

# Public Document Pack



## Northumberland County Council

**Your ref:**

**Our ref:**

**Enquiries to:** Rebecca Little

**Email:** Rebecca.Little@northumberland.gov.uk

**Tel direct:** 01670 622611

**Date:** Wednesday, 15 June 2022

Dear Sir or Madam,

Your attendance is requested at a meeting of the **NORTH NORTHUMBERLAND LOCAL AREA COUNCIL** to be held in **MAIN HALL - ST JAMES'S URC, POTTERGATE, ALNWICK, NE66 1JW** on **THURSDAY, 23 JUNE 2022** at **2.00 PM**.

Yours faithfully

Daljit Lally  
Chief Executive

**To North Northumberland Local Area Council members as follows:-**

**G Castle (Chair), S Bridgett (Vice-Chair), T Thorne, T Clark, G Hill, W Pattison, G Renner-Thompson, C Seymour, J Watson, C Hardy (Vice-Chair (Planning)), I Hunter, M Mather and M Swinbank**



**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. MINUTES

(Pages 1  
- 12)

Minutes of the meeting of the North Northumberland Local Area Council held on Thursday, 19 May 2022, as circulated, to be confirmed as a true record and signed by the Chair.

#### 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](mailto: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**

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

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

- |           |   |                    |
|-----------|---|--------------------|
| <b>5.</b> | <b>21/03792/FUL</b><br><b>Retrospective: Construction of outdoor timber serving building and temporary sitting of 4 no. all weather restaurant sheds. Land East of The Craster Arms, The Haven, Beadnell, Northumberland</b>  | (Pages<br>13 - 26) |
| <b>6.</b> | <b>21/01112/FUL</b><br><b>Replacement of existing store and smoking shelter within the rear car park with a shipping container to provide outdoor food and drink service ancillary to Beadnell Towers Hotel. Beadnell Towers Hotel, The Wynding, Beadnell, Chathill, Northumberland, NE67 5AY</b> | (Pages<br>27 - 40) |
| <b>7.</b> | <b>21/04960/FUL</b><br><b>Resubmission: Rebuilding of Grahamslaw Cottage following significant fire damage. Detached garage. Grahamslaw Cottage, Priests Moor, Christon Bank, Northumberland</b>  | (Pages<br>41 - 54) |
| <b>8.</b> | <b>APPEALS UPDATE</b>   | (Pages<br>55 - 64) |
- For Members' information to report the progress of planning appeals. This is a monthly report and relates to appeals throughout all 5 Local Area Council Planning Committee areas and covers appeals of Strategic Planning Committee.

**9. SECTION 106**

(Pages  
65 - 70)

For Members' information to report the agreement monitoring and collection of s106 contributions in the planning process. This is a monthly report and relates to agreements throughout Northumberland during the previous monthly period.

**10. DATE OF NEXT MEETING**

The next meeting of the North Northumberland Local Area Council is scheduled for Thursday, 21 July 2022 at Berwick Leisure Centre, Northumberland Rd, Tweedmouth, Berwick-Upon-Tweed

**11. URGENT BUSINESS**

**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.

<b>Name:</b>		<b>Date of meeting:</b>	
<b>Meeting:</b>			
<b>Item to which your interest relates:</b>			
<b>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):</b>			
<b>Are you intending to withdraw from the meeting?</b>		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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# Agenda Item 2

## NORTHUMBERLAND COUNTY COUNCIL

### NORTH NORTHUMBERLAND LOCAL AREA COUNCIL

At a meeting of the **North Northumberland Local Area Council** held **Meeting Room 1, Berwick Leisure Centre, Northumberland Rd, Tweedmouth, Berwick-Upon-Tweed** on **Thursday, 19 May 2022** at **2:00 p.m.**

#### PRESENT

Cllr. G. Castle  
Chair, in the Chair

#### MEMBERS

C. Hardy  
G. Hill  
I. Hunter  
M. Mather  
W. Pattison

G. Renner-Thompson  
C. Seymour  
M. Swinbank  
J. Watson

#### OFFICERS IN ATTENDANCE

J. Blenkinsop  
G. Bucknall  
R. Campbell  
B. Hodgson  
R. Little  
D. Love  
H. Parkin  
M. Payne  
E. Sinnamon

Solicitor  
Lead Highways Delivery Manager  
Senior Planning Officer  
Neighbourhood Services Area Manager  
Assistant Democratic Services Officer  
Senior Planning Officer  
FCERM Officer  
Consultant Engineer – Highways  
Development Service Manager

#### ALSO IN ATTENDANCE

J. Boulton  
A. Russell

Chair, Tweed Valley Railway Campaign  
Secretary, Tweed Valley Railway Campaign

There were 20 members of the public present

Ch.'s Initials.....

**1. MEMBERSHIP AND TERMS OF REFERENCE**

The Membership and Terms of Reference for the North Northumberland Local Area Council, as agreed at Full Council on 4 May 2022 were provided for information.

**RESOLVED** that this was noted.

**2. MEMBERSHIP AND TERMS OF REFERENCE – NORTH NORTHUMBERLAND LOCAL AREA COUNCIL (RIGHTS OF WAY) SUBCOMMITTEE**

Members agreed that the North Northumberland Local Area Council (Rights of Way) Subcommittee would be:

G. Castle (Chair)  
C. Hardy  
M. Mather  
G. Renner-Thompson  
C. Seymour  
M. Swinbank

**RESOLVED** that this was noted.

**3. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor S. Bridgett, Councillor T. Clark, and Councillor T. Thorne.

**4. DISCLOSURE OF MEMBERS' INTERESTS**

Councillor Hill advised the committee that she had a personal but non prejudicial interest in item 7 of the agenda, 21/01355/FUL.

