitably qualified and experienced installer.
- Proposing what verification of the installation will be; independent verifier, main contractor inspection etc..

SEE APPENDIX 2 OF OUR ADOPTED GUIDANCE FOR A FULL LIST OF ITEMS TO ADDRESS THE FIRST CONDITION (see link below)

For the second gas protection condition this demonstrates that the installation has met what was proposed in the submission for the first one and should be a "report" which should:

- Demonstrate that the floor was of the type required and sufficient air bricks (and telescopic vents if required) were included demonstration of at least good ventilation performance.
- Membrane was installed to a standard following manufacturer's instructions (if available).
- Membrane was installed by a suitably qualified and experienced installer (include any documentation which shows this is the case).
- Installer logs/records (proforma in Appendix 5 of our adopted guidance below).
- Verifier logs/records (proforma in Appendix 5 of our adopted guidance below).
- Any third party inspection(s) to verify installation.
- Details of Building Control inspections
- Photographs
- Plans showing location and number of ventilation bricks to meet very good ventilation performance.

SEE APPENDIX 3 OF OUR ADOPTED GUIDANCE FOR A FULL LIST OF ITEMS TO

ADDRESS THE SECOND CONDITION (see link below)

Our adopted guidance YALPAG Technical Guidance Verification Requirements for Gas Protection Systems, is available under the related documents section at:

<https://www.northumberland.gov.uk/Protection/Pollution/Advice.aspx>

The British Geomembrane Association lists approved installers and should be qualified to a minimum of NVQ qualification (NVQ Level 2 membrane installation).

The British Geomembrane Association website is:

<http://www.britishgeomembraneassociation.co.uk/>

Sub-Floor Void Ventilation Performance

The specification for a good performance is partly contained within B.6 of BS 8485:2015+A1:2019 and specifies:

"The volume flow-through rate is governed by the size and number of side vents; for small to medium width buildings (up to 15 m wide), the minimum area of side ventilation should be 1500 mm²/m run of wall on at least two opposite sides".

Very good performance would equate to side ventilation should be 2000 mm²/m run of wall on at least two opposite sides.

Also, the void should be at least 150mm deep and internal supporting walls or sleeper walls in the sub-floor area should be adequately cross-ventilated.

Sealing and Verification of Service Ducts

The applicant should ensure that as well as the top-hat being secured to the membrane (tape or weld) that the internal annulus of the duct holding each of the service pipes and conduits (water, gas, electric etc.) should be filled with a closed cell expanding foam such as FILOseal+ or FILOseal+HD produced by Filoform UK Ltd:

The applicant should submit additional verification of how the annulus in the dwellings have been sealed, with what method and with photographic evidence.

Statutory Nuisance

The Public Health Protection Unit would advise that the prevention of nuisance is the responsibility of the developer and their professional advisors. Developers should, therefore, fully appreciate the importance of professional advice.

Failure to address issues of noise, dust and light at the development stage does not preclude action by the Council under Section 79 of The Environment Protection Act 1990 in respect of statutory nuisance.

Burning Materials Onsite

There shall be no burning of any material associated with the construction phase on the site.

Section 278 Agreement and works in adopted highway

You are advised that offsite highway works required in connection with this permission are under the control of the Council's Technical Services Division and will require an agreement under section 278 of the Highway Act 1980. These works should be carried out before first occupation of the development. All such works will be undertaken by the Council at the applicant's expense. You should contact Highway Development Management at highwaysplanning@northumberland.gov.uk to progress this matter.

Highway condition survey

You should note that a highway condition survey should be carried out before the commencement of demolition and construction vehicle movements from this site. To arrange a survey contact Highway Development Management at highwaysplanning@northumberland.gov.uk.

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.

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.

Road Safety Audits

You should note that Road Safety Audits are required to be undertaken. Northumberland County Council offers this service. You should contact highwaysplanning@northumberland.gov.uk or 01670 622979

Ecology

Enhancement in buildings is expected at a minimum ratio of 1 bat roost and/or bird nesting 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 nesting or roosting features are encouraged. Swift/bat bricks or

tiles in particular are cost effective enhancement measures and should be included in the top course of bricks below the eaves or at the top of a vertical/gable wall, to the north elevation, and sited away from doors and windows.

