

Public Document Pack



Northumberland County Council

Your ref:

Our ref:

Enquiries to: Lesley Little

Email: Lesley.Little@northumberland.gov.uk

Tel direct: 01670 622614

Date: Thursday, 28 July 2022

PLEASE NOTE CHANGE OF TIME TO 3.00 PM

Dear Sir or Madam,

Your attendance is requested at a meeting of the **CASTLE MORPETH LOCAL AREA COUNCIL** to be held in **COUNCIL CHAMBER - COUNTY HALL** on **MONDAY, 8 AUGUST 2022** at **3.00 PM**.

Yours faithfully

Daljit Lally
Chief Executive

To Castle Morpeth Local Area Council members as follows:-

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



Daljit Lally, Chief Executive
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AGENDA

PART I

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

1. APOLOGIES FOR ABSENCE

2. PROCEDURE TO BE FOLLOWED AT PLANNING MEETINGS

(Pages 1
- 2)

3. DISCLOSURE OF MEMBERS' INTERESTS

Unless already entered in the Council's Register of Members' interests, members are required where a matter arises at a meeting;

- a. Which **directly relates to** Disclosable Pecuniary Interest ('DPI') as set out in Appendix B, Table 1 of the Code of Conduct, to disclose the interest, not participate in any discussion or vote and not to remain in room. Where members have a DPI or if the matter concerns an executive function and is being considered by a Cabinet Member with a DPI they must notify the Monitoring Officer and arrange for somebody else to deal with the matter.
- b. Which **directly relates to** the financial interest or well being of a Other Registrable Interest as set out in Appendix B, Table 2 of the Code of Conduct to disclose the interest and only speak on the matter if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain the room.
- c. Which **directly relates to** their financial interest or well-being (and is not DPI) or the financial well being of a relative or close associate, to declare the interest and members may only speak on the matter if members of the public are also allowed to speak. Otherwise, the member must not take part in discussion or vote on the matter and must leave the room.
- d. Which **affects** the financial well-being of the member, a relative or close associate or a body included under the Other Registrable Interests column in Table 2, to disclose the interest and apply the test set out at paragraph 9 of Appendix B before deciding whether they may remain in the meeting.
- e. Where Members have or a Cabinet Member has an Other Registerable Interest or Non Registerable Interest in a matter being considered in exercise of their executive function, they must notify the Monitoring Officer and arrange for somebody else to deal with it.

NB Any member needing clarification must contact monitoringofficer@northumberland.gov.uk. Members are referred to the Code of Conduct which contains the matters above in full. Please refer to the guidance on disclosures at the rear of this agenda letter.

- 4. DETERMINATION OF PLANNING APPLICATIONS** (Pages 3 - 6)
- 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 not circulated with the agenda but are available on the Council's website at <http://www.northumberland.gov.uk/Planning.aspx>
- 5. 22/00075/FUL** (Pages 7 - 16)
Retrospective application for alteration/re profiling to land levels related to residential development.
Hepscott Park, Stannington, Northumberland
- 6. 21/02485/FUL** (Pages 17 - 38)
Change of use of agricultural land to touring caravan site for up to 40 touring caravans, conversion of existing stables to maintenance/storage sheds associated with caravan site use, erection of buildings comprising site amenities building, reception/warden accommodation building and electricity sub-station, refuse/gas storage/collection areas, hard surfaced areas for access, parking, storage & site servicing purposes and landscaping
Land At North Of Bewick Drift, Cresswell, Northumberland
- 7. 21/00085/OUT** (Pages 39 - 60)
Outline application with all matters reserved for up to four residential dwellings (Resubmission of 18/04275/FUL) (amended description)
Land To The Rear Of 51 Station Road, Station Road, Stannington, Northumberland
- 8. 22/01537/FUL** (Pages 61 - 70)
Installation of additional fencing for the purpose of maintaining security
King Edward Vi School , Cottingwood Lane, Morpeth, Northumberland NE61 1DN

9. **22/01895/FUL** (Pages 71 - 78)
Erection of timber frame building to form performing arts hub within school grounds to facilitate both school activities and wider community external groups, to include drama, dance and music, along with external toddler groups
Morpeth Stobhillgate First School, Morpeth, Northumberland, NE61 2HA
10. **22/01227/FUL** (Pages 79 - 86)
Construction of single storey extension and perimeter walls to courtyards
Kyloe House, Nethererton Park, Stannington, Morpeth Northumberland NE61 6EF
11. **APPEALS UPDATE** (Pages 87 - 96)
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.
12. **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 discussed or as soon as it becomes apparent to you.
- Complete this sheet and pass it to the Democratic Services Officer.

Name:		Date of meeting:	
Meeting:			
Item to which your interest relates:			
Nature of Interest i.e. either disclosable pecuniary interest (as defined by Table 1 of Appendix B to the Code of Conduct, Other Registerable Interest or Non-Registerable Interest (as defined by Appendix B to Code of Conduct) (please give details):			
Are you intending to withdraw from the meeting?		Yes - <input type="checkbox"/>	No - <input type="checkbox"/>

Registering Interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.

Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in **Table 1**) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a relative or close associate; or
- c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well- being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

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Northumberland County Council

PROCEDURE AT PLANNING COMMITTEE

A Welcome from Chairman to members and Members of the public present

Welcome to also include reference to

- (i) All Mobile phones should be switched to silent and should not be used during the meeting.
- (ii) Members are asked to keep microphones on mute unless speaking

B Record attendance of members

- (i) Democratic Services Officer (DSO) to record attendance and any apologies received.

C Minutes of previous meeting and Disclosure of Members' Interests

D Development Control

APPLICATION

Chair

Introduces application

Site Visit Video (previously circulated) - invite members questions

Planning Officer

Updates – Changes to recommendations – present report

Public Speaking

Objector(s) (up to 5 mins)

Local member (up to 5 mins)/ parish councillor (up to 5 mins)

Applicant/Supporter (up to 5 mins)

NO QUESTIONS IN RELATION TO WRITTEN REPRESENTATIONS OR OF/BY LOCAL COUNCILLOR

Committee members' questions to Planning Officers

Chairman to respond to raised hands of members as to whether they have any questions of the Planning Officers

Debate (Rules)

Proposal

Seconded

DEBATE

Again Chairman to respond to raised hand of members as to whether they wish to participate in the debate

- No speeches until proposal seconded
- Speech may not exceed 6 minutes
- Amendments to Motions
- Approve/Refuse/Defer

Vote(by majority or Chair's casting vote)

- (i) Planning Officer confirms and reads out wording of resolution
- (ii) Legal officer should then record the vote FOR/AGAINST/ABSTAIN (reminding members that they should abstain where they have not heard all of the consideration of the application)



Northumberland County Council

CASTLE MORPETH LOCAL AREA COUNCIL

8 AUGUST 2022

DETERMINATION OF PLANNING APPLICATIONS

Report of the Interim Executive Director of Planning and Local Services

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.

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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
Interim Executive Director of Planning and Local Services
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APPENDIX 1: PROCEDURE AT PLANNING COMMITTEES

Chair

Introduce 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.

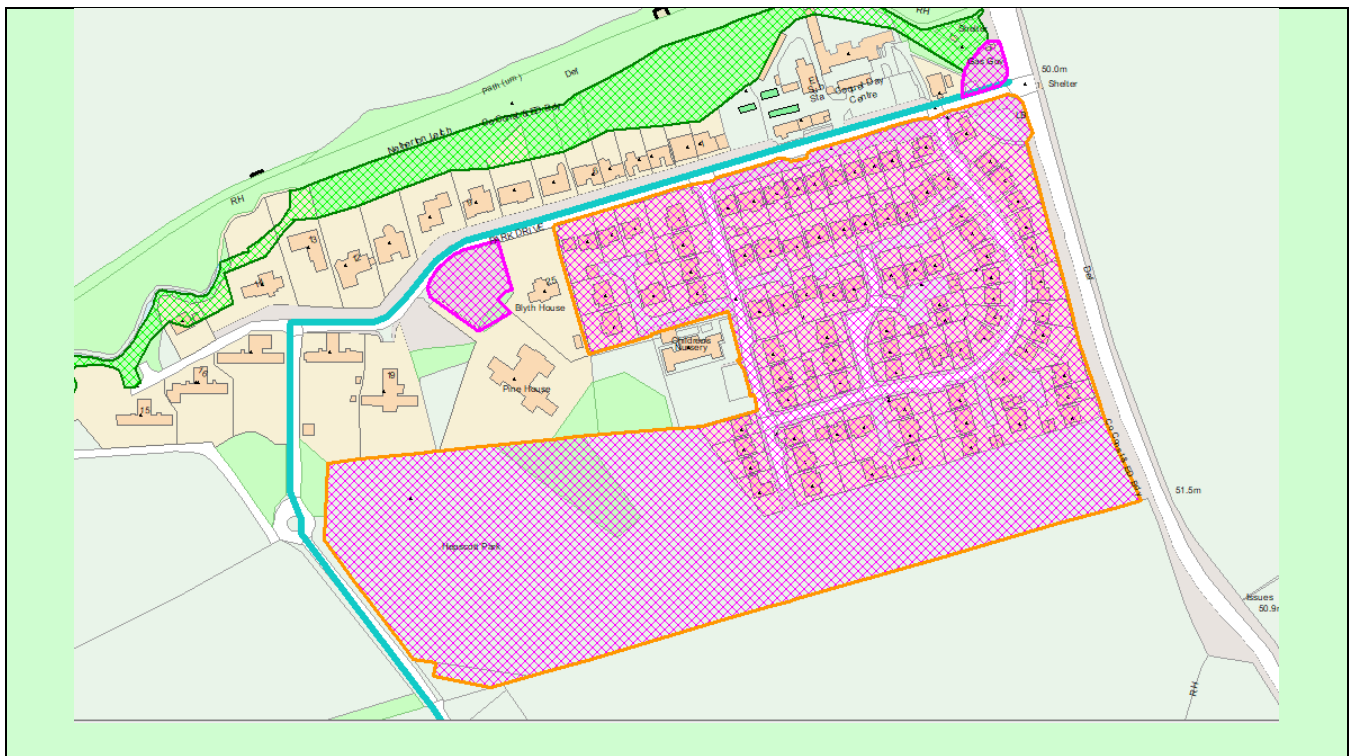


Northumberland
County Council

Castle Morpeth Local Area Council Committee
Monday 8th August 2022

Application No:	22/00075/FUL		
Proposal:	Retrospective application for alteration/re profiling to land levels related to residential development.		
Site Address	Hepscott Park, Stannington, Northumberland		
Applicant:	Mr Mark Gabriele Bellway Homes (North East), Bellway House Kings Park, Kingsway N, Gateshead NE11 0JH	Agent:	Mr Joe Ridgeon Bellway House Kings Park, Kingways, Gateshead, NE11 0JH
Ward	Ponteland East and Stannington	Parish	Stannington
Valid Date:	13 January 2022	Expiry Date:	09 August 2022
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



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1. Introduction

- 1.1 Following the receipt of 12no objections from neighbouring residents, the application was referred to the director of planning and the chairs of the local area council committee. The chair referral response confirmed that the application shall be determined at local area council committee.

2. Description of the Proposals

2.1 Planning permission is sought for the alteration and reprofiling of land levels to the southern boundary of Hepscott Park, Stannington. The majority of the works have been undertaken on site, hence the retrospective nature of this application.

2.2 The application site previously formed the compound area for the residential development upon Hepscott Park. The developer undertook the works to alleviate historic surface water flooding of the adjacent children's nursery located within Hepscott Park.

2.3 Minor alterations to the approved landscaping for the site are proposed to ensure appropriate landscape/planting will be implemented within the development.

2.4 The application site is located within open countryside and designated Green Belt.

3. Planning History

Reference Number: 16/02336/FUL

Description: Demolition of existing buildings and erection of 89 dwellings (Use Class C3), access, landscaping and associated engineering works

Status: Permitted

4. Consultee Responses

Stannington Parish Council	No response received.
County Ecologist	No objection.
Lead Local Flood Authority (LLFA)	No objection subject to recommended conditions.
Public Protection	No comment.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	99
Number of Objections	12
Number of Support	0
Number of General Comments	0

Notices

No Site Notice Required.

No Press Notice Required.

Summary of Responses:

12no objections were received against the application from neighbouring residents. Concerns were raised regarding:

- Drainage implications upon existing dwellings;
- Flooding of the site;
- Retrospective nature of the application;
- Impacts upon adjacent land owners;
- Inaccuracies in submission;

Material planning considerations will 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=R5I4NWQSLPT00>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan 2016 - 2036 (Adopted March 2022) (NLP)

Policy STP 1 - Spatial strategy (strategic policy)

Policy STP 2 - Presumption in favour of sustainable development (strategic policy)

Policy STP 3 - Sustainable development (strategic policy)

Policy STP 4 - Climate change mitigation and adaption (strategic policy)

Policy STP 5 - Health and wellbeing (strategic policy)

Policy STP 7 – Strategic approach to the Green Belt (strategic policy)

Policy STP 8 – Development in the Green Belt (strategic policy)

Policy QOP 1 - Design principles (strategic policy)

Policy QOP 2 - Good design and amenity

Policy QOP 4 – Landscaping and trees

Policy WAT 3 – Flooding

Policy WAT 4 – Sustainable drainage systems

Stannington Parish Neighbourhood Plan 2017 – 2031 (Made September 2018)
(SNP)

Policy 10 – Design and character

6.2 National Planning Policy

National Planning Policy Framework (2021) (NPPF)

National Planning Practice Guidance (2021) (NPPG)

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises of the Northumberland Local Plan (NLP) and the Stannington Parish Neighbourhood Plan (SNP). The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

- Principle of development (open countryside and Green Belt);
- Design and visual character;
- Residential amenity;
- Ecological impacts;
- Water management.

Principle of development

(open countryside)

7.2 Policy STP 1 of the NLP, read in conjunction with the Policies Map which accompanies the Plan, identifies main towns, service centres and service villages across the county where sustainable development can be located. The application site is located out with any defined boundary and is therefore recognised as open countryside land.

7.3 Part g) of policy STP 1 restricts development in the open countryside and states that it will only be supported if it can be demonstrated that:

- i. Supports the sustainable growth and expansion of existing business or the formation of new businesses in accordance with Policy ECN 13; or*
- ii. Supports the development and diversification of agricultural and other land-based rural businesses in accordance with Policy ECN 14; or*
- iii. Supports sustainable rural tourism and leisure developments in accordance with Policy ECN 15; or*
- iv. Provides for residential development in accordance with Policies HOU 7 or HOU 8; or*
- v. Supports the retention, provision or improvement of accessible local services and community facilities which cannot be provided in settlements, in accordance with Policy INF 2; or*
- vi. Provides for essential transport, utilities and energy infrastructure in accordance with other policies in the Local Plan; or*
- vii. Relates to the extraction and processing of minerals, in accordance with other policies in the Local Plan'.*

Whilst the development does not accord with the above provisions, the works relate to an existing development which itself forms part of the open countryside.

7.4 Policies WAT 3 and WAT 4 are relevant within this assessment and seek for development proposals to reduce any potential flooding impacts that may arise whilst incorporating sustainable drainage systems (SuDS). Whilst these policies will be

assessed within a later section of the appraisal, there is clear accordance between the work undertaken and the goals of these 2no policies.

7.5 The development does not fully accord with the provisions set out within policy STP 1 however, it would not cause identifiable harm to the open countryside with the implementation of additional landscaping, and no built form, ensuring the encroachment into the open countryside would cause minimal impact.

(Green Belt)

7.6 The Policies Map that forms part of the NLP identifies the application site as designated Green Belt. Policy STP 8 of the NLP states that *'Development that is inappropriate in the Green Belt, in accordance with national planning policy, will not be supported except in very special circumstances where other considerations clearly outweigh the potential harm to the Green Belt, and any other harm resulting from the proposal'*.

7.7 The policy therefore directs the decision maker to the NPPF which at paragraph 150 outlines certain forms of development that are not inappropriate in the Green Belt *'provided they preserve its openness and do not conflict with the purposes of including land within it'*. Part b) of paragraph 150 allows *'engineering operations'* which the LPA would consider constitutes drainage work among other forms of development.

7.8 The works set out within the submitted details would not cause harm to the openness of the Green Belt either on physical or visual grounds. Whilst there would be minimal physical impact due to the alterations in land levels, the land would remain free of built form and shall be appropriately landscaped upon completion of the works. The implementation of a 10m planting buffer along the eastern, southern and western boundaries of the site would provide partial screening whilst offering protection to this area. The development therefore accords with relevant local and national Green Belt policy.

Design and visual character

7.9 Policy QOP 1 of the NLP states that development proposals should *'make a positive contribution to local character and distinctiveness and contribute to a positive relationship between built and natural features, including landform and topography'*. The NPPF at paragraph 126 recognises good design as a key aspect of sustainable development. Policy 10 of the SNP mirrors these provisions.

7.10 The development would not cause harm to the visual character of the immediate or wider area. The implementation of a planting buffer will partially screen the development from the public domain and provide a clear separation between the wider development site and the agricultural fields to the south. The application therefore accords with relevant local and national planning policy regarding design.

Residential amenity

7.11 Policy QOP 2 of the NLP states that *'development will be required to provide a high standard of amenity for existing and future users of the development itself and*

not cause unacceptable harm to the amenity of those living in, working in or visiting the local area'. Paragraph 130, part f) of the NPPF states that planning decisions should ensure that 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'.

7.12 The development would not cause harm to the amenity of neighbouring residents in regards to overbearing impacts, privacy, loss of light or outlook. Flooding implications shall be addressed later within the appraisal. The proposal therefore accords with both local and national planning policy in relation to protecting residential amenity.

Ecological impacts

7.13 Policy ENV 2 of the NLP states that developments should minimise their impact upon biodiversity and geodiversity and where possible, secure net gains. These provisions are mirrored within paragraph 174, part d) of the NPPF.