There is an opportunity in this case to include native hedging between the proposed plots that would bring a modest biodiversity gain which would, in part, compensate for the minor loss of parts of the existing hedge along the northern boundary required for the creation of the new accesses from Centurion Way. Using native species in landscaping schemes has many advantages. They are the most likely to support the most wildlife and avoid the risk of the problems that invasive species bring. Many of them are just as attractive as ornamental varieties and will bring a sense of local distinctiveness to planting schemes.

List of Plant Species Native to Northumberland

List of Tree Species Native to Northumberland

Date of Report: 22.02.2021

Background Papers: Planning application file(s) 20/03389/FUL



Northumberland County Council

Appeal Update Report

Date: June 2021

Planning Appeals

Report of the Executive Director of Regeneration, Commercial and Economy

Cabinet Member: Councillor JR Riddle

Purpose of report

For Members' information to report the progress of planning appeals. This is a monthly report and relates to appeals throughout all 5 Local Area Council Planning Committee areas and covers appeals of Strategic Planning Committee.

Recommendations

To note the contents of the report in respect of the progress of planning appeals that have been submitted to and determined by the Planning Inspectorate.

Link to Corporate Plan

This report is relevant to all of the priorities included in the NCC Corporate Plan 2018-2021 where identified within individual planning applications and appeals.

Key issues

Each planning application and associated appeal has its own particular set of individual issues and considerations that have been taken into account in their determination, which are set out within the individual application reports and appeal decisions.



Recent Planning Appeal Decisions

Planning Appeals Allowed (permission granted)

Reference No	Proposal and main planning considerations	Award of costs?
20/00716/FUL	<p>Change of use of application site to equestrian use with erection of 10no stables, paddock area and gates/fencing to site frontage – land to south of Hartford Drive, Hartford Bridge</p> <p>Main issues: harm to heritage assets that is not outweighed by public benefits; drainage; and highway safety.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No

Planning Appeals Split Decision

Reference No	Proposal and main planning considerations	Award of costs?
None		

Planning Appeals Dismissed (permission refused)

Reference No	Proposal and main planning considerations	Award of costs?
20/00395/FUL	<p>Change of use from former garden nursery to 2 detached residential houses and associated access road – Fir Trees Nursery, Widdrington Station</p> <p>Main issues: harmful encroachment into the open countryside and rural character of the woodland plantation; lack of completed planning obligation to secure financial contribution to the Council's Coastal Mitigation Service or other alternative mitigation; and insufficient information to assess risk from ground contamination and ground gas.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
19/02291/FUL	Retention of 4no open gazebos (retrospective) - 1 Thornbrae, Alnmouth Road, Alnwick	No

	<p>Main issues: the proposal would have a significant adverse impact on residential amenity as a result of antisocial behaviour and the impacts of noise arising from the use of the proposed gazebos.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	
19/04023/FUL	<p>Proposed demolition of flat roofed single storey extension and various internal alterations, formation of new external fire escape stair and doorways, extractor chimney to kitchen and flue pipe to roof, change of use of part of building to Cafe A3 (remainder to remain office accommodation). Replacement windows and new rooflights – 1-5 Bridge Street, Berwick-upon-Tweed</p> <p>Main issues: harm to listed building that has not been demonstrated as necessary or justified.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
19/04024/LBC	<p>Listed Building Consent for proposed demolition of flat roofed single storey extension and various internal alterations, formation of new external fire escape stair and doorways, extractor chimney to kitchen and flue pipe to roof, change of use of part of building to Cafe A3 (remainder to remain office accommodation). Replacement windows and new rooflights – 1-5 Bridge Street, Berwick-upon-Tweed</p> <p>Main issues: harm to listed building that has not been demonstrated as necessary or justified.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No