7.14 Consultation was undertaken with the local authority's ecologist who raised no objection to the minor landscaping amendments set out within the proposal. The species of native shrubs and specimen trees within the 10m buffer has previously been agreed through the discharge of the relevant planning condition.

Water management

7.15 Policy WAT 3 of the NLP states that *'Development proposals will be required to demonstrate how they will minimise flood risk to people, property and infrastructure from all potential sources'*. Policy WAT 4 focuses upon the implementation of SuDS within development and states *'SuDS will be a requirement for any development where it is necessary to manage surface water drainage'*.

7.16 Paragraph 167 of the NPPF is relevant within this assessment and states *'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere'*.

7.17 Consultation was undertaken with the lead local flood authority (LLFA) team regarding the application proposals. Discussions were held between the LLFA team and the developer following which, amended details were submitted to the LPA for assessment. Reviewing the additional information, LLFA raise no objection to the application subject to recommended conditions that will prevent flooding upon adjacent land parcels. The submission of a verification report will ensure that all SuDS have been implemented upon the site in accordance with the approved scheme.

7.18 Subject to recommended conditions, the development accords with policies WAT 3 and WAT 4 of the NLP as well as the NPPF.

Equality Duty

7.19 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

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

Human Rights Act Implications

7.21 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.

7.22 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.

7.23 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. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

01. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:-
 - 1) Engineering layout drawing no. 15-003/100 Rev. L (received 30th May 2022)

- 2) External below ground drainage drawing no. 001 (received 30th May 2022)
- 3) Flood alleviation plan drawing no. 15-003/E04 rev. A (received 30th May 2022)
- 4) Landscape masterplan drawing no. NT12547/001 Fig 13 (received 16th June 2022)
- 5) Location plan 15-003/E00 (received 10th January 2022)

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

02. Prior to completion of the basin and its outfalls, details of the adoption and maintenance of the attenuation basin, outfalls, overspill areas, ditches, culverts and associated features shall be submitted to and agreed by the Local Planning Authority. A maintenance schedule and log, which includes details for all SuDS features for the lifetime of development shall be composed within and be implemented forthwith in perpetuity.

Reason: To ensure that the scheme to dispose of surface water operates at its full potential throughout the development's lifetime.

03. Within three months of the basin and ditches being constructed, a verification report carried out by a qualified drainage engineer or a suitably qualified professional must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

- * As built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc);
- * Construction details (component drawings, materials, vegetation);
- * Health and Safety file; and
- * Details of ownership organisation/adoption details.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards.

04. No further land raising or lowering within the application site shall be undertaken without the prior consent of the local planning authority.

Reason: To prevent any changes to overland flood flow routes.

Informatives

- 1) The successful creation/restoration of species-rich grassland is dependent on several factors. Soil phosphorous should be low, with an index of 0 or 1 or less than 16mg/l and sites with few weeds (thistles, docks, nettles, rushes and ragwort) will have greater potential. The correct site preparation and ongoing management are key to a long-term creation/restoration. Further information is available on the Government's website <https://www.gov.uk/guidance/create-and-restore-species-rich-grassland> and the Magnificent Meadows project webpages

<http://www.magnificentmeadows.org.uk/advice-guidance/section/how-can-i-restore-or-recreate-a-meadow>.

A species-rich grassland mix is now produced in Northumberland from seed harvested within grassland SSSIs in the Northumberland National Park, which can be bought through British Wildflower Seeds. It has a high proportion of yellow rattle, which is helpful to its establishment in existing grasslands. <https://britishwildflowermeadowseeds.co.uk/collections/wildflower-meadowseeds/products/northumberland-meadow-seed-mix>

Date of Report: 28th June 2022

Background Papers: Planning application file(s) 22/00075/FUL

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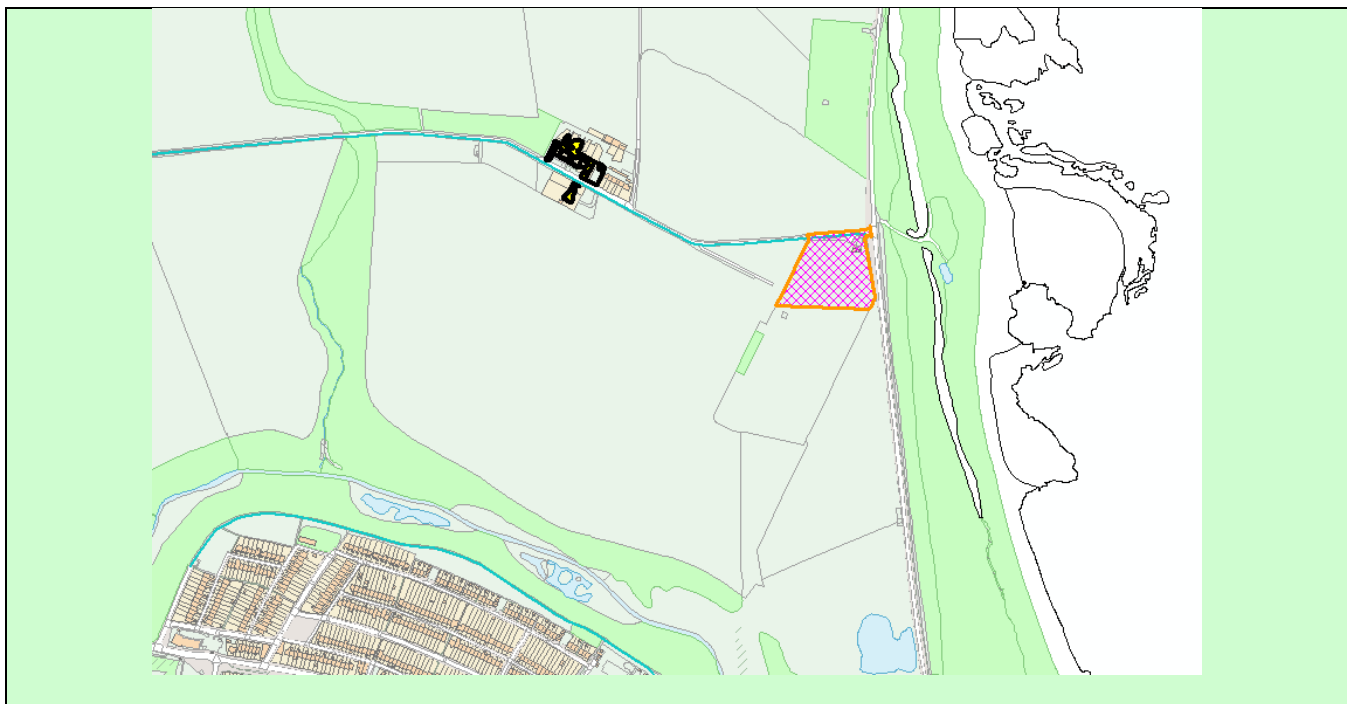


Northumberland
County Council

Castle Morpeth Local Area Council 8th August 2022

Application No:	21/02485/FUL		
Proposal:	Change of use of agricultural land to touring caravan site for up to 40 touring caravans, conversion of existing stables to maintenance/storage sheds associated with caravan site use, erection of buildings comprising site amenities building, reception/warden accommodation building and electricity sub-station, refuse/gas storage/collection areas, hard surfaced areas for access, parking, storage & site servicing purposes and landscaping		
Site Address	Land At North Of Bewick Drift, Cresswell, Northumberland,		
Applicant:	Mr David Twedde Woodhorn Mews, Woodhorn Village, Ashington, NE639DQ	Agent:	Mr Tony Carter Carter-Smith Planning Consultants, 1st Floor, Hepscott House, Coopies Lane, Morpeth, NE616JT
Ward	Druridge Bay	Parish	Cresswell
Valid Date:	7 July 2021	Expiry Date:	6 October 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 Unilateral Undertaking to secure a contribution to the Coastal Mitigation Scheme.



1. Introduction

1.1 The application is being brought to the Castle Morpeth Local Area Council as the proposal raises significant planning issues.

2. Description of the Proposals

2.1 The application is seeking planning permission for the change of use of agricultural land to touring caravan site for up to 40 touring caravans, conversion of existing stables to maintenance/storage sheds associated with caravan site use, erection of buildings comprising site amenities building, reception/warden accommodation building and electricity sub-station, refuse/gas storage/collection areas, hard surfaced areas for access, parking, storage & site servicing purposes and landscaping at Land At North of Bewick Drift, Cresswell. The application proposes the creation of a new caravan park accommodating 40 caravans on land in the open countryside to the immediate east of the coastal road that runs between Lynemouth and Cresswell.

2.2 The site is to the immediate north of the former Bewick Drift mine – mining activity would have been targeted towards the land within the site boundary itself as two outcrop features have been identified crossing the site from west to east. Historic ordnance survey mapping shows the presence of mining infrastructure within the site boundary. It is understood that the site was also used as a Coal Merchants yard but has since been restored to agricultural use for grazing.

2.3 The proposed development is situated entirely in an area already enclosed by a metal palisade fence. The area within the application boundary is open, with the exception of a group of small outbuildings in the north of the site and the area associated with the telecommunications mast. The area surrounding the site is also open in character providing views landward and seaward from public rights of way and from the minor road that passes immediately to the east of the site. The open character is interrupted to a degree by the existing palisade fence which encloses a larger area of land than that identified for the caravan site. The northernmost part of the site includes a vehicle access road which links Cresswell Home Farm to the west with the coastal road.

2.4 The proposed site plan shows access to the caravan park from the vehicle access road to the north with a reception and ancillary buildings to the northern part of the site. Caravans are then arranged north-south in a number of highly regimented rows with each pitch having a car parking space. Boundary landscaping consisting of grass mounds and hedging is proposed to the south, east and west boundaries of the site.

2.5 The site would provide modest structures consisting of 2no timber outbuildings for a reception/warden facility and site amenities with toilets, wash room and laundry. The buildings would measure 10.5m x 6.1m and 3.4m high. There would also be 2no containers for refuse and gas storage measuring 5.8m x 3.5m at 2.1m high and an electricity substation measuring 3.4m x 3.4m at 2.4m high. The existing stables on site will be used as storage sheds.

2.6 The applicant confirmed the site will be open for 9 months of the year between March and October.

3. Planning History

Reference Number: CM/78/D/238

Description: Erection of Assembly shop on 0.2 hectares of land as amended by drawing No.CE.621/A received by Northumberland County Council on 11 May 1978 and letter received on 30 May 1978

Status: NONCCZ

4. Consultee Responses

Cresswell Parish Council	Objection
Highways	No objection subject to conditions
Tourism, Leisure & Culture	No response received.
Public Protection	No objection subject to conditions
County Archaeologist	No objections
Countryside/ Rights Of Way	No objections
North Trees And Woodland Officer	No response received.
Fire & Rescue Service	No objections
Architectural Liaison Officer - Police	No objection to the application from a crime prevention aspect.
Northumbria Ambulance Service	No response received.
Forestry Commission	No response received.
Druridge Bay Ward	No response received.
Building Conservation	No objections
Northumbrian Water Ltd	No response received.
The Coal Authority	No objections
County Ecologist	No objection subject to conditions and Coastal Mitigation contribution.
Natural England	No objection subject to Coastal Mitigation contribution
Lead Local Flood Authority (LLFA)	No objection subject to conditions

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	19
Number of Objections	19
Number of Support	196
Number of General Comments	0

Notices

Major, affecting LB & PROW 27th July 2021

Morpeth Herald 15th July 2021

Summary of Responses:

Cresswell Parish Council

“The application is for a conversion of agricultural land to a touring caravan site for up to 40 touring caravans along with ancillary buildings

The Lyne bridge has a weight and width restriction, the latter being 6'6". The average touring caravan is 7'2" wide and therefore any caravans wishing to access the site will not be able to use the Lyne bridge and instead will have to access the site through Cresswell village.

The roads through the village are narrow, particularly along South Side, and we already have problems in high season with traffic and parking. There is a shortage of car parking and often residents and visitors park their cars at the side of the road. Pavements are also very narrow in places. Passage through the village can be extremely difficult at times for pedestrians and individual cars even now.

The impact of towed, touring caravans passing through the village at regular intervals would be tremendous and make village life even more difficult than it is for residents and visitors.

We also have concerns that the appropriate ecological surveys have not been undertaken will take up to a year to complete and therefore consider this planning application somewhat premature anyway. In addition the residents of nearby Cresswell Home Farm and the barn conversions have expressed great concerns about noise levels from the proposed development”.

19 Objections

- Weight restrictions to Lynemouth Bridge
- Cresswell already experiences traffic & parking issues
- Mining issues?
- Beach is polluted
- Vehicles activity impact residents of Cresswell Home Farm
- Noise levels impacting amenity and increased crime
- Impact listed buildings at Cresswell Home Farm (510 m away) and open landscape
- Drainage issues
- Ecology impacts and designated sites
- Obstructs view of coastline and unsightly
- Camping and caravan sites already in local area
- Light pollution

196 letters of support were received with intentions to use the caravan park if granted. It was also highlighted that it would have a positive impact on the local area and introduce a touring site to the area.

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=QV1IAFQSHAH00>

6. Planning Policy

In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises the Northumberland Local Plan 2016-2036 (adopted March 22). The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

Northumberland Local Plan - 2016 - 2036 (Adopted March 2022)

STP1 – Spatial Strategy
STP2 – Presumption in favour of sustainable development
STP3 – Principles of sustainable development
STP4 – Climate change mitigation and adaptation
ECN1 – Planning strategy for the economy
ECN15 – Tourism and visitor development
QOP1 – Design principles
QOP2 – Good design and amenity
QOP4 – Landscaping and trees
TRA1 – Promoting sustainable connections
TRA2 – The effects of development on the transport network
TRA4 – Parking provision in new development
ENV2 – Biodiversity and geodiversity
ENV3 – Landscape
ENV7 – Historic environment and heritage assets
WAT2 – Water supply and sewerage
WAT3 – Flooding
WAT4 – Sustainable Drainage Systems
POL1 – Unstable and contaminated land
POL2 – Pollution and air, soil and water quality
POL3 – Agricultural land quality
INF6 – Planning obligations

6.2 National Planning Policy

National Planning Policy Framework (2021) (NPPF)
National Planning Practice Guidance (2020) (NPPG)

7. Appraisal

7.1 The main considerations in the assessment of this application are:

- Principle of development;
- Design and visual character;

- Residential amenity;
- Highway safety;
- Ecological impacts;
- Public Protection

7.2 The site was historically used for mineral extraction as part of Lynemouth Colliery but has now been restored for agricultural land and horse grazing although the site is bounded by palisade fencing and a telecommunications mast to the north east corner of the site. The site is located within the open countryside as identified on the NLP proposal map in between the settlements of Lynemouth and Cresswell and bounded by the coastal path and dunes to the east. Policy STP1 supports new development to be directed towards main towns, service centres and villages unless it supports sustainable rural tourism and leisure developments in accordance with Policy ECN 15. Policies STP2 and STP3 support the presumption in favour of sustainable development to deliver economic, social and environmental objectives.

7.3 Policy ECN 1 of the NLP seek to deliver economic growth, while safeguarding the environment and community well-being, so helping to deliver the objectives of the Council's economic strategy. Development proposals will:

- Seek to deliver sufficient employment land and premises of the necessary range and quality and in sustainable locations compatible with the spatial strategy to meet requirements;
- Support both existing and new businesses;
- Support town centres as locations for employment and business;
- Assist the regeneration of existing areas through employment-related measures; Support rural enterprise;
- Support and promote tourism and the visitor economy;
- Recognise the role of the County's natural and historic environment as drivers of economic development.

7.4 Northumberland Local Plan Policy ECN 15(f) (Tourism and visitor development) states that:

“New or extensions to existing sites for camping, caravans, and chalets will be supported in accessible locations outside the two AONBs and the World Heritage Site and its buffer zone, provided the development is adequately screened, taking into account short and long range views, by existing topography or vegetation or new good quality landscaping compatible with the surrounding landscape”.

7.5 The NLP supports the economic growth in rural areas and in particular promoting tourism and visitor economy. However, the siting of a new caravan site should still take into consideration the landscape impacts.

7.6 As identified, the site and surrounding area is relatively open, notwithstanding the surrounding palisade fencing and mast. In terms of the Northumberland Landscape Character Assessment (LCA), the application site lies within the area covered by Landscape Character Type 39 (Coalfield Farmland and Landscape Character Area 39a Coastal Coalfield). In terms of the Northumberland Key Land Use Impact Study LCA 39a is categorised as having a weighted landscape value of 19 which places it towards the lower end of landscapes in the County in terms of quality. The site itself is not therefore not considered to be of high landscape value. The site is currently

used for grazing and Policy POL3 identifies that development of land should be directed to those of poorer quality than higher quality.

7.7 Policy ECN15 highlights that both the short and long range views should be taken into account. Policy ENV3 also requires applications to be supported by a Landscape and Visual Impact Assessment (LVIA) to assess the impact to landscape character and identify the historic landscape characterisation. The application was supported by a LVIA and concluded that the overall impact of the proposed caravan park on the landscape and visual amenity is considered to be slight due to the landform around the site, with the main effects being localised from the adjacent public footpath and highway.

7.8 An independent consultant provided critique against the submitted landscape assessment. It agreed that the proposed development would interrupt views landward from the England Coastal Path and seaward from the bridleway. It would also be a noticeable addition in views along the coast from the minor road to the east. Despite this, some form of mitigation would screen the cars and caravans visiting the site and the proposed structures within the park. Whilst there would be landscape impacts on an open plot of land near the coastline, this would be localised and mitigation measures can include:

- Provide more hedge and tree planting along the eastern boundary to reduce impacts on views from the England Coastal Path and minor road.
- Replace the existing palisade fence with an alternative and use an alternative along the southern boundary to reduce impacts on visual amenity.
- Plant suitable low growing tree species and shrubs in the grassed areas throughout the proposed development to interrupt views through the site and reduce impacts on visual amenity.
- The use of grassed mounds or bunds would be appropriate on the western or eastern side of the site to reduce impacts on visual amenity and provide a degree of landscape integration.

7.9 While views of the proposed development would be contained by ridges and woodland, it is accepted that the development would impact short range views from the coastal road to the east, although the dunes are elevated above the level of the application site to offer some screening from the coastline. There would be some visibility of the site from various points along the bridle path leading up to Cresswell Home Farm to the north west from pedestrians using the public footpaths, road users of adjacent roads and residents within the local landscape.

7.10 The views from other surrounding public viewpoints would be limited and the extent of the development will be felt in a small area. Due to the topography of the surrounding land, there would be no major impact to long range views to a site that is not a protected landscape and of low quality.

7.11 The application is proposing an area of hardstanding for the temporary parking of vehicles and caravans with no large, fixed structures or buildings that would dominate the landscape. The scale of the application site is fairly modest and does not provide major on-site facilities or entertainment but an area to park vehicles for

short term holiday use which is unlikely to remain fully occupied during quieter times of the year.

7.12 The applicant has proposed landscape enhancements that include tree and hedge planting and grassed mounds to interrupt views and reduce the impact on visual amenity. The 2m high mounds would be created on the west, south and eastern boundaries with hedging to screen the site from the most visible localised views.

7.13 The economic benefits of the proposed development are also a material consideration and should be given significant weight in the planning balance. The submitted Economic Statement states that the proposed development will result in beneficial economic effects most likely to be absorbed at the local and district wide levels resulting from job creation (direct and indirect) and associated economic output. The proposal is likely to yield an average annual expenditure value of approximately £529,710, the economic benefits from which would be distributed across those directly involved in the site and those living in the local area (local services etc.) and possibly further across the County (e.g. tourist attractions). The proposed development is expected to create approximately 1 full time and 2 part time seasonal jobs, and approximately 2 part time and 2 full time posts all year round and support nearby settlement of Lynemouth and Cresswell.

7.14 It is acknowledged that the application site is within the open countryside but is located in between Cresswell and Lynemouth. There are no permanent buildings proposed (with the exception of the timber cabins) and the touring caravan and mobile homes would be for holiday use only. The NLP allows for a degree of flexibility for new caravan sites in open countryside locations than for permanent accommodation subject to various environmental impact criteria being satisfied. The site is easily accessible for users from the main highway network and there is a coastal footpath that links to Cresswell and Lynemouth. It would not appear incongruous along the Coastal route with the general settlement pattern including other caravan sites in the area and the development would improve and diversify Northumberland's offer of tourism accommodation with a touring site rather than accommodating static and permanent holiday lets.

7.15 If approved, the application would be restricted by condition to holiday use only and use as a person's sole or main place of residence would be prohibited given the open countryside location.

7.16 The site currently has some degree of impact from the telecommunications mast, palisade fencing and was historically used for mining. The proposal would have no significant impact from long range views to an area that is not recognised to be of high landscape value. The application proposes adequate mitigation to screen the site with trees and grass mounds and has demonstrated there are economic benefits that create jobs and tourism for the local area. There are also references in the NPPF and NLP for the need to promote rural economic growth and in this regard the proposal would be beneficial. The application, therefore, promotes the economic, social and environmental objectives of sustainability. As such, it is considered that on balance, the application is in accordance with Policies STP1, STP3, ECN1, ECN15 and ENV3 of the NLP and the NPPF.

Design and Amenity

7.17 Policy QOP1 states that in determining planning applications, design will be assessed against design principles. In summary this includes:

- Be visually attractive and incorporate high quality materials and detailing;
- Respect and enhance the natural, developed and historic environment, including heritage, environmental and ecological assets, and any significant views or landscape setting;
- Ensure that buildings and spaces are functional and adaptable for future uses;
- Facilitate an inclusive, comfortable, user-friendly and legible environment;
- Support health and wellbeing and enhance quality of life; Support positive social interaction and a safe and secure environment, including measures where relevant to reduce the risk of crime and the fear of crime;
- Not cause unacceptable harm to the amenity of existing and future occupiers of the site and its surroundings;
- Incorporate, where possible, green infrastructure and opportunities to support wildlife, while minimising impact on biodiversity and contributing to environmental net gains.

7.18 In addition, Policy QOP 2 promotes good design and to ensure amenity a high standard of amenity for existing and future users of the development itself and not cause unacceptable harm to the amenity of those living in, working in or visiting the local area.

7.19 Policy QOP 4 highlights that new development will be expected to incorporate well-designed landscaping and respond appropriately to any existing landscape features.

7.20 Policy ENV 7 relates to the historic environment and heritage assets. It states that development proposals will be assessed and decisions made that ensure the conservation and enhancement of the significance, quality and integrity of Northumberland's heritage assets and their settings.

7.21 As previously highlighted, there are no permanent structures proposed with the change of use and intensification being the main impact upon the character of the site with additional visitors and parked vehicles. The impact of touring caravans on the landscape is generally not as significant as much larger static caravans and the associated facilities are less extensive. The development has already been identified as having a localised impact on the landscape but in design terms, the proposed hardstanding, timber cabins and ancillary structures would be appropriate for its intended use and not dominate the site to impact visual amenity. There are also landscaping improvements with tree planting to provide screening soften the appearance of the site.

7.22 The site approximately 300m from Cresswell Home Farm which is an impressive, planned farm steading dating from the early 19th century, comprising detached farmhouse and farm buildings with yard walls both Grade II listed under the Planning (Listed Buildings and Conservation Areas) Act. To the east is a terrace of farm workers cottages. While not listed they contribute to the significance of the farm group.

7.23 Building Conservation acknowledge that the development proposals will result in a change to the current character of the area. However, when the development proposals are evaluated having regard to the agreed definition of 'setting' (in the NPPF) it is considered that the surroundings in which the heritage assets are

experienced and the ability to appreciate them – as an 19th century planned farm steading – would not be impacted by the development proposals. This in part is due to the hierarchy of the group and the manner in which the buildings are purposely designed to face southwest. In the case of the farmhouse, this is to afford formal views of the agricultural land to the southwest with the working farm to the north. In contrast, in the case of the farm buildings it is to provide a form of enclosure illustrating their original agricultural function for animal husbandry, shelters and stores.

7.24 It is considered that the layout and design of the site should be considered acceptable in principle, given that the only ‘permanent’ structures proposed would be a reception building, and possibly a site warden caravan in the form of a static model. In terms of the impact of the proposal on the character of the countryside, the proposed reception building would be constructed of timber materials, small in scale and design, and should be considered as material factors in helping to reduce the impact of the proposal on the landscape setting. There are no objections from Building Conservation as there would be no impact to the setting of a designated heritage asset.

7.25 In terms of amenity, the site is not near housing to impact amenity in terms of an overbearing impact, loss of light or privacy. There is also no right to a view in planning. There is no evidence to suggest that holiday use would increase the rise of crime and no objections have been received from Northumbria Police. There will be increased in traffic to the site but any potential inconvenience would not result in significant impact to the amenity for those using the highway network for a site of this nature and scale. The issues relating to highway safety is also appraised in the highway section of the report. In order to fully ensure that noise and disturbance is controlled, a condition has been recommended from Public Protection to submit a noise management plan. This will ensure that the application must be in accordance with the agreed strategy to avoid potential disturbance which can be enforced should this not be adhered to. Outside of the planning process there is also a statutory nuisance procedure if any complaints were to arise.

7.26 Overall, the application is in accordance with policies QOP1, QOP2, QOP4 and ENV7 of the NLP.

Ecology

7.27 Policy ENV 2 states that development proposals affecting biodiversity and geodiversity, including designated sites, protected species, and habitats and species of principal importance in England (also called priority habitats and species), will:

- a. Minimise their impact, avoiding significant harm through location and/or design. Where significant harm cannot be avoided, applicants will be required to demonstrate that adverse impacts will be adequately mitigated or, as a last resort compensated for;
- b. Secure a net gain for biodiversity as calculated, to reflect latest Government policy and advice, through planning conditions or planning obligations.

7.28 The County Ecologist set out the need for wintering bird surveys to establish if wading bird species that are interest features of nearby SPAs and SSSIs are making use of this proposed development site or adjacent fields. That survey work has been submitted and it is apparent that that such use is extremely limited, with no SPA species or species that are primary interest features of Northumberland Shore SSSI identified, and very limited usage by curlew, an assemblage species for the SSSI.

7.29 As this is a proposed development for tourist accommodation within 10km of the coast, consideration must be given to the impact of increased recreational disturbance to bird species that are interest features of the coastal SSSIs and European sites and increased recreational pressure on dune grasslands which are similarly protected. The Council has introduced a scheme whereby developers can pay a contribution into a strategic mitigation service which will be used to fund coastal wardens who will provide the necessary mitigation.

7.30 The applicant has agreed to the contribution be £13,825.20 to the Coastal Mitigation Scheme which will be secured via a Unilateral Undertaking

7.31 The LPA has undertaken a Habitat Regulations Assessment and has been able to conclude that there will not be an adverse effect on the integrity of any European sites subject to a planning condition being imposed requiring approval and implementation of a Construction Environmental Management Plan (CEMP), and subject to a financial contribution to the Coastal Mitigation Service being secured by legal agreement. This stance is also supported by Natural England.

7.32 The application has proposed landscaping on site but a condition is imposed to secure further of the species to be used, numbers of plants, density of planting, rates of sowing and means of protection and use only species native to Northumberland.

7.33 Subject to conditions and a contribution to the Coastal Mitigation Scheme, the application is in accordance with Policy ENV 2 and the NPPF.

Highways

7.34 Policy TRA 1 of the NLP states that the transport implications of development must be addressed as part of any planning application. Where relevant this includes the use of Transport Assessments, Transport Statements and Travel Plans where applicable and appropriate.

7.35 Policy TRA 2 of the NLP relates to the effects of development on the transport network. All developments affecting the transport network will be required to:

- a. Provide effective and safe access and egress to the existing transport network;*
- b. Include appropriate measures to avoid, mitigate and manage any significant impacts on highway capacity, congestion or on highway safety including any contribution to cumulative impacts;*
- c. Minimise conflict between different modes of transport, including measures for network, traffic and parking management where necessary;*
- d. Facilitate the safe use of the network, including suitable crossing points, footways and dedicated provision for cyclists and equestrian users where necessary;*
- e. Suitably accommodate the delivery of goods and supplies, access for maintenance and refuse collection where necessary; and*
- f. Minimise any adverse impact on communities and the environment, including noise and air quality”*

7.36 Policy TRA 4 relates to parking provision in new development where an appropriate amount of off-street vehicle parking sufficient to serve new development shall be made available in safe, accessible and convenient locations prior to the development, as a whole or in part, being brought into use. Vehicle parking should

normally be provided in accordance with the parking standards set out in Appendix E of the Local Plan.

7.37 There are no objections from Highways Development Management, and they do not identify any safety issues with the existing road network. The applicant was asked to provide the following further information:

- swept path analysis of a large vehicle towing a 7-metre length caravan at the access point onto the C110, along with a swept path analysis of the internal site.
- Details of how the site will be serviced and whether the site will be accessed by a refuse vehicle if so, the applicant is required to provide a revised block plan providing a swept path analysis of an 11.6 metre refuse vehicle.

7.38 The applicant has provided revised block plans referenced above showing the refuse vehicle will enter the site for refuse collection, the applicant has provided a swept path analysis of an 11.6 metre refuse vehicle which demonstrates manoeuvring within the site can be achieved and is acceptable.

7.39 The applicant has provided a revised block plan showing a swept path analysis of a large vehicle towing a 7-metre length caravan at the access point onto the C110 demonstrates the access point can accommodate 2 vehicles towing without conflict. The swept path of the internal site demonstrates manoeuvring of a large car and 7 metre caravan for each pitch can be achieved.

7.40 Further information was requested with regards to the submission of a Site Management Strategy setting out arrival and departure patterns, with no fixed time for occupants to leave, and a commitment to supply all bookings with routing via Cresswell/Ellington. The submitted Site Management Strategy outlines what the applicant expects from tourists entering, using and leaving the site, and includes the requested information relating to arrival and departure times, together with routing advice. It sets out various site rules including how to use the internal site roads without impacting pedestrians and how to enter and exit the site safely.

7.41 Highways Development Management have reviewed and documented the existing signage strategy on the C110, on 22nd June 2022, and it is considered sufficient to deter caravan trips to/from the site via the bridge to the south. Measurements of the carriageway width of the C110 were taken, and measured widths of the road are sufficient to accommodate the additional proposed vehicular movements to/from this site.

7.42 It is recommended that a condition survey is carried out on the C110 to Cresswell, to address any damage caused by construction works and caravans between the proposed site and the Golden Sands access road. Given the proposed operations times (March – October), it is considered reasonable that a condition survey is carried out prior to the start of construction work and occupation (first season), another survey undertaken after the October closedown, and then with any mitigation/repairs completed by the start of the following season (end of February).

7.43 It is considered that the proposed development is in accordance with the NPPF and Northumberland Local Plan in highways and transportation terms, and that the proposals will not result in an adverse impact on the safety of all users of the highway,

the highway network or highway assets. There are no further recommended amendments to the scheme to set out.

7.44 The imposition of conditions and informatives with regards to car parking, cycle parking, adherence to the Site Management Strategy and submission of construction methodology are recommended will address any concerns with the proposed development. As such, the application is in accordance with Policy TRA 1, TRA 2, TRA 4 and the NPPF.

Public Protection

7.45 Policy POL 1 relates to unstable and contaminated land. Development proposals will be supported where it can be demonstrated that unacceptable risks from land instability and contamination will be prevented by ensuring the development is appropriately located and that measures can be taken to effectively mitigate the impacts.

7.46 Policy POL 2 relate to pollution and air, soil and water quality and 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. Development proposals that may cause pollution of water, air or soil, either individually or cumulatively, are required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, people or biodiversity.

7.47 The site is to the immediate north of the former Bewick Drift mine – mining activity would have been targeted towards the land within the site boundary itself as two outcrop features have been identified crossing the site from west to east. Historic ordnance survey mapping shows the presence of mining infrastructure within the site boundary. It is understood that the site was also used as a Coal Merchants yard. Planning Application Reference C/96/CC/93 (approved) provides some details as to the proposed restoration of the site following the closure of the mine. It is understood that no verification works were required for the restoration.

7.48 Public Protection removed its initial objection to the development following a revision to the Phase I report which is now acceptable. Conditions are recommended to ensure that potential risks to health from contamination and ground gas are minimised – whilst noting that the use of site-built buildings which may be at risk of gas on-site is limited.

7.49 The Coal Authority confirmed that the application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

7.50 Overall, the application does not conflict with Policies POL 1, POL 2 and the NPPF.

Flood Risk

7.51 Policy WAT 3 relates to flooding and states that surface water should be managed at source wherever possible, so that there is no net increase in surface water run-off for the lifetime of the development. Where greenfield sites are to be developed, the surface water run-off rates should not exceed, and where possible should reduce, the existing run-off rates. Policy WAT 4 further promotes Sustainable Drainage Systems that should be incorporated into developments whenever necessary, in order to separate, minimise and control surface water run-off, in accordance with national standards and any future local guidance.

7.52 After reviewing the submitted documents to this planning application, the Local Lead Flood Authority (LLFA) had objected to this application on flood risk and drainage grounds but adequate information has been submitted to resolve surface water discharge rates.

7.53 It is proposed to discharge surface water at 2 l/s to a private surface water sewer within the access road. This requires attenuation for 11.9 m³ for the 1 in 100 +40% climate change event. 13.3m³ has been provided in attenuation tanks. A survey of the sewer has been provided to ensure the condition is able to take surface water flows. The LLFA accept that surface water can successfully drain offsite without causing any flooding issues onsite and elsewhere. As such, the application satisfies the requirements of Policy WAT 3. WAT 4 and the NPPF.

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 Whilst the proposal would intensify the use of an undeveloped site, the landscape impacts would be localised to an area that is not recognised to be of high landscape value. There is mitigation proposed in the form of landscaped grassed mounds and hedging to reduce impacts on visual amenity. In addition, there are economic benefits that create jobs and tourism for the local area and the support of rural economic growth. There is also the benefit of a direct contribution of £13,825.20 to the Coastal Mitigation Scheme.

8.2 There are no outstanding objections from consultees in relation to Building Conservation, Highways, Ecology, Flood Risk, Land Contamination or Land Stability.

8.3 Subject to conditions and a legal agreement to secure the Coastal Mitigation Contribution, the application is in accordance with the Northumberland Local Plan and the NPPF.

9. Recommendation

That this application be GRANTED permission subject to the following conditions and a Unilateral Undertaking to secure a contribution to the Coastal Mitigation Scheme:

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:-

Application Form

Location Plan JR196-01

Site Layout Plan & Landscaping (Revised) JR196-03A – received April 2022

Design & Access statement -

Swept Path Analysis 2649-002

Swept Path Analysis - refuse 2649-001

Sustainable Drainage Assessment 74046.02.01R2
Existing Site Plan JR196-02 – drainage
Existing and Proposed Structure 1 and 2 JR196-04
Proposed Structure 3 JR196-05
Proposed Structure 4 JR196-06
Proposed Structure 5 JR196-07
Proposed Structure 6 JR196-08
Proposed Structure 7 JR196-09

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

03. No development shall take place (including ground works, vegetation clearance) until a construction environmental management plan to address potential impacts on biodiversity has been submitted to and approved in writing by the local planning authority. The CEMP shall be proportionate and tailored to the specific works but include the following:

1. Risk assessment of potentially damaging construction activities (informed by a method statement of the installation).
2. Inclusion of an appropriate plan identifying the sensitive habitats/features adjacent to the site (e.g., birds and habitats of the Special Protection Area) to inform contractors working on site.
3. Practical measures (both physical measures such as warning signs and sensitive working practices) to avoid or reduce impacts during construction.
4. Details for storage and disposal of any waste arising from the works (e.g., excavated soil).
5. Details of remediation works and methods, e.g., making good ground disturbed during construction.
6. Responsible persons and lines of communication.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.'