Planning Casework Unit Referrals

Reference No	Proposal and main planning considerations	Award of costs?
None		

Planning Appeals Received

Appeals Received

Reference No	Description and address	Appeal start date and decision level
19/04938/FUL	<p>Resubmission of approved planning application 17/02932/FUL Erection of new building comprising of 12 self-contained 1 bedroom apartments (use class C3) for specialised independent supported living with associated external works and car parking – land between 86-90, Front Street East, Bedlington</p> <p>Main issues: appeal against non-determination due to invalid application (no fee paid).</p>	<p>29 September 2020</p> <p>Appeal against non-determination</p>
18/02239/FUL	<p>Redevelopment of the former Marley Tiles Factory to provide a residential development of 105 houses (Use Class C3) with associated access, parking, landscaping and infrastructure (AMENDED description and site layout) - Marley Tile Factory, Lead Lane, Newlands</p> <p>Main issues: isolated development in the open countryside; inappropriate development in the Green Belt by virtue of causing substantial harm to the openness of the Green Belt and very special circumstances have not been demonstrated to outweigh harm; and the design of the development would be out of keeping with the character and appearance of the locality and does not deliver an appropriate form of sustainable design or development for the site.</p>	<p>27 January 2021</p> <p>Committee Decision - Officer Recommendation: Approve</p>
20/02355/LBC	<p>Listed Building Consent for replacement of ground floor window with timber glazed 6 over 6 door in west elevation – 1 Prudhoe Street, Alnwick</p> <p>Main issues: proposal would cause harm to the significance of the listed building that is not outweighed by public benefits.</p>	<p>9 February 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

20/03241/CLEXIS	<p>Certificate of Lawful Development of an Existing Use for vehicular access to Pine Lodge off B6345 (resubmission of 20/00570/CLEXIS) - Pine Lodge, Old Swarland, Swarland</p> <p>Main issues: supporting information is inadequate and ambiguous to conclude that the development is lawful.</p>	<p>2 March 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/01790/COU	<p>Change of use of land from open space to residential curtilage with the installation of a 1.8m high fence & a 1.1m high Fence – land south of 32 Cuthbert Way, Collingwood Manor, Morpeth</p> <p>Main issues: adverse impact on the visual and functional amenity of the estate and surrounding area; and loss of open space/woodland that is a functional ecological habitat.</p>	<p>4 March 2021</p> <p>Committee Decision - Officer Recommendation: Refuse</p>
20/02872/FUL	<p>Retrospective application for detached granny annex (amended description 17/11/20) - Moresby, Main Road, Stocksfield</p> <p>Main issues: the use of render results in harm to the character and appearance of the property, the surrounding area and the setting of a listed building.</p>	<p>25 March 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/02920/FUL	<p>Extensions to roof including hip to gable extension and full width flat roofed dormer – 5 Dilston Avenue, Hexham</p> <p>Main issues: proposals would not be in keeping with the character of the building or the surrounding area and would be detrimental to the visual amenity of the area.</p>	<p>9 April 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/02933/VARYCO	<p>Variation of condition 2 (approved plans) of application 19/04737/FUL - new windows and doors to be UPVC – The Nook, Wandylaw, Chathill</p> <p>Main issues: the proposed materials would not be in keeping with the main dwelling and the immediate area.</p>	<p>13 April 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/02807/FUL	<p>Proposed two-storey extension and balcony to front of dwelling – Old Brewery, Allendale</p> <p>Main issues: the proposal is not in keeping with the character of the existing building, the setting of the North Pennines AONB, and is detrimental to visual amenity in this location and the rural character of the area.</p>	<p>15 April 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

20/01649/FUL	<p>Constuction of 1no. 4 bed dwelling to be used as primary residence. Unit to be 1.5 storey in height – land north west of The Granary, Tughall Steads, Chathill</p> <p>Main issues: layout results in a harmful impact on the character and rural setting of Tughall, and new track and access would create an urbanising effect to the rural setting.</p>	<p>21 April 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/01045/FUL	<p>Barn conversion for holiday accommodation including three new build elements, a long lean-to to the long barn to the North of the site for corridor access, a middle single storey link between the north and south of the site, and the replacement of the hay barn for a sports hall facility (amended description) - land west of Townhead Farm, Tow House</p> <p>Main issues: design and impact on the non-designated heritage asset; insufficient information relating to drainage; and insufficient information relating to ground gas protection and water supply.</p>	<p>22 April 2021</p> <p>Appeal against non-determination</p>
20/01794/VARYCO	<p>Retrospective: Variation of condition 2 (Approved Plans) pursuant to planning permission 17/00229/FUL to allow amendments made during construction – land north and east of Horsley Banks Farm, Horsley</p> <p>Main issues: inappropriate development in the Green Belt and very special circumstances do not exist to outweigh harm to the Green Belt as well as harm to the character of the area and amenity of residents.</p>	<p>23 April 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/03046/FUL	<p>Flat roof dormer to rear of property – 41 George Street, Amble</p> <p>Main issues: the proposal would significantly detract from the character and appearance of the dwelling and the conservation area.</p>	<p>28 April 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
18/03435/VARYCO	<p>Variation of condition 27 (noise) pursuant to planning permission 16/04622/FUL for amendments to boundary treatment plan – land at former Bates Colliery site, Cowpen, Blyth</p> <p>Main issues: applicant has been unable to provide a long-term management and maintenance plan for the required acoustic</p>	<p>28 April 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