Reason: To ensure that adverse effects on biodiversity from construction activities are avoided and minimised.

04. Prior to the commencement of development, a plan for the landscape planting of the site shall be submitted to, and agreed in writing with, the LPA. The plan shall detail the species to be used, numbers of plants, density of planting, rates of sowing and means of protection and use only species native to Northumberland with implementation in full during the first 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.

05. To ensure the development is enhanced for biodiversity the following features will be integrated as part of the design:

- i) A total of four in-built bird boxes built the north and/or east elevations of the site amenities and reception buildings.

ii) A total of two in-built cavity bat boxes located on the south and/or east elevations of the site amenities and reception buildings.

Prior to first use of the buildings a verification report with photographic evidence will be submitted to and approved by the LPA demonstrating that this work has been done.

Reason: To conserve and enhance local biodiversity in line with the NPPF.

06. Prior to first occupation details of the adoption and maintenance of all SuDS features shall be submitted to and agreed by the Local Planning Authority. A maintenance schedule and log, which includes details for all SuDS features for the lifetime of development shall be composed within and be implemented forthwith in perpetuity.

Reason: To ensure that the scheme to dispose of surface water operates at its full potential throughout the development's lifetime.

07. Details of the disposal of surface water from the development through the construction phase shall be submitted to and agreed with the Local Planning Authority.

Reason: To ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features.

08. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer or a suitably qualified professional must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

- * As built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc);
- * Construction details (component drawings, materials, vegetation);
- * Health and Safety file; and
- * Details of ownership organisation/adoption details.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non technical standards.

09. The development shall not be occupied until the car parking area indicated on the approved plans, including any disabled car parking spaces contained therein, has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

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

10. The development shall not be occupied until cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety, residential amenity and sustainable

development, in accordance with the National Planning Policy Framework

11. 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;
- vi. highway condition survey of the C110, in agreement with the Highway Authority

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan.

12. Prior to the hereby approved development being brought into use, the applicant shall submit a noise management plan to the local planning authority for its written approval, with the approved scheme implemented in full. The Plan shall include but shall not be limited to the procedures to be undertaken to check visitors into and out of the Caravan site, the timing and management of deliveries and services and the procedure by which the site would respond to noise complaints to ensure that a satisfactory resolution is achieved.

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

13. Before the hereby approved development is brought into use the applicant shall submit a report to the local planning authority for its written approval. This report shall detail the lighting scheme to be used on site and demonstrating compliance with the pre and post curfew Lux levels contained for Environmental Zone E3, as defined in the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light. The approved scheme shall be implemented in full.

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

14. Prior to the commencement of the development no building 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 aforementioned report must also detail to the Local Planning Authority's satisfaction how the annulus of service ducts will be sealed to prevent gas ingress into the internal space of the building(s). Furthermore, 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 health of site users

15. No building shall be brought into use or occupied until the applicant has submitted a validation and verification report to the approved methodology in Condition 14 which has been approved in writing by the LPA.

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the health of site users.

16. If during redevelopment contamination not previously considered within any statement / report that has received the approval of the Local Planning Authority is identified, then a written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority – the written method statement must be written by a competent person. No building shall be occupied until a 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. [Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition].

“Competent Person” has the same definition as defined within the National Planning Policy Framework (NPPF) ISBN 978-1-5286-1033-9

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 site users.

17. 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. 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 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.

18. 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 site users.

19. Any caravan or other accommodation sited within any part of the application site shall be occupied for holiday purposes only, and no such caravan or other accommodation shall be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up to date register of all occupants and of their main home addresses, and shall make this information available for inspection by an authorised officer of the Council at all reasonable times this information available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the pitches on site due to their open countryside location outside of a defined settlement boundary are retained for holiday use only in accordance with the NLP and NPPF.

20. The development to which this permission relates shall be carried out in accordance with the approved plan(s) referenced "Site Management Strategy" received on 13 July 2022.

Reason: For the avoidance of doubt and in the interests of proper planning, and in order to achieve a satisfactory form of development in accordance with the National Planning Policy Framework.

21. The application site and buildings hereby approved shall only be occupied or used as holiday accommodation between the months of 1st March to 31st October in any year.

Reason: For the avoidance of doubt and in the interests of proper planning, and in order to achieve a satisfactory form of development in accordance with the National Planning Policy Framework.

Informatives

Definitions:

"Habitat Management Area" - means the area of land at Bewick Drift, Shore Road shown on the plan forming Appendix X to this agreement*.

(*NB. This has not been submitted as a standalone plan, only as figures within the ecology reports).

"Habitat Management and Monitoring Plan" - means a plan detailing the design and timings for the creation of new habitat features (wildlife ponds, species-rich grassland, orchard, scrub and tree planting) and a work schedule setting out the long-term management of the Habitat Management Area for the benefit of the botanical diversity

of the land, as outlined in the Biodiversity Net Gain Report by Elite Ecology dated May 2021.

The Owners Obligations

The Owner covenants with the Council:

- i To submit the Habitat Management and Monitoring Plan for the approval of the Council prior to Commencement of Development, and fully implement the approved Plan for 30 years.
- ii. To review and submit an updated Habitat Management Plan to the Council for approval at least once every five years and implement any revisions as approved.

Advisory Notes

- Construction Environmental Management Plan (Biodiversity)

The purpose of a Construction Environmental Management Plan (CEMP) is to outline how a project will minimise or mitigate effects on the environment and surrounding area from construction-related activities. Many construction companies/contractors now prepare one as standard, incorporating a range of topics such as pollution, traffic management, noise, public access etc. For this project it must also include specific measures for the natural environment and may need the input of a suitably qualified ecologist. All contractors working on site should familiarise themselves with the CEMP and site-specific requirements prior to work commencing.

Landscaping

'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.

A list of plant species native to Northumberland can be found online <https://www.northumberlandcoastaonb.org/files/Downloads/Botanical%20species%20native%20to%20Northumberland%20-%20Google%20Docs.pdf>

A list of suitable trees is available online from Northumberland Wildlife Trust <https://www.nwt.org.uk/what-we-donews-and-publications/publications>. Please note Field Maple is not considered locally native to Northumberland and should not be widely planted, and it is no longer recommended to include Ash in planting schemes due to the prevalence of ash die back disease (Chalara).

A species-rich grassland mix is now produced in Northumberland from seed harvested within grassland SSSIs in the Northumberland National Park, which can be bought through British Wildflower Seeds. It has a high proportion of yellow rattle, which is helpful to its establishment in existing grasslands. <https://britishwildflowermeadowseeds.co.uk/collections/wildflower-meadow-seeds/products/northumberland-meadow-seed-mix>.'

Highways

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.

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

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.

Given the proposed operations times (March – October), it is considered reasonable that a condition survey is carried out prior to the start of construction work and occupation (first season), another survey undertaken after the October closedown, and then with any mitigation/repairs completed by the start of the following season (end of February).

Public Right of Way

Public Bridleway No.3 will be protected throughout. No action should be taken to disturb the path surface, without prior consent from ourselves as Highway Authority, obstruct the path or in any way prevent or deter public use without the necessary temporary closure or Diversion Order having been made, confirmed and an acceptable alternative route provided.

Date of Report: 24.05.2022

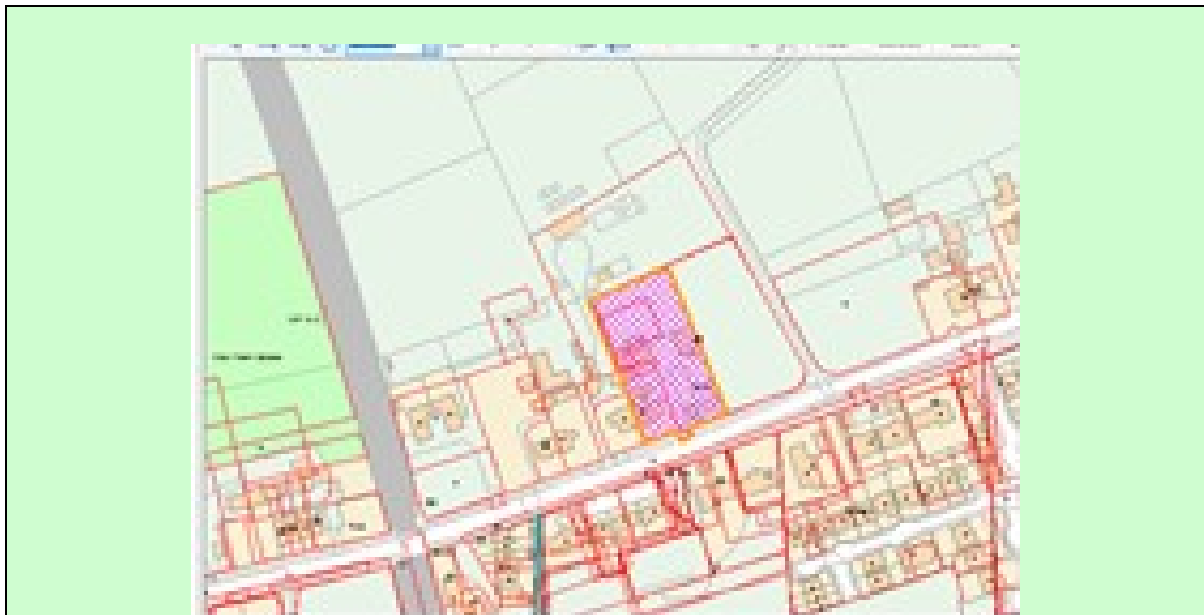
Background Papers: Planning application file(s) 21/02485/FUL



Northumberland County Council Castle Morpeth Committee, 8/8/22

Application No:	21/00085/OUT		
Proposal:	Outline application with all matters reserved for up to four residential dwellings (Resubmission of 18/04275/FUL) (amended description)		
Site Address	Land To The Rear Of 51 Station Road, Station Road, Stannington, Northumberland		
Applicant:	Altoria Development Ltd Care of Agent, 1 Hood Street, Newcastle-upon-Tyne, NE1 6JQ	Agent:	Mr Mark Ketley 1 Hood Street, Newcastle-upon-Tyne, NE1 6JQ,
Ward	Ponteland East And Stannington	Parish	Stannington
Valid Date:	12 January 2021	Expiry Date:	30 June 2022
Case Officer Details:	Name: Mrs Tamsin Wood Job: Principal Planning Officer Title: Tel No: 01670 625545 Email: tamsin.wood@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



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Recommendation: That this application be GRANTED permission

1. Introduction

1.1 This application is required to be determined at planning committee given the amount of objections contrary to the officer's recommendation.

2. Description of the Proposals

2.1 Outline planning permission is sought for up to four residential dwellings with all matters reserved which includes access, layout, scale, appearance and landscaping, on land to the eastern side and north side of 51 Stannington Station Road. The applications description has been revised during the course of the application from up to 6 dwellings to up to 4 dwellings.

2.2 The application boundary and area proposed for development has been reduced from that proposed in the previously refused application (ref: 18/04275/OUT) which was dismissed at appeal. The application site now comprises land considered to be associated with 51 Station Road and is currently being used for commercial purposes for the storage of caravans. At present there are a number of buildings and structures on the site including a range of buildings constructed of steel with profiled metal sheeting and storage containers used in connection with this storage business and the residential use at 51 Station Road.

2.3 51 Station Road is one of a pair of semi-detached properties constructed of red brick with red roof tiles and central chimney stack. A further pair of semi-detached properties of similar design are located immediately west of the site. There are further residential properties to the south and west. To the east of the site is an open field.

2.4 The site lies on the eastern side of the East Coast Mainline which runs north-south through the settlement and on the northern side of the main road through Station Road. The site lies adjacent to the Green Belt and within the Green Belt inset around Stannington Station Road, as defined in the Northumberland Local Plan.

3. Planning History

Reference Number: CM/93/D/290

Description: CHANGE OF USE FOR LAND STORAGE OF 20-25 CARAVANS AS AMENDED BY PLAN RECEIVED 26TH AUGUST 1993.

Status: Approved

Reference Number: CM/82/D/60

Description: Erection of front porch.

Status: Approved

Reference Number: CM/01/D/231

Description: EXTENSION PROVIDING LOUNGE 1 NO BEDROOM WITH EN-SUITE AND REPLACING FLAT ROOF WITH PITCHED ROOF WITH INTERNAL ALTERATIONS.

Status: Approved

Reference Number: CM/05/D/319

Description: RESUBMISSION - Extending existing kitchen, and provision of utility, lobby, family room 1 No ensuite bedroom and conservatory

Status: Approved

Reference Number: CM/04/D/1028

Description: Extending existing kitchen, and provision of utility, lobby, family room 1 No ensuite bedroom and conservatory.

Status: Refused

Reference Number: 18/04275/OUT

Description: Outline application with all matters reserved for nine residential dwellings (as supplemented by information received 20th December 2018 and 4th March 2019)

Status: Non-determination

Appeals

Reference Number: 19/00052/NONDET

Description: Outline application with all matters reserved for nine residential dwellings (as supplemented by information received 20th December 2018 and 4th March 2019)

Status: Dismissed

4. Consultee Responses

Stannington Parish Council	Stannington Parish Council OBJECTS to this application because: The overall level of development on Station road is at an unacceptable level and in particular does not reflect the vernacular and character of the settlement. In particular there is open space surrounding the site and the proposed development resembles an urban housing estate which is more suited to towns. This development would take the overall rate to 103% which is unprecedented for a small rural settlement in Northumberland and possibly the country. Residents feel strongly the fact that this situation has got to this stage and they believe that this shows a lack of control in planning and disregard for the people of Stannington Station. In particular the Stannington Parish Neighbourhood Plan, voted for by an overwhelming number of residents states that: There is strong feeling in the local community that Stannington Station should retain its 'rural feel' and the sense of openness within the Green Belt. It is therefore proposed, as part of the Monitoring and Review section of the Plan, to investigate the potential for additional policies related to Stannington Station once a new Northumberland Local Plan is in place which will define new Green Belt boundaries. It goes on to say: Policy 10 Stannington Station has a different character to Stannington village. It is a dispersed, rural settlement, with open views
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	<p>across to the countryside. It will be important to maintain these open views to retain the agricultural feel of the settlement, something which was considered to be highly important to people living in that area. This rural context will be an important factor to consider in the design of any future development proposals. Stannington Station is in the Green Belt. The site is described as brown field. The nature of the development currently is housing and associated ancillary buildings and not that of industrial or heavy development. Indeed a paddock is included which is mowed regularly thus indication a more domestic and greenfield status. The increase in development on the road at a level of 103% is entirely out of kilter with NCCs 20- year plan only represents an increase of 12% in housing stock across the county. Residents feel under attack from landowners/developers. In the past 2 years alone there has been about 13 applications and 7 appeals which equates to one development process every 5 weeks There is no supply /demand ratio that would justify more housing. Despite developers claims that this is much needed housing the facts show the exact opposite. NCC are years ahead of plan and also have a 12-year housing land supply. The current rate of building also means that the 20-year target of 17700 would actually take about 33 years to complete. We are in fact in an overdevelopment situation. Over the past 2 years NCC have consistently stated that development in Stannington Station is at a critical level. Over development has created 8 new entrance/exits and with the increase in traffic using these points and therefore conflict between access/egress and vehicles/pedestrians. More often this has meant traffic can be caused to queue and held stationary on the crossing itself. Residents are concerned that if there is a serious incident in the future it is directly attributed to the allowed level of development.</p>
Highways	Imposition and implementation of condition (s): Required to ensure acceptability
County Ecologist	No objection subject to a condition
County Archaeologist	<ol style="list-style-type: none"> 1) Require further information to be submitted. 2) Require further information to be submitted. 3) Subject to the required revisions to the submitted Written Scheme of Investigation, the proposed assessment programme is broadly acceptable. The programme of archaeological field evaluation should be undertaken and completed to reporting stage. This advice is consistent with paragraph 194 of the NPPF. 4) No objections to the proposed development on archaeological grounds subject to a programme of archaeological mitigation being undertaken in association with the development works.
Strategic Estates	No response received.
Waste Management - South East	No response received.
Northumbrian Water Ltd	Recommend condition.

The Coal Authority	1) Object. Coal mining report does not cover all the site. 2) Withdraw objection.
Public Protection	1) Objection to this application – No Information regarding Potential Contamination of Land 2) In agreement with this proposal subject to the imposition of recommended conditions.
Natural England	No comments to make.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	21
Number of Objections	32
Number of Support	0
Number of General Comments	0

Notices

General site notice, 15/2/21

No Press Notice Required.

Summary of Responses:

32 letters of objection have been received from 16 different addresses which in summary make the following comments:

1st consultation description for up to 6 dwellings

- Over Development
- Approvals currently stand at 95% would increase to 103% which is an unprecedented increase from 77 homes to 150 and this would increase it to 156. 21 applications in 2 years.
- The rural feel of Stannington Station is being eroded and the openness of the linear street scheme will no longer be apparent.
- Residents suffering with loss of amenities through the overdevelopment and constant building site with increased traffic, noise and air pollution and dangerous footpaths that are frequently lifted or damaged through the heavy machinery.
- Contrary to policy- backland, damage open and rural feel.
- No public transport to support elderly or young or those without cars.
- More cars lead to traffic jams, further congestion, accidents, could lead to a serious incident if an emergency vehicle had to access a private residence or simply cars can get trapped on the railway line.
- Do not believe the sewage system is robust enough.
- No public transport to support this growing community
- No infrastructure to support residents with transport or amenities
- NCC are 239% ahead of their housing plan targets so there is no justification to continue to build on Station Road with such a favourable supply position,
- The road is already a mess and full of pot holes as current building work continues.
- Over past 2 years 10 applications have been refused so an approval would be inconsistent with these
- 8 new accesses have been created close to the rail line creating risks of road/ or rail accident. Question of time before a serious accident. Residents warnings have been ignored.
- NCC must send a clear message there will be no further development- 14 applications, 7 appeals over past 2 years.

- Site unlikely to be able to take all construction traffic
- Increase flooding concerns
- Contrary to Green Belt Policy and Policy 10 of the SNP
- Local residents have had enough.
- See appeal where officer said impact on character and appearance of area and cumulative impact. Adverse impacts on openness, see reasons for refusal.

2nd Consultation with amended description

-1 letter received stating emailing on behalf of Stannington Station residents and for objections to the original proposal be rolled over to the amended plan

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=QMS1ZBQSL9M00>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan - 2016 - 2036 (Adopted March 2022)

- STP 1 – Spatial strategy (Strategic Policy)
- STP 2 – Presumption in favour of sustainable development (Strategic Policy)
- STP 3 – Principles of sustainable development (Strategic Policy)
- STP 6 – Green Infrastructure (Strategic Policy)
- HOU 2 – Provision of new residential development (Strategic Policy)
- HOU 5 – Housing types and mix
- HOU 9 – Residential development management
- QOP 1 – Design principles (Strategic Policy)
- QOP 2 – Good design and amenity
- QOP 4 – Landscaping and trees
- QOP 5 – Sustainable design and construction
- QOP 6 – Delivering well-designed places
- TRA 4 – Parking provision in new development
- ENV 2 – Biodiversity and geodiversity
- ENV 7 -Historic environment and heritage assets
- WAT 3 – Flooding
- WAT 4 – Sustainable Drainage Systems
- POL 1 – Unstable and contaminated land
- POL 2 – Pollution and air, soil and water quality
- INF 6 – Planning obligations

Stannington Parish Neighbourhood Plan 2017 - 2031 made plan – 11 September 2018

Policy 10: Design and Character

6.2 National Planning Policy

- NPPF (2021)
- NPPG

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises of the Northumberland Local Plan (NLP) and the Stannington Neighbourhood Plan (SNP). The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

- Principle of development;
- Design, Landscape, Scale and layout
- Impact on character of area
- Surface water and foul sewerage
- Contamination/ Mine gas
- Coal
- Archaeology;
- Ecology
- Highways

Principle of development

7.2 Policy STP 1 of the NLP, read in conjunction with the Policies Map which accompanies the Plan, identifies main towns, service centres and service villages across the county where sustainable development can be located. Stannington Station Road does not fall within any of these types of settlements but it is classed as a small village under Appendix 1 of the NLP. It does not have a defined settlement boundary but does have a Green Belt inset boundary. This means Green Belt policies do not apply to this site, even though objections have raised Green Belt concerns.

7.3 Policy STP 1 further states under criteria e) that *'sustainable development will be supported within Green Belt inset boundaries and within settlement boundaries defined on the Local Plan policies map or in neighbourhood plans'*. Despite the lack of services located within Stannington Station Road criteria d) of STP1 does states that *'In order to support the social and economic vitality of rural areas, and recognising that development in one village can support services and facilities in other nearby villages, Small Villages listed in Appendix A will support a proportionate level of development subject to Green Belt policy considerations where relevant.'* This is in line with Para 79 of the NPPF which recognises *'Where there are groups of smaller settlements, development in one village may support services in a village nearby.'* It is considered therefore that whilst concern has been raised that Stannington Station Road is not sustainable and it lacks the services to support additional growth, the development would help to support services in the near by village of Stannington which would class this as a sustainable form of development. As such the proposal would therefore accord with Criteria d) and e) of STP1 in this respect.

7.4 In terms of STP1 d) this does state *'Small Villages will support a proportionate level of development'* subject to Green belt considerations. With regard to the objections relating to the number of houses that have already been built/ got planning permission, along Stannington Station Road, which it is

acknowledged has increased the size of the settlement over the past few years, this does not necessarily mean we can place a moratorium on housing, especially if the site is within a settlement or inset boundary which this site is. A proportionate level of development does not mean looking at the size of Stannington Station Road itself and if the development is proportionate to that as these inset boundaries have been drawn up to provide a degree of certainty to developers and have taken account the form of existing development and in some areas been drawn around housing allocation sites to support these developments. So they have already been defined in order to accommodate a level of development which has been considered to be appropriate to their scale, role and function. The supporting text to Policy STP1 states *‘The spatial strategy of the plan is founded on the principle of proportionate distribution within the constraints of the Green Belt. This approach focuses the majority of new development in Northumberland’s key settlements with smaller scale development allowed elsewhere in order to support local services and the rural economy. It restricts development in the open countryside. While focussing development in the most sustainable locations, this approach will leave existing Green Belt boundaries largely intact, ensure that the countryside in the Green Belt is safeguarded from encroachment, check unrestricted urban sprawl, prevent the merging of settlements, and preserve the character and setting of historic settlements.’* This text therefore helps to show what is meant by ‘proportionate development’ ie, more significant amount of development will be allowed in larger towns and less and less development will be allowed as you go further down the settlement hierarchy within the constraints of the Green Belt –till you get to the open countryside where development is restricted the most.

7.5 In terms of this site as it falls just within the tight Greenbelt inset boundary around Stannington Station Road which has already been drawn up to limit development in the area and the location of development, in accordance with the settlement hierarchy, whilst providing a higher degree of certainty to communities and developers as to where future development may be appropriately located, the proposal will also accord in principle with Policy STP1 d). Given its location in the inset boundary and on a previously developed site it will also help to protect the countryside, prevent the merging of settlements and maintain the character and form and setting of the settlement. Overall it is therefore concluded that the principle of the proposal will accord with Policy STP1. It is also considered the proposal accords with Policy STP 3 as part of the site has already been developed, so it would be the re-use of a brownfield site.

Design, Landscape, Scale and layout

7.6 Stannington Parish Neighbourhood Plan (SPNP) Policy 10: Design and Character states:

‘Development proposals will be expected, where relevant, to demonstrate how they will:

- a) respect the context of the site and its surroundings, rural character, historic setting and context; and
- b) demonstrate high quality design and where appropriate, innovative design; and
- c) where appropriate, incorporate sustainable design measures including SuDS; and
- d) integrate access for pedestrians, cyclists and public transport into the development; and
- e) provide suitable landscaping and open space, including, play provision; and
- f) secure a good standard of amenity for all existing and future occupants of

land and buildings

7.7 In addition the NPPF, National Design Guide and Local Plan Policies QOP1 and 2 and HOU9 seek high quality design that respects its context.

7.8 Details of appearance, layout and scale and landscaping have been reserved for determination at reserved matters stage. An indicative plan had been submitted which showed a layout for 6 houses however it was considered that the density did not respect that of the dwellings to the west of the site and a poor quality of development would be achieved. As a result the applicant has now amended the description and reduced the number of dwellings applied for to up to 4. It is considered this reduced level of housing could be accommodated on the site and achieve an acceptable amount of amenity area and privacy distances with the neighbouring dwellings.

7.9 With regard to landscaping the site is currently surrounded by trees/leylandi, hedgerow. There are also some leylandi within the site. The indicative site plan does show that some of these would be removed within the site but the trees/hedging around the site would be kept. A condition can be attached that requires a landscape plan to be submitted with the reserved matters and tree report and associated plans which clearly shows which trees and hedges are to remain, be removed or be replaced and that remaining trees will not be impacted upon. The plans should show there is no biodiversity loss across the site. It is considered that suitable landscaping could be incorporated.

7.10 Whilst details of layout and design of properties are reserved for approval at a later stage it is also considered that a scheme could be developed which would ensure that the proposed dwellings would not adversely impact upon the residential amenity currently enjoyed by the occupiers of any neighbouring properties or the proposed properties in terms of loss of light, outlook and privacy.

Impact on character of area

7.11 Objective 5: Design and Character of the Stannington Parish Neighbourhood Plan (SPNP) states: 'Ensure each settlement in the Plan area seeks to maintain local identity, with a recognition in the Plan of the differences between the settlements, and the need to reflect local character in design'.

7.12 The SPNP further states, 'There was strong support in the local community for maintaining local character, and ensuring that new development is carefully designed to fit in with surrounding character. The Plan recognises the different characteristics of settlements in the Plan area. A planning policy promotes careful attention to design in new development (Policy 10).'

7.13 Policy 10 is set out above however within the explanatory text to Policy 10 it also states: 'Stannington Station has a different character to Stannington village. It is a dispersed, rural settlement, with open views across to the countryside. It will be important to maintain these open views to retain the agricultural feel of the settlement, something which was considered to be highly important to people living in that area. This rural context will be an important factor to consider in the design of any future development proposals. Stannington Station is in the Green Belt.'

7.14 The SPNP also states 'There is strong feeling in the local community that Stannington Station should retain its 'rural feel' and the sense of openness within the Green Belt.'

7.15 In terms of the proposed development and taking into account the character of Station Road of which it has been identified 'open views' should be retained to help maintain the rural agricultural feel, a number of developments have now already been granted planning permission along Station Road in a number of open spaces, which it is considered the cumulative impact of these has now reached a critical point where the effect of these and any further development facing Stannington Station Road that would result in the loss of gaps between built form, would severely impact upon the dispersed character of Stannington Station Road and erode both the 'rural and 'open' feel of the area. The cumulative effect is that Stannington Station road is becoming a ribbon development with clusters of development which are not maintaining open views across to the countryside. In this respect the LPA agree with the concerns that have been made.

7.16 In terms of this particular application though the proposal would constitute the development of a previously developed site. This is also that part of the site the Inspector (18/04275/out) said did not contribute to the third purpose of Green Belt which is c) 'to assist in safeguarding the countryside from encroachment'. It is not visually associated with the open countryside which the Inspector did consider the land to the eastern side of the site to be too and which they considered contributed to the open countryside along the north side of Station Road. So given that eastern part of the original site under ref 18/4275/out has now been omitted from this application, the development would now not erode the open countryside along the north side of Station Road. There are also not currently any views across the site to the open countryside from Station Road either and it does not currently have a rural feel. Given these factors and that the site has a limited frontage on to Station Road it is therefore considered that on balance that by virtue of the sites limited boundary and positioning, it would not have an impact on 'open views', rural feel, local identity or character and it would not cause urban encroachment into undeveloped countryside, in accordance with SNP Policy 10 and NLP Policies QOP 1 and HOU9 and the NPPF. At outline stage the design of the proposed dwellings and associated infrastructure would be assessed in term of its suitability and respecting local context.

Surface water and foul sewerage

7.17 Whilst concern has been raised about flooding given the size of this development the LLFA are not a statutory consultee for this development. On inspection of the governments flood maps too the site is also not identified at risk from surface water flooding. Northumbrian Water have however been consulted who have commented that the planning application does not currently provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess their capacity to treat the flows from the development. Subject to the condition they therefore suggest requesting these details it is considered that foul sewerage can be dealt with adequately at a later stage.

Contamination/ mine gas

7.18 Public Protection have been consulted given the past use and the potential impact of the development upon the amenity and health of both existing nearby residents and future occupants. A Phase 1 : Desk Study regarding contamination has also been submitted with the application. Overall, whilst initially raising concern Public Protection now have no objection to the proposal subject to conditions that deal with noise, dust, lighting ground gases and potentially contaminated land. Subject to these conditions it is considered the proposal would accord with NLP Policies QOP2 and POL 1.

Coal

7.19 The site lies in the Coal Authority defined High Risk Referral Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

7.20 The planning application is therefore supported by a Coal Mining Risk Assessment, which has been assessed by the Coal Authority and who raise no objection to the proposal. Given this it is considered the proposal is acceptable in terms of land stability and in this respect also accords with NLP Policy POL1.

Archaeology

7.21 The County Archaeologist has been consulted given the proposed development site has potential to include significant unrecorded archaeological remains. In the first instance the applicant was required to carry out an Archaeological Desk-based Assessment. This was submitted and a Written Scheme of Investigation setting out , the proposed assessment programme was agreed with the Archaeologist. A programme of archaeological field evaluation was then carried out and the results submitted. This informed the scope of an appropriate programme of archaeological mitigation proportionate to the significance of the archaeological resource. The County Archaeologist now has no objection to the proposal on archaeological grounds subject to a programme of archaeological mitigation being undertaken in association with the development works, which can be secured through a condition. Given this the proposal would not cause harm to finite archaeology and would be in accordance with the NPPF which seeks to sustain the status of heritage assets (including non-designated archaeology and with Northumberland Local Plan Policy ENV 7 which seeks to protect the historic environment and heritage .assets.

Ecology

7.22 The County Ecologist has been consulted and has confirmed that the site is within the 10km buffer for recreational disturbance impacts on coastal designated sites but as a minor development in the 7-10km zone no contribution to the Coastal Mitigation Service is required, and no Habitats Regulations Assessment is required as impacts on coastal sites are not likely. They also note the report Extended Phase 1 Habitat Survey & Preliminary Ecological Appraisal Land North East of 51 Station Road, Stannington, Morpeth, Northumberland (26.02.19) by AES Ltd assesses the site itself as being of low risk for supporting protected species and habitats. Overall they have no objection subject to a condition regarding the mitigation and enhancement measures detailed in the report to be carried out including; 'Bat friendly' lighting according to BCT/ILE guidance, 1bstock enclosed bat box c

incorporated into each new dwelling, native species landscaping scheme, hedgehog gaps to garden fences and boundary fences and tree protection measures in accordance with British Standard BS 5837: 2012. Subject to this condition it is considered the proposal would be acceptable in terms of its impact upon protected species in accordance with the natural environment section of the NPPF and Local Plan Policy ENV2.

Highways

7.23 Whilst all details have been reserved for later approval including access, and layout which would show parking arrangements, road layout and refuse storage facilities and cycle parking the Highway Authority have still been consulted. In addition they consider the ability for the road network to accommodate further traffic. They state that HDM did not have any objection to 9 dwellings and as such 6 dwellings would generate less traffic and would subsequently be acceptable as well. They state 'the indicative layout shown for the proposed development intimates the use of the existing access point off C363. This access has sufficient visibility splays for up to 6 dwellings and the traffic generated by the proposal.' Since then the application has been revised so it is for only 4 dwellings and so given it is for less houses it is considered the access would still be acceptable. They have also provided guidance on parking and layout and comment the indicative layout does not show compliance to parking standards however it is considered that there is sufficient space within the development site to accommodate car parking and that the issues above can be resolved through the Reserved Matters process. Overall, whilst concerns have been made from objectors regarding traffic issues, given the Highway Authority have not raised any objection the proposed development it is considered to be acceptable in this respect, subject to the suggested Highways conditions. As such the proposal would be in accordance with Local Plan Policies HOU9, TRA 2 and TRA 4 which look at the effects of the development on the transport network and parking provision in new 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. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

01. Approval of the details of the access, layout, scale, appearance and landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority in writing before any development is commenced. Thereafter, development shall not be carried out other than in accordance with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

02. Application for the approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

03. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

04. 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:-

Site Location Plan.

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

05. During the construction periods, there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside the hours: Monday - Friday - 0800 - 1800, Saturday 0800-1300. Any repeatedly noisy activity at any time may render the developer liable to complaints which could result in investigation as to whether a statutory nuisance is being caused

Reason: To safeguard the amenity of neighbouring residential properties. In accordance with Northumberland Local Plan Policy QOP2.

06. No development shall take place until an emergency contact telephone numbers in event of a dust complaint being received and a scheme specifying (Dust Management Plan) the provision to control/mitigate dust emanating from the site, shall be submitted to the Local Planning Authority. The agreed scheme shall be implemented in full and maintained until the construction process has been completed. (Guidance on the assessment of dust from demolition and construction can be found at the following: www.iaqm.co.uk).

Reason: To Safeguard the amenity of neighbouring residential properties.

07. No flood lighting shall be installed unless details have first been submitted to and approved in writing by the Local Planning Authority. The floodlighting shall thereafter be installed and operated fully in accordance with the approved scheme.

Reason: To retain control over floodlighting in the interests of visual amenity.

08. 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 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 the following measures as identified in the hase1: Desk Study, December 2020, Ref: S201217, unless the Local Planning Authority dispenses with any such requirement in writing:

A) A site investigation shall be carried out to characterise the nature and extent of any land contamination fully and effectively and/ or pollution of controlled waters. It shall specifically include a risk assessment that adopts the SourcePathway-Receptor principle, in order that any potential risks are 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 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 are dealt with in an appropriate manner to afford protection to the end user. In accordance with Northumberland Local Plan Policies QOP2 and POL 1.

09. Two full copies of a full closure 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 any contaminants within the site are dealt with in an appropriate manner to afford protection to the public, the buildings and the environment. In accordance with Northumberland Local Plan Policies QOP2 and POL 1.

10. If during development 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. Page 4 of 5 PL02_V05_2013-07-23 [Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition].

Reason: To ensure that any contaminants not previously considered within the site are dealt with in an appropriate manner to afford protection to the end user. In accordance with Northumberland Local Plan Policies QOP2 and POL 1.

11. 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 health & amenity of the occupants of the respective properties. In accordance with Northumberland Local Plan Policies QOP2 and POL 1.

12. The development shall not be brought into use until the applicant has submitted a validation and verification report to the approved methodology in Condition 11 which has been approved in writing by the LPA (Local Planning Authority). *In this list of conditions

Reason: In order to prevent any accumulation of ground gases, which may potentially be prejudicial to health of the future occupiers. In accordance with Northumberland Local Plan Policies QOP2 and POL 1.

13. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF. In accordance with Northumberland Local Plan Policies QOP2 and POL 1.