	fencing to specific plots and protection from noise to occupiers cannot be secured.	
20/02548/FUL	<p>Construction of dwelling – land and building east of Ovington House, Ovington</p> <p>Main issues: development in the open countryside; inappropriate development in the Green Belt; harm to the setting of a non-designated heritage asset and the Ovington Conservation Area; and a Section 106 agreement has not been completed in respect of a contribution to sport and play.</p>	<p>19 May 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

Recent Enforcement Appeal Decisions

Enforcement Appeals Allowed

Reference No	Description and address	Award of costs?
18/01344/ENDEVT	<p>Bridgend Caravan Park, Wooler</p> <p>Main issues: one Enforcement Notice appealed by three parties in respect of operational development to provide extra bases for residential static caravans with associated services</p>	No
18/00489/ENDEVT	<p>Land at Moor Farm Estate, Station Road, Stannington</p> <p>Main issues: unauthorised waste reclamation yard and siting of multiple shipping containers</p>	Yes

Enforcement Appeals Dismissed

Reference No	Description and address	Award of costs?
18/01524/LISTED	<p>Church View, Slaley</p> <p>Main issues: solar panels installed in 2006 without planning permission - requests for removal have been unsuccessful.</p>	No
18/00033/NOAPL	98 Millerfield, Acomb	No

	Main issues: development has been undertaken based on plans refused under planning application 17/00072/FUL	
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Enforcement Appeals Received

Appeals Received

Reference No	Description and address	Appeal start date
18/00223/ENDEVT	Land to the West of Buildings Farm, Whittonstall, Consett, DH8 9SB Main issues: material change of use of the land from agricultural for the siting of 4 caravans	1 February 2021
18/00223/ENDEVT	Land to the West of Buildings Farm, Whittonstall, Consett, DH8 9SB Main issues: material change of use of the land for the siting of one caravan and the erection of fencing in excess of 2 metres in height	1 February 2021

Inquiry and Hearing Dates

Reference No	Description and address	Inquiry/hearing date and decision level
19/00247/FUL	Construction of a publicly accessible landmark, commissioned to commemorate Queen Elizabeth II and the Commonwealth - land at Cold Law, Kirkwhelpington Main issues: development in the open countryside which fails to recognise the intrinsic character and nature of the countryside.	Inquiry date: 9 March 2021 Committee Decision - Officer Recommendation: Approve

20/02247/FUL	<p>Erection of a rural worker's dwelling – land south of Middle Coldcoats Equestrian Centre, Milbourne</p> <p>Main issues: fails to demonstrate the need for a rural worker's dwelling in the open countryside; inappropriate development in the Green Belt and there are no very special circumstances to outweigh harm; and fails to address pollution concerns with potential to affect protected species and failure to demonstrate ecological enhancement.</p>	<p>Virtual hearing date: 28 July 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
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Implications

Policy	Decisions on appeals may affect future interpretation of policy and influence policy reviews
Finance and value for money	There may be financial implications where costs are awarded by an Inspector or where Public Inquiries are arranged to determine appeals
Legal	It is expected that Legal Services will be instructed where Public Inquiries are arranged to determine appeals
Procurement	None
Human resources	None
Property	None
Equalities (Impact Assessment attached?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/a	Planning applications and appeals are considered having regard to the Equality Act 2010
Risk assessment	None
Crime and disorder	As set out in individual reports and decisions
Customer consideration	None
Carbon reduction	Each application/appeal may have an impact on the local environment and have been assessed accordingly
Wards	All where relevant to application site relating to the appeal

Background papers

Planning applications and appeal decisions as identified within the report.