14. No dwelling shall be occupied until details of the car parking area have 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.

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

15. Development shall not be occupied until details of the proposed highway works comprising the site access, pedestrian dropped kerb crossing points and a footpath link to the bus stop to the west of the site have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the highway works have been constructed in accordance with the approved plans.

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

16. The development shall not be occupied until details of proposed arrangements for future management and maintenance of the proposed streets within the site have been submitted to and approved in writing by the Local Planning Authority. Following occupation of the first dwelling on the site, the streets shall be maintained in accordance with the approved management and maintenance details.

Reasons: To ensure estate streets serving the development are completed in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework.

17. The development shall not be occupied until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before the development is occupied. 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.

18. Prior to occupation, details of surface water drainage to manage run off from private land have been submitted to and approved by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is occupied and thereafter maintained in accordance with the approved details.

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

19. Development shall not commence until a Construction Method Statement, together with 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.

20. The development shall not be occupied until details of refuse storage facilities and a refuse storage strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and design of the facilities and arrangement for the provision of the bins. The approved refuse storage facilities shall be implemented before the development is brought into use. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.

Reason: To ensure sufficient and suitable facilities are provided for the storage and collection of household waste in accordance with Chapter 7 of the National Planning Policy Framework.

21. No development will take place unless in accordance with the mitigation and enhancement measures detailed in the report Extended Phase 1 Habitat Survey & Preliminary Ecological Appraisal Land North East of 51 Station Road, Stannington, Morpeth, Northumberland (26.02.19) by AES Ltd including; 'Bat friendly' lighting according to BCT/ILE guidance, Ibstock enclosed bat box c incorporated into each new dwelling, native species landscaping scheme, hedgehog gaps to garden fences and boundary fences, Tree protection measures in accordance with British Standard BS 5837: 2012 Trees in relation to design, demolition and construction, vegetation clearance to take place outside of the period March to August inclusive unless a suitably qualified ecologist has confirmed that nesting birds are absent.

Reason: to maintain and enhance the biodiversity value of the site in accordance with the provisions of the NPPF.

22. A programme of archaeological work is required in accordance with NCC Conservation Team (NCCCT) Standards for Archaeological Mitigation and Site-Specific Requirements document (dated 25/03/22). The archaeological scheme shall comprise three stages of work. Each stage shall be completed and approved in

writing by the Local Planning Authority before it can be discharged. a) No development or archaeological mitigation shall commence on site until a written scheme of investigation based on NCCCT Standards and Site-Specific Requirements documents has been submitted to and approved in writing by the Local Planning Authority. b) The archaeological recording scheme required by NCCCT Standards and Site-Specific Requirements documents must be completed in accordance with the approved written scheme of investigation. c) The programme of analysis, reporting, publication and archiving if required by NCCCT Standards and Site-Specific Requirements documents must be completed in accordance with the approved written scheme of investigation.

Reason The site is of archaeological interest. In accordance with Northumberland Local Plan Policy ENV7.

23. The reserved matters application to be submitted under condition shall include a tree report in accordance with the guidance set out in BS5837:2012 Trees in Relation to Design, Demolition and Development: Recommendations British Standards Institution, 2012, including a tree and hedge protection plan to be submitted.

Reason: To maintain and protect the existing landscape and biodiversity value of the site. In accordance with Northumberland Local Plan Policies HOU9, QOP4 and ENV2.

24. The Reserved Matters to be submitted under Condition 1 shall include detailed plans showing the hard and soft landscaping of the site. It shall show where existing hedgerows and trees are to be retained and areas of new planting which shall comprise locally native trees, shrubs, grasses and wildflowers of local provenance. This shall include, where required, the planting of trees and shrubs, the provision of screen walls, retaining walls or fences, the mounding of earth, areas to be seeded with grass, areas of hard surfaces and proposed surface materials and other proposals for improving the appearance of the development. Once approved the plan shall be implemented in full during the first planting season (November March inclusive) following the commencement of development or within such other time as may be agreed with the Local Planning Authority in writing beforehand. Any soft landscaping removed, dying or becoming seriously damaged, defective or diseased within 5 years from the first occupation of that development shall be replaced within the next planting season with soft landscaping of a similar size and species to that which it is replacing. The landscaped areas shall be subsequently maintained to ensure rapid and complete establishment of the agreed scheme, including watering, weeding and the replacement of any plants which fail. Any hard landscaping shall be completed in all respects within 6 months of the substantial completion of the development granted under this permission.

Reason: In the interests of visual amenity and biodiversity in accordance with the NPPF. In accordance with Northumberland Local Plan Policies HOU9, QOP4 and ENV2.

25. The Reserved Matters to be submitted under Condition 1 above in respect of the development hereby permitted, shall include full details of the proposed levels including finished floor levels of any buildings and associated structures, compared to existing levels on the site. Thereafter the development shall be constructed in full

accordance with the approved levels unless otherwise approved in writing by the local planning authority.

Reason: In the interests of visual amenity of the area. In accordance with the NPPF and Northumberland Local Plan Policies HOU9 and QOP2.

26. The reserved matters to be submitted under Condition 1 shall include a schedule of all proposed external facing materials to be used. The development shall thereafter be carried out in full accordance with the approved details.

Reason: In the interests of visual amenity of the area. In accordance with the NPPF and Northumberland Local Plan Policies HOU9 and QOP2.

27. 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 and Northumberland Local Plan Policies HOU9 and QOP2.

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

Monday to Friday - 0800 to 1800 unless agreed in writing with the LPA.

Reason: To protect residential amenity and provide a commensurate level of protection against noise. In accordance with the NPPF.

30. 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

With no deliveries or collections on a Saturday, 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. In accordance with the NPPF.

Informatives

1) The applicant is advised to take professional advice on the implications of the CL: AIRE Definition of Waste Code of Practice (DOW COP) on the proposed works to be undertaken on site. The DOW COP has the potential to impact on all excavation works being undertaken on development sites and it is the applicants responsibility to comply with all relevant legislative requirements.

2) Northumbrian Water

The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

- Soakaway
- Watercourse, and finally
- Sewer

If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates and connection points into the public sewer network. This can be done by submitting a pre planning enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6559.

Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Only then can an application be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

For information only

We can inform you that a combined sewer crosses the centre of the site and may be affected by the proposed development. Northumbrian Water does not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We include this informative so that awareness is given to the presence of assets on site. For further information is available at <https://www.nwl.co.uk/services/developers/>

3) Highways

INFO28 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.

INFO29 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.

INFO33 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

INFO37 Contact Local Highway Authority - Management and Maintenance of Estate Streets (amended) The applicant is advised that to discharge condition [HWD11] the Local Planning Authority requires a copy of the constitution and details of a Private

Management and Maintenance Company confirming funding, management and maintenance regimes. You can contact Highway Development Management at highwaysplanning@northumberland.gov.uk

INFO40 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.

INFO41 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

Recommendation for pre-application discussions for future site layout at Reserved Matters stage

The applicant is strongly recommended to enter into pre-application discussions with the Local Planning and Highway Authorities in respect of the internal layout of the site in order to establish broad principles of the layout prior to a Reserved Matters application being submitted.

Date of Report: 22nd July 2022

Background Papers: Planning application file(s) 21/00085/OUT

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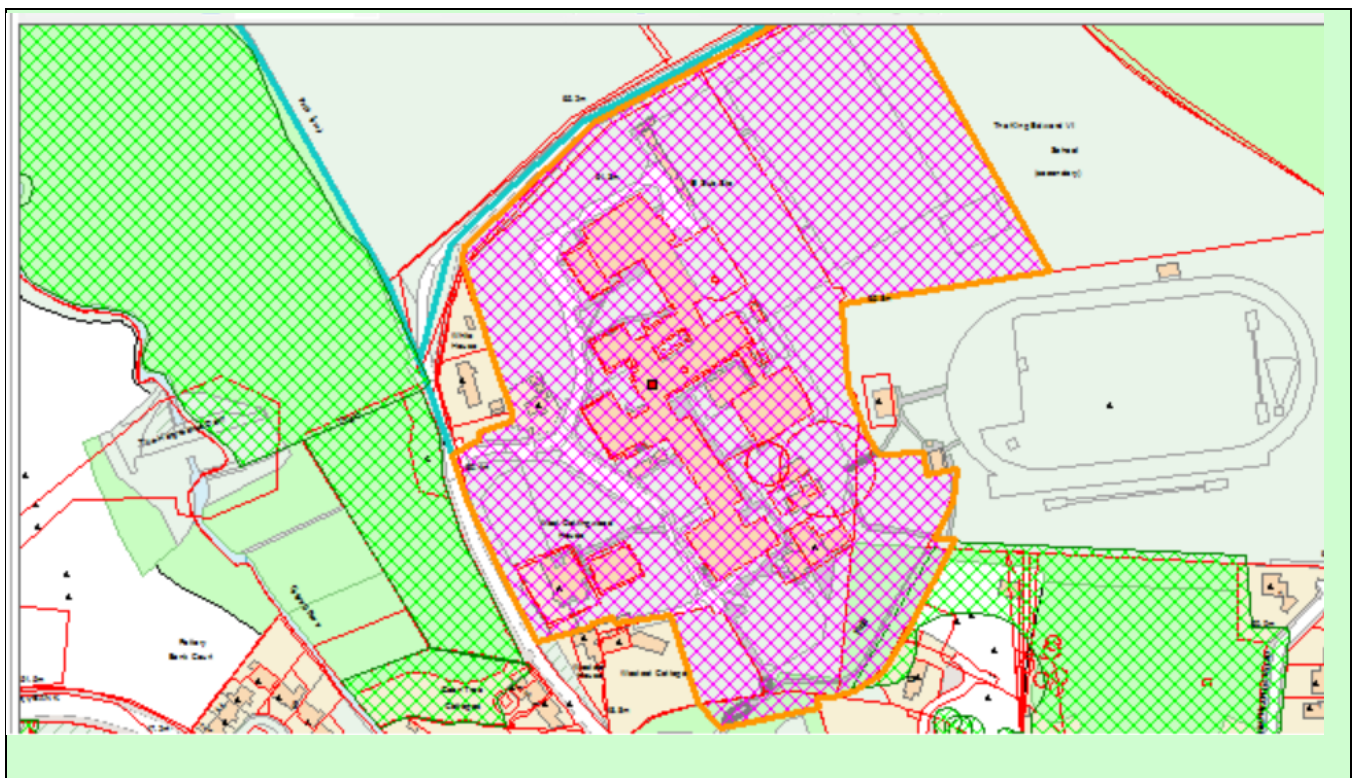


Northumberland
County Council

Castle Morpeth Local Area Committee
8th August 2022

Application No:	22/01537/FUL		
Proposal:	Installation of additional fencing for the purpose of maintaining security		
Site Address	King Edward Vi School , Cottingwood Lane, Morpeth, Northumberland NE61 1DN		
Applicant:	S Charlton The Three Rivers Learning Trust King Edward Vi School Cottingwood Lane Northumberland Morpeth NE61 1DN	Agent:	Mr Paul Harrison 85 Dene Road, Wylam, NE41 8HB
Ward	Morpeth North	Parish	Morpeth
Valid Date:	16 May 2022	Expiry Date:	17 August 2022
Case Officer Details:	Name: Miss Ashleigh Rossiter Job Title: Planning Officer Tel No: 07814075154 Email: Ashleigh.Rossiter@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission.



1. Introduction

1.1 This application was referred to the Director of Planning and Chairs of the relevant Local Area Council committee for a decision on how the application was to be determined for transparency reasons and the fact that there is a potential impact on a public footpath. It was confirmed that the application should be referred to members for a Local Area Council committee decision

2. Description of the Proposals

2.1 Planning permission is sought for the installation of additional fencing including gates within the school grounds. The fencing will match that of the pre existing.

2.2 This will improve the overall security of the school grounds.

3. Planning History

Reference Number: C/95/CC/37

Description: Details of external materials submitted pursuant to condition no. 3 of planning permission 94/CC/104 in respect of modern languages block

Status: PER

Reference Number: C/93/CC/060

Description: New window units

Status: PER

Reference Number: C/75/D/426

Description: Temporary site for a caravan to accommodate the new assistant caretaker

Status: PER

Reference Number: C/90/D/671

Description: Renewal of window panels and doors

Status: PER

Reference Number: C/92/D/319

Description: Renewal of window panels (Phase 2)

Status: PER

Reference Number: C/E/D/158

Description: Replacement school site

Status: REPLY

Reference Number: C/E/D/152
Description: Sale of surplus education land
Status: REPLY

Reference Number: C/94/CC/104
Description: Erection of modern languages block
Status: PER

Reference Number: C/01/00055/CCD
Description: Erection of steel storage container
Status: PER

Reference Number: C/02/00010/CCD
Description: Construction of extension
Status: PER

Reference Number: C/06/00059/CCD
Description: Construction of external lift shaft
Status: PER

Reference Number: C/06/00064/CCD
Description: Construction of extension to provide additional hall space
Status: PER

Reference Number: C/07/00023/CCD
Description: Construction of an electricity substation
Status: PER

Reference Number: C/08/00101/CCD
Description: Removal of 3 existing mobile units and siting of of 2 new temporary modular buildings with ramped and stepped access
Status: PER

Reference Number: 11/01635/NONMAT
Description: Non material amendment to application C/10/00031/CCD to relocated the track closer to northern boundary at King Edward VI School, Cottingwood Lane, Morpeth, Northumberland.

Status: PER

Reference Number: 11/02843/FUL
Description: Proposed 1.8m height and 1.0m height Masterview Profile fence. 3m wide panels with 60x60mm posts. 2no grounds maintenance vehicular gates, 2no pedestrian gates
Status: PER

Reference Number: 11/02901/DISCON

Description: Discharge of condition nos 4 and 7 for application C/10/00031/CCD

Status: PER

Reference Number: 11/03143/CCD

Description: Demolition of existing changing block and construction of proposed changing facilities to replace the existing building.

Status: PER

Reference Number: 12/01298/NONMAT

Description: Non-material amendment to application 11/03143/CCD - change external wall finish to match existing from Ibstock Staffordshire to Ormonde Antique Blend

Status: PER

Reference Number: 12/02257/PRUTPO

Description: Tree Preservation: Remove three lower limbs from eastern side of canopy, raise canopy on western side of crown by 2m to balance shape of a horse chestnut tree

Status: PETPOZ

Reference Number: 12/03187/CCD

Description: Extension to existing school building to create new classroom and ancillary accommodation.

Status: PER

Reference Number: 13/00713/FUL

Description: Refurbishment and extension to Sixth Form Centre

Status: PER

Reference Number: 14/02759/CCD

Description: New build extension to provide two additional classrooms (laboratories) to school for Science Department.

Status: PER

Reference Number: 15/02444/PRUTPO

Description: Works to trees protected by TPO: Crown lift 1no lime tree (T1) to 4m and remove deadwood. Crown reduce 1no copper beech (T2) by 2m.

Status: PER

Reference Number: 13/00713/CCD

Description: Refurbishment and extension to Sixth Form Centre

Status: PER

Reference Number: 18/00914/FELTPO

Description: Tree Preservation Order application to fell 1no. Sycamore and 1no. Lawson Cypress (Trees 162 and 163 on site location plan)

Status: WDN

Reference Number: CM/90/D/671

Description: Renewal of window panels and doors

Status: NONCCZ

Reference Number: CM/81/D/473/A

Description: Renewal of temporary permission for the siting of 2 no. mobile classrooms

Status: PER

Reference Number: CM/81/D/473

Description: Detailed application for the temporary siting of two mobile classrooms

Status: NONCCZ

Reference Number: CM/92/D/319

Description: Renewal of window panels

Status: PER

Reference Number: CM/93/D/387

Description: New window units

Status: PER

Reference Number: CM/94/D/683

Description: Erection of modern languages block (as amended by memorandum received on 19 December, 1994)

Status: PER

4. Consultee Responses

Morpeth Town Council	Morpeth Town Council has no comment to this application subject to the information available at this time.
Highways	Observations: No issues arise from the proposal
Coal Authority	The application site does fall within the defined Development High Risk Area; however, the proposal is exempt from Version 6, January 2021 of the Coal Authority's Guidance for Local Planning Authorities.
Public Rights of Way	No objection to the proposed development on the condition that Public Footpath No 45 is protected throughout.
Strategic Estates	No response received.
Forestry Commission	No response received.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	7
Number of Objections	0

Number of Support	0
Number of General Comments	0

Notices

Public Right of Way 1st June 2022

Morpeth Herald 26th May 2022

6. Planning Policy

4.1 Development Plan Policy

Northumberland Local Plan - 2016 - 2036 (Adopted March 2022)

QOP 1 - Design principles (Strategic Policy)

QOP 2 - Good design and amenity

Morpeth Neighbourhood Plan (MNP) (2016):

Sus 1 – Sustainable Development Principles

Des 1 – Design Principles

Set 1 – Settlement Boundaries

4.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

NPPG - National Planning Practice Guidance (2021, as updated)

7. Appraisal

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

- **Principle of the development**
- **Design and visual impact**
- **Impact on amenity**
- **Highway Safety**

7.2 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises the Northumberland Local Plan 2016-2036 (adopted March 22) and the Morpeth Neighbourhood Plan (2016). The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application

Principle of the Development

7.3 The NPPF, specifically paragraph 94, in part advises that Local Planning Authorities should give "great weight to the need to create, expand or alter schools".

Moving on to local planning policies, policy Sus1 of the MNP, read in conjunction with the NLP, outlines that development should be situated within recognised settlements. The application site is situated within the designated settlement boundary for Morpeth and proposes works upon an already developed site.

7.4 Taking the above into consideration, it is therefore officer opinion that the principle of development on site is considered acceptable, in accordance with relevant national and local planning policies detailed above.

Design and Visual Character

7.5 Policy Des1 of the MNP notes that new development will be expected to achieve a high standard of design, whilst incorporating sustainable construction measures and reflecting local distinctiveness and a sense of place. The provisions of this policy are closely mirrored within the NPPF which at paragraph 124 recognises good design as a key aspect of sustainable development. Paragraph 127 of the NPPF goes on to note that developments should 'function well and add to the overall quality of the area' whilst being 'sympathetic to local character and history, including the surrounding built environment and landscape setting'.

7.6 Policy QOP 1 of the NLP is also relevant in the assessment of this proposal which details that developments should 'create or contribute to a strong sense of place and integrate the built form of the development with the site overall, and the wider local area' whilst incorporating 'high quality aesthetics, materials and detailing'.

7.7 The works to the fencing will only be visible from within the school and from Public Footpath No 45 and is the only change that is proposed within the development. The developments are a welcomed small addition to the current fencing and will match throughout the school grounds, thus continuing the uniformed aesthetic to the site. Additionally, the proposal will improve the overall security of the grounds, without detracting from the current character and design of the school.

7.8 It is therefore officer opinion that the proposed works accord with policy Des1 of the MNP, QOP 1 of the NLP and the NPPF in terms of high-quality visual appearance and design.

Impact on Amenity

7.9 Whilst recognising that the new fencing is visible within the public domain, the neighbouring residential properties are not within the immediate vicinity. The fencing is of an acceptable height and would not have any adverse impacts on neighbouring properties. As such, there would be no detrimental impact upon residential amenity caused by the proposal, in accordance with the NPPF and policy QOP 2 of the NLP.

Highway Safety

7.10 Paragraph 111 of the NPPF states '*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*'.

7.11 Consultation was undertaken with Highways DM who raised no objections to the application proposals. The proposal therefore accords with relevant local and national planning policy in relation to highway safety.

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

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

9. Recommendation

That this application GRANTED permission subject to the following:

Conditions/Reason

- 0.1 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 be carried out in complete accordance with the approved plans. The approved plans for this development are:-

1. Drawing number: 21034 - T - 00 RvE, titled: Site Location Plan & Existing Site Plan (received 16th May 2022)
2. Drawing number: 21034 - T - 01 RvC, titled: Proposed Fencing Areas 1, 2 & 3 (received 16th May 2022)
3. Drawing number: 21034 - T - 02 RvB, titled: Proposed gate 1 and 2 (received 16th May 2022)
4. Drawing number: 21034 - T - 03 RvB, titled: Proposed Gate 3 A, Gate 3 B & Gate 4 (received 16th May 2022)

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

03. Public Footpath No 45 is to be protected throughout. No action should be taken to disturb the path surface, without prior consent from ourselves as Highway Authority, obstruct the path or in any way prevent or deter public use without the necessary temporary closure or Diversion Order having been made, confirmed and an acceptable alternative route provided

Reason: In the interests of highway safety and public amenity.

Date of Report: 19th July 2022

Background Papers: Planning application file(s) 22/01537/FUL

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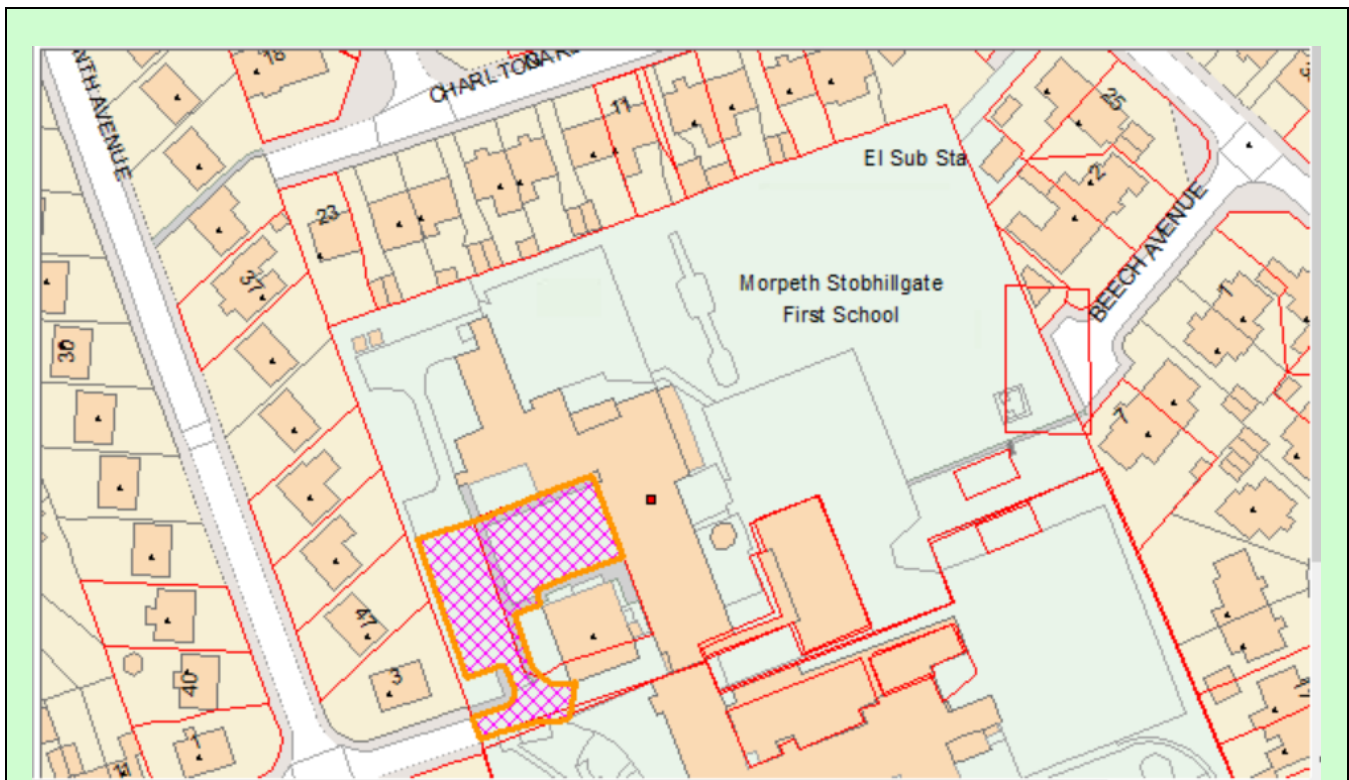


Northumberland
County Council

Castle Morpeth Local Area Committee
8th August 2022

Application No:	22/01895/FUL		
Proposal:	Erection of timber frame building to form performing arts hub within school grounds to facilitate both school activities and wider community external groups, to include drama, dance and music, along with external toddler groups		
Site Address	Morpeth Stobhillgate First School, Morpeth, Northumberland, NE61 2HA		
Applicant:	Stobhillgate First School Northumberland Morpeth NE61 2HA	Agent:	Mr Gavin Stewart Unit 6, Rake House Farm, Rake Lane, North Shields NE29 8EQ
Ward	Morpeth Stobhill	Parish	Morpeth
Valid Date:	7 June 2022	Expiry Date:	17 August 2022
Case Officer Details:	Name: Miss Ashleigh Rossiter Job Title: Planning Officer Tel No: 07814075154 Email: Ashleigh.Rossiter@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission.



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1. Introduction

1.1 This application was referred to the Director of Planning and Chairs of the relevant Local Area Council committee for a decision on how the application was to be determined Committee due to the proximity of residential properties. It was confirmed that the application should be referred to members for a Local Area Council committee decision

2. Description of the Proposals

2.1 The application is for the erection of a timber frame building to form a performing arts hub within school grounds.

2.2 The additional building will facilitate both schools activities and wider community external groups, to include drama, dance and music, along with external toddler groups.

3. Planning History

Reference Number: C/77/D/421 (1)

Description: Extensions and alterations comprising a 4 classroom first school block and conversion of existing junior school block to special use

Status: Approved

Reference Number: C/77/D/421 (2)

Description: Amended access details for construction traffic in connection with extension

Status: Approved

Reference Number: C/07/00038/CCD

Description: Construction of a modular building to provide a children's centre

Status: Withdrawn

Reference Number: C/07/00051/CCD

Description: Construction of a modular building to provide a children's centre

Status: Approved

Reference Number: C/10/00275/CCD

Description: Installation of a 1.83 metre high mesh fence to the eastern boundary

Status: Approved

Reference Number: CM/02/D/100

Description: Installation of externally mounted radio communications antenna

Status: Approved

Reference Number: CM/77/D/421

Description: EXTENSIONS AND ALTERATIONS COMPRISING A NEW 4 CLASSROOM FIRST SCHOOL BLOCK AND CONVERSION OF EXISTING JUNIOR SCHOOL BLOCK TO SPECIAL SCHOOL USE

Status: NONCCZ

4. Consultee Responses

Morpeth Town Council	Morpeth Town Council has no comment to this application subject to the information available at this time.
Highways	Amended plans and/or additional information required: Insufficient information has been provided at this time to make a suitable and substantive response within the defined consultation period – now received.
LLFA	No comment to make
Tourism, Leisure & Culture	No response received

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	6
Number of Objections	0
Number of Support	0
Number of General Comments	0

Notices

No Site Notice Required.

No Press Notice Required.

6. Planning Policy

4.1 Development Plan Policy

Northumberland Local Plan - 2016 - 2036 (Adopted March 2022)

QOP 1 - Design principles (Strategic Policy)

QOP 2 - Good design and amenity

Morpeth Neighbourhood Plan (MNP) (2016):

Sus 1 – Sustainable Development Principles

Des 1 – Design Principles

Set 1 – Settlement Boundaries

4.2 National Planning Policy

7. Appraisal

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

- **Principle of the development**
- **Design and visual impact**
- **Impact on amenity**
- **Highway Safety**

7.2 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises the Northumberland Local Plan 2016-2036 (adopted March 22) and the Morpeth Neighbourhood Plan (2016). The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application

Principle of the Development

7.3 The NPPF, specifically paragraph 94, in part advises that Local Planning Authorities should give "great weight to the need to create, expand or alter schools". Moving on to local planning policies, policy SUS1 of the MNP, read in conjunction with the NLP, outlines that development should be situated within recognised settlements. The application site is situated within the designated settlement boundary for Morpeth and proposes works upon an already developed site.

7.4 Taking the above into consideration, it is therefore officer opinion that the principle of development on site is considered acceptable, in accordance with relevant national and local planning policies detailed above.

Design and Visual Character

7.5 Policy Des1 of the MNP notes that new development will be expected to achieve a high standard of design, whilst incorporating sustainable construction measures and reflecting local distinctiveness and a sense of place. The provisions of this policy are closely mirrored within the NPPF which at paragraph 124 recognises good design as a key aspect of sustainable development. Paragraph 127 of the NPPF goes on to note that developments should 'function well and add to the overall quality of the area' whilst being 'sympathetic to local character and history, including the surrounding built environment and landscape setting'.

7.6 Policy QOP 1 of the NLP is also relevant in the assessment of this proposal which details that developments should 'create or contribute to a strong sense of place and integrate the built form of the development with the site overall, and the wider local area' whilst incorporating 'high quality aesthetics, materials and detailing'.

7.7 The additional building will be visible from within the school grounds and from Public domain however this is the only addition that is proposed within the

development. The development is a welcomed small addition to the current school buildings and will complement the school grounds with it being constructed utilising sustainable materials creating a carbon positive building, with natural timber cladding and green sedum roof, therefore not detracting from the current character and design of the school. The facility will form a focal point to the school and be located within the landscaped courtyard/quadrangle area adjacent to the schools main entrance. The dimensions will not be excessive with a maximum height of 4.38m and a floorspace increase of approx. 11.6m x 9.2m including decking, thus allowing for a number of activities while catering to all accessibility needs.

7.8 It is therefore officer opinion that the proposed works accord with policy Des1 of the MNP, QOP 1 of the NLP and the NPPF in terms of high-quality visual appearance and design.

Impact on Amenity

7.9 Whilst recognising that the new building is visible within the public domain, the neighbouring residential properties will not be negatively impacted. The building is of an acceptable height and will prove a valuable resource to the school and surrounding community as an activity space for both parents and children. As such, there would be no detrimental impact upon residential amenity caused by the proposal, in accordance with the NPPF and policy QOP 2 of the NLP.

Highway Safety

7.10 Consultation was undertaken with Highways DM who have raised an objection as they require more details with regard to car parking space available, the number of visitors expected to frequent the building, cycle storage as well as the facilities opening times and a construction method statement. Further plans have now been submitted and are under consideration by Highways DM, however, it is noted that these do appear to address the concerns raised. At the time of compiling this report, confirmation of this is awaited from Highways DM and members will be fully updated at the committee meeting and advised of any additional conditions.

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

9. Recommendation

That this application GRANTED permission subject to the following:

Conditions/Reason

0.1 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 be carried out in complete accordance with the approved plans. The approved plans for this development are:-

1. Drawing number: 200-003, Rev A, titled: BUILDING ELEVATIONS (received 25th May 2022)
2. Project reference : GS/613/05/22, titled: Design and Access Statement For Proposed Performing Arts Hub At Stobhillgate First School Morpeth (received 25th May 2022)
3. Drawing number: 200-001, Rev A, titled: BLOCK PLAN (received 7th June 2022)

4. Drawing number: 200-002, Rev A, titled: GROUND FLOOR LAYOUT & ROOF LAYOUT (received 7th June 2022)
5. Drawing number: 200-004, Rev A, titled: SITE ARRANGEMENTS (received 7th June 2022)

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

Date of Report: 19th July 2022

Background Papers: Planning application file(s) 22/01537/FUL

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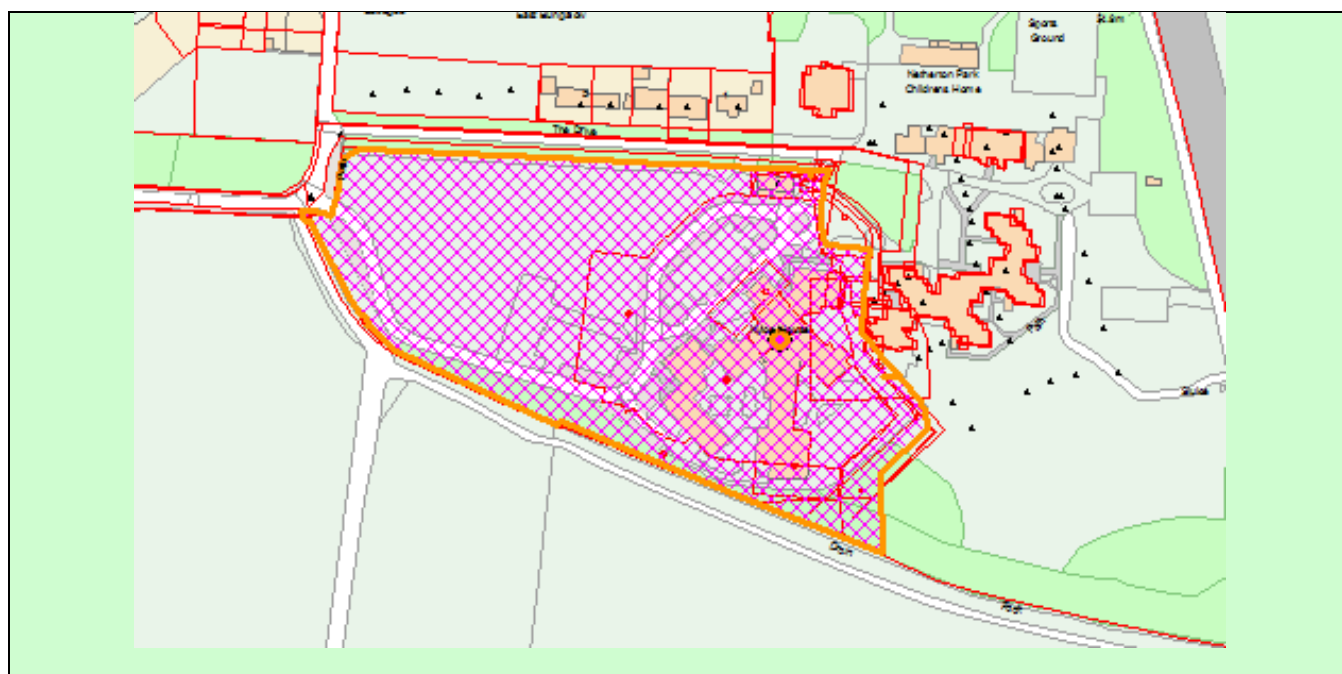


Northumberland
County Council

Castle Morpeth Local Area Committee
8 August 2022

Application No:	22/01227/FUL		
Proposal:	Construction of single storey extension and perimeter walls to courtyards		
Site Address	Kylloe House, Netherton Park, Stannington, Morpeth Northumberland NE61 6EF		
Applicant:	Mr Christopher Chapman Kylloe House , Netherton Park, Stannington, Northumberland NE61 6DE	Agent:	Mr Tim Beech 13 Lostock Avenue, Poynton, Stockport, SK12 1DR
Ward	Ponteland East And Stannington	Parish	Stannington
Valid Date:	29 April 2022	Expiry Date:	9 August 2022
Case Officer Details:	Name: Miss Stephanie Milne Job Title: Senior Planning Officer Tel No: Email: Stephanie.Milne@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



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1. Introduction

1.1 The applicant is Northumberland County Council and therefore the application was referred to the director of planning and the chairs of the local area council committee. The chair referral response confirmed that the application shall be determined at local area council committee.

2. Description of the Proposals

2.1 Planning permission is sought for the construction of a single storey extension and perimeter walls to form an enclosed courtyard.

2.2 The application site is Kylloe House which is an existing NCC building located within Stannington. The site is located outside of the settlement boundary for Stannington and is recognised as being located within the open countryside and Green Belt.