Report author and contact details

Elizabeth Sinnamon
 Development Service Manager
 01670 625542
Elizabeth.Sinnamon@northumberland.gov.uk



Northumberland County Council

COMMITTEE: CASTLE MORPETH LOCAL AREA COMMITTEE

DATE: 14 JUNE 2021

Issues raised by receipt of petition – “Enforcement in Lynemouth”

Report of: Rob Murfin, Director of Planning

Cabinet Member: Cllr Colin Horncastle

Purpose of report

To review the issues raised in a petition received setting out concerns about a series of Planning Enforcement cases in Lynemouth. This report sets out the background and matters arising in these cases and the specific circumstances.

Recommendations

1. The LAC Planning Committee is asked to note the issues raised in the petition.
2. The LAC Planning Committee is asked to note the Council’s approach to Planning Enforcement within the context of national legislation/duties and to further note that the County Council utilised suitable discretion in relation to this matter
3. That this issue and “Harm/Expediency” gateway requirements be included explicitly in the review of the Northumberland Local Enforcement Strategy

Link to Corporate Plan/National Legislation

This report is relevant to how the County Council discharges statutory duties,

Key issues

A petition has been received with 149 signatures. It states -

We regard the action taken by this council to impose planning enforcement procedures on over 60 residents in Lynemouth to be unfair and disproportionate. In the midst of a global pandemic, this action disregards this council's duty of care towards the health and wellbeing of its constituents.

Residents are already suffering financially and proceeding with this action at this time will cause not only further financial hardship for many, but also poses a threat to mental and physical wellbeing.

Whilst the action may be governed by national legislation, we ask this Council Administration to:

- 1. Consider whether there are any discretionary powers at local level to address the problem*
- 2. Recognise the financial pressure this puts on people at this current time*
- 3. Acknowledge that it has a duty of care to residents and at the very least extend the timescales on any enforcement until such times when residents can meet with any such professional bodies as they need to in order to produce the relevant applications, plans etc*

Background

The County Council, in its role as Local Planning Authority, is statutorily required to investigate all alleged breaches of planning regulations. It does not seek to interpret motive behind complaints, as assuming that matters are neighbour disputes would represent bias. All complaints are investigated. Currently in excess of 1,600 sites are investigated each year, and this figure has been rising progressively.

Before any contact with the alleged person(s) responsible for the breach, the following steps are followed;

- The planning history (effectively a formal part of the land registry) is checked to see if permission has been historically granted. If so, no further action is taken.
- A site visit takes place to check if the alleged breach appears to have actually taken place and to evaluate whether planning permission is required. In some cases, such as with reported Change of Use, a number of visits may be required to gather sufficient evidence. In many cases it becomes clear that no breach has taken place, as many minor physical developments are subject to Permitted Development Rights.
- Contact made with person in breach
- If it is demonstrated that the alleged breach took place more than four years previously (ten years for change of use) then the case is closed as the development is immune from action.
- A retrospective application is requested, or there are negotiations on how the breach is able to be resolved
- If application is approved – the case is closed
- If an application is not received/approved and breach is not resolved, then enforcement action may commence.

It is not always considered expedient to pursue formal action following the final step. When a breach of planning control is investigated, national guidance makes it clear that that

enforcement **action** is discretionary and Local Planning Authorities should act proportionately in responding to suspected breaches.

There is therefore a degree of subjectivity, but decisions are based taking into account local and national policy. In deciding whether it is expedient to take action, the LPA must consider the harm which the breach is causing and ultimately whether it is believed that the development would be supported in the event an application was submitted.

The County Council regularly receives formal complaints from 3rd parties if it makes the decision not to proceed with action,

Specific circumstances of case

Normally, a complaint is made against one alleged unauthorised development. Unusually in this case, a large number of complaints (35) were received from one member of the public about detached outbuildings/sheds located in front gardens of residential properties in Lymemouth. While visiting these properties, 25 adjacent properties were noted and cases set up for consistency (for instance some were directly adjacent to a reported address). Later 12 properties were reported by a 2nd member of the public. This gives the total of 72 cases for 'structures in front gardens'.

Following checking site histories, it became apparent that the structures did require planning permission. NB Permitted Development Rights for outbuildings do not include structures in front gardens. A copy of the letter sent to the residents is attached as Appendix #1

In line with the approach set out above, 64 of the 72 cases recorded against these properties have now been closed with no further action required and the residents/owners informed.

- 32 cases were closed as the structures have stood for in excess of 4 years and are now lawful.
- 20 cases were considered not expedient to pursue.
- 1 case was closed following the submission of a retrospective application, which has now been approved. 1 case was covered by a pre-existing permission
- 10 cases were closed with no further action taken following no breach found at the property - i.e, the structures did not constitute development.
- The remaining 8 cases are awaiting a formal expediency test.

Analysis of approach

Once the complaints had been lodged, the Council was statutorily obliged to investigate. It could not ignore related cases that became apparent during the site visit. It should be noted that the Local Government Ombudsman has recently followed up complaints in other parts of the County in relation to alleged “under enforcement” of structures in front gardens.

In this case it is considered that a “light touch” was taken, and that, as per the wording of the petition, discretion was taken over the use of enforcement powers and an extended timescale for responses given.

It can also be noted that recent case law (2020) further clarified that LPAs can reflect resources and priorities when deciding whether or not to take enforcement action. It has also been clarified that the LPAs can take the position on an individual case that they are not going to be drawn into acting as “proxies” in neighbour disputes.

Next Steps

The recent case law established above now gives the County Council great flexibility in how it sets out the local approach to enforcement. It has been agreed that a review of the Local Enforcement Strategy will take place in 2021; this can set out formally the circumstances where greater discretion will be utilised. This will enable the Council to defend decision where it is not decided to become involved in issues such as protracted neighbour disputes and allow resources to be focussed on more significant cases.

The draft replacement Local Enforcement Strategy will be circulated to all members for comment prior to a public consultation.

Implications

Policy	Review of Local Enforcement Strategy
Finance and value for money	Review of Local Enforcement Strategy will allow more focussed use of resources
Legal	Review of Local Enforcement Strategy will allow clarification of how expediency tests will be utilised

Procurement	NA
Human Resources	NA
Property	NA
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	NA
Risk Assessment	To be included in Review of Local Enforcement Strategy
Crime & Disorder	To be included in Review of Local Enforcement Strategy
Customer Consideration	To be included in Review of Local Enforcement Strategy
Carbon reduction	NA
Health and Wellbeing	To be included in Review of Local Enforcement Strategy
Wards	To be included in Review of Local Enforcement Strategy

Background papers:

Local Enforcement advice;

<https://www.northumberland.gov.uk/Planning/Planning-monitoring-and-enforcement.aspx>

Attached:

Letter sent to residents

Author and Contact Details

Rob Murfin
Director of Planning

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Northumberland County Council

Owner/occupier
22 Boland Road
Lynemouth
Morpeth
Northumberland
NE61 5UD

Our ref: 21/00021/ENDEVT
Enquiries to: Mr Robert Wilson
Email: robert.wilson@northumberland.gov.uk
Tel direct: 01670 623759
Date: 3 February 2021

TOWN AND COUNTRY PLANNING ACT 1990

Dear Sir/madam

Re: Structure in garden

I refer to an enquiry received by the Planning Enforcement Team regarding a structure in the garden of 22 Boland Road, Lynemouth. We have been contacted and asked whether planning permission is required.

Further to the above enquiry, I have called at your property and can confirm that planning permission is required for this development as it is situated forward of the principal elevation of the property. However, I have been unable to locate any applications giving consent for this development.

As such and in an attempt to resolve this matter, I would be obliged if you would either remove the structure or submit an application to retain it.

This letter is without prejudice to any formal decision that may be made by the County Council.

Yours faithfully,

Mr Robert Wilson
Development Compliance Officer



Planning Enforcement, Development Management
Northumberland County Council, County Hall, Morpeth,
Northumberland, NE61 2EF
T: 0345 600 6400 E: planningenforcement@northumberland.gov.uk
www.northumberland.gov.uk



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