2.4 The application site is located within open countryside and designated Green Belt.

3. Planning History

Reference Number: C/96/CC/96

Description: Details of landscape works submitted pursuant to condition no. 3 of planning permission 95/CC/32 in respect of construction of new secure unit

Status: Approved

Reference Number: C/95/CC/32

Description: Construction of 12 bed secure unit

Status: Approved

Reference Number: C/04/00026/CCD

Description: Construction of extension to provide additional administration facilities

Status: Withdrawn

Reference Number: C/04/00231/CCD

Description: Construction of extension to provide additional administration facilities

Status: Approved

Reference Number: C/08/00019/CCD

Description: Extension of existing external CCTV system including additional cameras and columns

Status: Approved

Reference Number: C/10/00216/CCD

Description: Single storey extension

Status: Approved

Reference Number: C/10/00238/CCD

Description: Proposed 52 metre squared secure vehicle drop off area

Status: Approved

Reference Number: 11/03295/CCD

Description: Erection of an additional 8M Camera tower to south of Kylloe House.

Status: Approved

Reference Number: 12/00956/CCD

Description: Installation of solar photo voltaic panels on the school roof

Status: Approved

Reference Number: 15/02776/FUL

Description: Extension to existing unit to provide a Step-Down unit and Vocational training facility

Status: Approved

Reference Number: 17/00329/VARYCO

Description: Variation of condition 2 (plans) of approved planning application 15/02776/FUL

Status: Approved

Reference Number: 18/00706/FUL

Description: Creation of new car park with 29 parking spaces to serve a newly constructed stepdown/vocational unit.

Status: Approved

Reference Number: 19/01693/VARYCO

Description: Variation of Condition 2 pursuant to planning permission 17/00329/VARYCO in order to amend the design

Status: Approved

Reference Number: 19/04481/FUL

Description: Erection of 1.8 metre high powder coated mid green Palladin style open mesh fence to perimeter of site. Required to deter people walking on to the grounds of the secure unit.

Status: Approved

Reference Number: 19/05035/FUL

Description: Demolition of existing former sports pavilion and erection of single storey workshop incorporating incoming mains service connections, emergency generator, bin store and external working area as supplemented by additional information and drawings received 27/02/20

Status: Approved

Reference Number: CM/95/D/230/A

Description: ERECTION OF NEW 12 BED SECURE UNIT A DETAILS OF IMPROVEMENT TO ACCESS ROAD

Status: Approved

Reference Number: CM/77/D/626

Description: ERECTION OF SECURE UNIT FOR FIVE CHILDREN

Status: Approved

Reference Number: 22/00665/DISCON

Description: Discharge of conditions : 15 (construction method statement) pursuant to planning approval 20/02069/REM

Status: Approved

Reference Number: 22/00992/CCD

Description: Erection of polycarbonate screens to top of existing secure walls

Status: Approved

Reference Number: CM/04/D/932 NCC

Description: Extension to provide additional administration facilities

Status: No objection

Reference Number: CM/04/D/092/NCC

Description: Proposed extension to existing secure unit to provide additional admin facilities.

Status: No objection

4. Consultee Responses

Stannington Parish Council	No response received.
Strategic Estates	No response received.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	7
Number of Objections	0
Number of Support	0
Number of General Comments	0

Notices

No Site Notice Required.

No Press Notice Required.

Summary of Responses:

None

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan 2016 - 2036 (Adopted March 2022) (NLP)

Policy STP 1 - Spatial strategy (strategic policy)

Policy STP 2 - Presumption in favour of sustainable development (strategic policy)

Policy STP 3 - Sustainable development (strategic policy)

Policy STP 5 - Health and wellbeing (strategic policy)

Policy STP 7 - Strategic approach to the Green Belt (strategic policy)

Policy STP 8 - Development in the Green Belt (strategic policy)

Policy QOP 1 - Design principles (strategic policy)

Policy QOP 2 - Good design and amenity

Stannington Parish Neighbourhood Plan 2017 - 2031 (Made September 2018) (SNP)

6.2 National Planning Policy

National Planning Policy Framework (2021) (NPPF)
National Planning Practice Guidance (2021) (NPPG)

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises of the Northumberland Local Plan (NLP) and the Stannington Parish Neighbourhood Plan (SNP). The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

- Principle of development (open countryside and Green Belt);
- Design and visual character;
- Residential amenity;

Principle of Proposed development

7.2 Policy STP 1 of the NLP, read in conjunction with the Policies Map which accompanies the Plan, identifies main towns, service centres and service villages across the county where sustainable development can be located. The application site is located outside of the defined settlement boundary for Stannington and is therefore recognised as being located within open countryside. Despite this, the works would be limited to the existing site curtilage and would provide a small scale extension to the existing accommodation on site. The proposed boundary walls would provide a secure yard area and improve existing boundary treatment arrangements. The principle of development in the open countryside is therefore acceptable given its very limited impact.

7.3 Policy STP 7 of the NLP, read in conjunction with the Proposals Map, identifies green belt boundaries throughout the county of Northumberland. The application site is washed over by green belt therefore, policy STP 8 of the NLP is relevant within this assessment.

7.4 Policy STP 8 of the NLP directs the decision maker to the NPPF when determining if a development would be recognised as inappropriate within the green belt. Paragraph 149 of the NPPF sets out exceptions to inappropriate development in the Green Belt. Criterion (c) of paragraph 149 includes the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The proposed extension would have a projection of 7.8 metres and a width of 6.3 metres. The proposed height would match that of the adjoining building. When considered in the wider site context, the proposed extension would not result in a disproportionate addition over and above the size of the original building.

7.5 Paragraph 150 of the NPPF outlines further works that would be considered acceptable providing they do not impact upon openness. Whilst the provision of boundary treatments isn't explicitly listed within the exceptions, the LPA accept the provision of necessary boundary treatments within the Green Belt. These boundary treatments would be within the built envelope of the site, and would be necessary to secure the site. The limited scale of the works ensure they would not cause harm to the physical or visual openness of the Green Belt nor conflict with the purposes of the Green Belt as set out within paragraph 138 of the NPPF. The principle of development in the Green Belt is therefore acceptable in accordance with Policies STP7 and STP8 of the NLP and the requirements of the NPPF.

Visual Amenity

7.6 The proposed extension and boundary treatment would be located to the north eastern side of the existing building within the existing built form of the site. The extension would match the height of the adjoining building and would match the existing roof form. The proposed extension would not appear excessive in relation to the existing building and the proposed yard walls would match those elsewhere within the site. The materials proposed are to match those existing and as such it is considered that the proposal would not result in visual harm to the surrounding area. In accordance with Policies QOP1 and QOP2 of the NLP and Policy 10 of the SNP.

Residential Amenity

7.7 With regards to neighbouring amenity, there are no residential properties located within close proximity to the proposed extension and new yard area, which would be screened from view by the existing built form on the site. As such there would be no further harm to the amenities of neighbouring occupiers by way of impact to outlook, loss of light or overdevelopment. No representations/objections have been received against the application from neighbouring residents following the consultation process.

7.8 The proposed extension and new yard will improve the facilities for residents of Kyole House within a secure area and therefore would result in an improvement for existing and proposed residents. The proposals would therefore comply with the requirements of STP5 QOP2 of the NLP and the NPPF.

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.

9. Recommendation

That this application be GRANTED planning 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:

Proposed Plans Drawing No: 1014-501 Received 05 April 2022

Proposed Service Deck Drawing No: 1014-502 Received 05 April 2022

Proposed Elevations Drawing No: 1014-503 Received 05 April 2022

Site Block Plan Drawing No: 1014-505A Received 05 April 2022

Location Plan Drawing No: 1014-LO3 Received 05 April 2022

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

03. The facing materials and finishes to be used in the construction of the development shall be in accordance with the details contained within the application. The development shall not be constructed other than with these approved materials.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with QOP2 of the Northumberland Local Plan and Policy 10 of the Stannington Neighbourhood Plan.

Date of Report: 21.07.2022

Background Papers: Planning application file(s) 22/01227/FUL



Northumberland County Council

Appeal Update Report

Date: August 2022

Planning Appeals

Report of the Director of Planning

Cabinet Member: Councillor CW Horncastle

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?
21/04803/FUL	<p>Resubmission: Second storey extension above garage and extension to front to increase garage. Internal alterations. - 9 Crofts Close, Corbridge</p> <p>Main issues: fails to demonstrate that required parking can be provided with resultant impacts on amenity of neighbouring properties.</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?
21/04877/FUL	<p>Proposed garden summerhouse to rear garden – 62 Swansfield Park Road, Alnwick</p> <p>Main issues: significantly detracts from the character and appearance of the dwelling and immediate area; and significant harm to residential amenity.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
21/02853/FUL	<p>Retrospective: first floor balcony to rear elevation – 28 Arkle Court, Alnwick</p> <p>Main issues: significant loss of privacy to neighbouring residents; and design and size of balcony is an overly dominant feature on the rear elevation.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No

21/01136/FUL	<p>Construction of 1no detached dwelling (as amended) - land south of Embleton Hall and behind Front Street, Longframlington</p> <p>Main issues: fails to protect and enhance the landscape character of the village; and forms an incursion into the open countryside, is not essential and fails to support the conservation and enhancement of the countryside.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
21/03167/FUL	<p>Utility, store, bedroom, studio and playroom extension – 1 Cottingvale, Morpeth</p> <p>Main issues: significant detrimental impact on the character, appearance and visual amenity of the dwelling and surrounding area.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
21/04062/FUL	<p>Two storey extension protruding from Western side to provide 2no. additional bedrooms, dining area and gym – Heighley Wood, Morpeth</p> <p>Main issues: inappropriate development in the Green Belt.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
21/02183/FUL	<p>Proposed conversion of self contained house to create an additional 2 bedroom dwelling – 1-2 South Road, Longhorsley</p> <p>Main issues: intensification of use of a sub-standard access and fails to demonstrate appropriate car parking provision.</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
20/03389/FUL	<p>Proposed residential development of four dwellings (as amended 21.12.2020) - land south of Centurion Way, Heddon-on-the-Wall</p> <p>Main issues: development would appear as an incongruous and over dominant addition to the street scene resulting in significant harm to the visual amenity of the locality.</p>	<p>4 January 2022</p> <p>Committee Decision - Officer Recommendation: Approve</p>
20/01457/CLEXIS	<p>As amended: Use of land to the west of School House Farm, Kiln Pit Hill (as outlined in red on amended location plan received 16/9/21) as a Motocross Track with associated visitor parking, catering van, portable toilet, security gates and sign in shed. Operating times throughout the year (excluding every Tuesday together with Christmas Day, Boxing Day and New Years Day when it is closed) are 8am-5pm (bikes allowed on tracks from 10am-4pm only) with additional opening hours of 4pm-7pm on Monday, Wednesday and Friday during the months of May, June, July, August and September (amended 29/9/21) - Motorcycle track west of School House Farm, Kiln Pit Hill</p> <p>Main issues: the submitted evidence fails to demonstrate that the lawful use is as described in the application.</p>	<p>9 February 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/04982/FUL	<p>Resubmission: Erection of 5no. custom self build homes, with associated garages, car parking and landscaping – land north of 30 Longhirst Village, Longhirst</p> <p>Main issues: development in the open countryside; inappropriate development in the Green Belt; detrimental impact on the rural character of the site and wider landscape; harm to the setting and significance of the Conservation Area; insufficient information to assess archaeological impacts; insufficient information to assess impacts on protected species; and fails to address disposal of surface water.</p>	<p>7 April 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/01668/LBC	Listed Building Consent for replacement of	20 April 2022

	<p>sash windows throughout and replacement of front door – Brockburn, Monkshouse, Seahouses</p> <p>Main issues: harm to the listed building with no public benefits to outweigh the harm</p>	<p>Delegated Decision - Officer Recommendation: Refuse</p>
21/03400/OUT	<p>Outline with all matters reserved for the construction of eight dwellings consisting of 8 x Dormer Bungalows – land east of Ashcroft Guest House, Lantys Lonnen, Haltwhistle</p> <p>Main issues: development on protected open space, harm to designated and non-designated heritage assets and currently objections and insufficient information to assess noise, highway safety, flood risk and drainage and ecological impacts.</p>	<p>21 April 2022</p> <p>Appeal against non-determination</p>
21/04426/CLEXIS	<p>Certificate of lawful development of existing vehicular access from the B6318 – land on Hadrian's Wall remains south of Black Pasture Cottage, Brunton Bank, Wall</p> <p>Main issues: lack of information and evidence as submitted to grant certificate.</p>	<p>28 April 2022</p> <p>Appeal against non-determination</p>
21//02591/FUL	<p>Installation of a glass pane to former door entrance and installation of artwork panels – Town Hall Office, Fenkle Street, Alnwick</p> <p>Main issues: harm to the Grade I listed building with no justifiable public benefits to outweigh the harm.</p>	<p>10 May 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/02592/LBC	<p>Listed building consent for installation of a glass pane to former door entrance and installation of artwork panels – Town Hall Office, Fenkle Street, Alnwick</p> <p>Main issues: harm to the Grade I listed building with no public benefits to outweigh the harm.</p>	<p>10 May 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/01687/FUL	<p>Change of use of land for the siting of up to 60 static caravans, along with associated infrastructure and hard and soft landscaping. Archaeological report received 09.2.2021 and amended site location plan received 26.02.21 - land north west of Springwood, Coast View, Swarland</p> <p>Main issues: obtrusive development in the rural landscape that would adversely affect the rural setting and visual relationship between Swarland and wider countryside setting.</p>	<p>1 June 2022</p> <p>Committee Decision - Officer Recommendation: Refuse</p>
21/03297/FUL	<p>Change of use: Retail to holiday accommodation on first floor with associated</p>	<p>14 June 2022</p>

	<p>internal and external alterations to the building – Amberley House, Stocksfield Post Office, Main Road, Stocksfield</p> <p>Main issues: lack of information to assess noise from air conditioning units and impacts on residential amenity; lack of information to assess impacts on bats or nesting birds; and lack of information to demonstrate adequate car parking provision can be achieved.</p>	<p>Delegated Decision - Officer Recommendation: Refuse</p>
22/01188/FUL	<p>Two-storey extension at the front of the house – 13 Church Avenue, West Sleekburn</p> <p>Main issues: unduly prominent and incongruous addition to the property.</p>	<p>17 June 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/04527/FUL	<p>Construction of 3 bungalows – land south of Leylen House, Main Street, Red Row</p> <p>Main issues: unacceptable in principle due to development in the open countryside beyond the settlement boundary and affecting protected open space.</p>	<p>22 June 2022</p> <p>Appeal against non-determination</p>
21/04587/FUL	<p>Proposed construction of a first floor dormer extension to the rear elevation and installation of rooflights to the front and rear elevations – 29 Leazes Street, Amble</p> <p>Main issues: incongruous and inappropriate form of development that would be out of scale and character with the existing property and would have a harmful impact upon the character and appearance of the site and surrounding Conservation Area.</p>	<p>24 June 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/00078/FUL	<p>Construction of a single storey detached garage – Shield Law, Bellingham</p> <p>Main issues: appeal against imposition of condition 6 on the grant of permission that removes permitted development rights for further outbuildings.</p>	<p>29 June 2022</p> <p>Delegated Decision - Officer Recommendation: Approve</p>
21/04673/FUL	<p>Resubmission: Single-storey, flat-roofed, garage to rear of back garden (revised to now be 3 metres high) - 7 First Avenue, Blyth</p> <p>Main issues: incongruous addition to the rear garden of the property, represent an addition that is neither subordinate nor well related to the subject property and would have a negative impact on visual amenity.</p>	<p>7 July 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

Recent Enforcement Appeal Decisions

Enforcement Appeals Allowed

Reference No	Description and address	Award of costs?
19/00170/ENDEVT	Construction of an access track – School House Farm, Kiln Pit Hill, Consett	No

Enforcement Appeals Dismissed

Reference No	Description and address	Award of costs?
None		

Enforcement Appeals Received

Appeals Received

Reference No	Description and address	Appeal start date
20/01383/ENDEVT	Material change of use of the land from use for agriculture to a vehicle parking area – School House Farm, Kiln Pit Hill, Consett Appeal against Enforcement Notice and linked with appeal submitted against refusal of 20/01457/CLEXIS (see above).	9 February 2022
22/00022/NOTICE	Unauthorised dwelling – Horsley Banks Farm, Horsley	6 April 2022 Hearing date to be confirmed.
22/00023/NOTICE	Unauthorised stable buildings – Horsley Banks Farm, Horsley	6 April 2022 Hearing date to be confirmed.
18/01525/ENDEVT	Change of use of the land for the stationing of 2 caravans including a linking structure for residential purposes - School House Farm,	29 April 2022

	Kiln Pit Hill, Consett	
18/01525/ENDEVT	Erection of a building used to house parrots and other animals; the erection of a corrugated steel barn; the erection of 2 timber structures to accommodate birds; and the construction of a hardstanding area - School House Farm, Kiln Pit Hill, Consett	29 April 2022
19/01230/ENDEVT	Material change of use of the land from agricultural use for the siting of a shepherd's hut for use as holiday let accommodation - land south east of Closehead, Otterburn	29 June 2022

Inquiry and Hearing Dates

Reference No	Description and address	Inquiry/hearing date and decision level
20/04423/OUT	<p>Outline application seeking approval for access for construction of two storey 58 bed care home and associated but physically separate single storey 12 bedroom specialist unit with associated parking and hard and soft landscaping – Essendene, Kenilworth Road, Ashington</p> <p>Main issues: would prevent the reintroduction of facilities in connection to the passenger rail services on the Ashington Northumberland Line; and lack of information concerning off-site highway works, manoeuvrability within the site, parking provision and conflict between all modes of transport and pedestrians.</p>	<p>Hearing: 28 July 2022</p> <p>Committee Decision - Officer Recommendation: Refuse</p>

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

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