**5. MINUTES**

**RESOLVED** that the minutes of the meeting of the North Northumberland Local Area Council held on Thursday, 24 February 2022, and Thursday, 24 March 2022, as circulated, be confirmed as a true record and be signed by the Chair.

*Councillor Hardy (Vice Chair – Planning), in the Chair.*

**6. DETERMINATION OF PLANNING APPLICATIONS**

Ch.'s Initials.....

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

**RESOLVED** that this was noted.

**7. 21/01355/FUL**

**Re-submission: Re-development of a brown field site to create 30 new homes.  
A mix of apartments and houses  
Land East of Lifeboat House, Dock Road, Tweedmouth, Northumberland**

D. Love – Senior Planning Officer introduced the application with the aid of a PowerPoint presentation. After showing the site videos, D. Love gave the following updates:

- The report should have consistently read: “That this application be approved, subject to conditions and section a s106 agreement to secure affordable housing, open space, healthcare contribution and coastal mitigation strategy payments
- Paragraph 7.92 in the report should have read £615 not £600.
- Advice from the Housing Enabling Officer indicated that the tenure mix, and type of housing should have been flexible, the offer of four on-site flats could have been amended to include a single house, the committee would be asked to authorise delegation to negotiate the make-up of the affordable housing contribution.
- There was an addition of two conditions covering consistency with the submitted Flood Risk Assessment and a suspensive condition for a CEMP.
- The Lead Local Flood Authority and the EA agent had agreed their respective positions and there had not been anything missed in the assessment.

N. Craig, spoke in support of this application and gave the following information:

- GMC were a family run business based in Berwick, and had previously developed 150 homes in the town, using local workforce and supply chain.
- GMC had previously acquired brown field sites and turned them into successful properties, including the former council officers.
- The development would complement the area, and had been designed with Historic England, the Conservation Officer, and the Lead Planner. They had confirmed that the design complied with planning legislation and was appropriate for the area.
- The project would include job stability for the GMC team and local network, including sub-contractors, suppliers, and professionals, keeping money within the micro-economy of Berwick Upon Tweed.
- The site would include river defences, which would require maintenance and some rebuilding, the defences were secured for the life of the development with the homeowners paying for the upkeep and maintenance of the river defence.

Ch.’s Initials.....

- There had been a flood risk report and a contamination report, these had been scrutinised by Public Health, LLFA and Environmental Agency and had been approved by the statutory consultees.

Following questions from Members to the planning officers, the following information was provided:

- The site was a brownfield site, and that the Building Conservation Officer considered that the impact from the proposed development would cause less than substantial harm.
- There would be 27 conditions on the development which would be rigorously monitored.
- The materials that would be used in the development were stone and zinc, however there was a condition in the report to agree materials in line with the local vernacular.
- The application included breaking up the original big block development into three separate blocks with different heights, which would suit the vernacular of the town.
- The site could potentially be used as a storage facility if the application were to be refused.
- There was a condition for EV charging points, but the number had not been confirmed at the time of the application.

Councillor Renner-Thompson proposed to approve the application, with the conditions set out in the report, including the two additional conditions with specific wording directed to the director of planning in consultation with the chair and subject to a section 106 agreement to secure contributions totalling £79,705.47 towards healthcare contribution, open space, affordable housing, and coastal service mitigation contribution. This was seconded by Councillor Watson.

The committee agreed that the area needed aspirational housing, the application including breaking up the original large block into separate units and the developer had submitted a quality development, the committee agreed that it would be a fantastic addition to the town.

A vote was taken as follows: FOR; 8, AGAINST; 0, ABSTIAN;2

**RESOLVED** that the application be **GRANTED** subject the conditions outlined in the report and the additional conditions proposed by officers along with a section 106 agreement as set out in the report.

**8. 21/00346/OUT**  
**Outline Application with all matters reserved for demolition of existing cottage and construction of up to 4no, residential dwellings.**  
**(Use Class 3C)**  
**Braemar, Beach View, Boulmer, Northumberland, NE66 3BW**

R. Campbell – Senior planning officer, introduced the application with the aid of site videos and a PowerPoint presentation, there had been no further updates since the submission of the report to the committee.

Ch.'s Initials.....

A. Hinchcliffe spoke in objection to the application and gave members the following information:

- The site should be for one of two low-rise homes similar to the existing bungalow. Four houses on the site was unacceptable.
- The design of the application was based on the design on the three semi-detached houses to the immediate south, which were built around 1940 with no space to take vehicles between the houses.
- The submitted design code contains inaccuracies which gave false impression of the proposal and comparative proportions to the existing semi-detached houses were incorrect.
- Beach View mainly consisted of low-height and low-density bungalows that were sat within a generous garden, an important characteristic of the village.
- Boulmer had suffered from high levels of visitor parking, further resident parking on Beach Road would add to an already problematic situation.
- Of the last eleven properties that were added to the housing market in Boulmer, nine had gone for second homes or holiday lets.

C. Bradshaw, spoke as a parish councillor in the Longhoughton & Boulmer area and gave the following information:

- The site was not a suitable size to hold four dwellings.
- The application was out of character and scale for the street.
- The rest of the properties on the street were bungalows.
- Parking was inadequate.
- Developments would need to attract young families.
- Developments would need to be sympathetic and enhance the character of the village.

D. Puttick, spoke in support of the application and gave the following information:

- The application was an all matters reserved application.
- The application plans were detailed and supported by the Planning Officers.
- The applicant planned to use old building styles to keep the development in characteristic of the village.
- Highways had commented that the application site would have sufficient parking.

Following questions from members to the planning officers, further information was provided:

- The committee could not impose conditions relating to second homes as the Parish did not have large amount of second homes, based on census data and in accordance with the Local Plan.
- If approved, the committee could ask to have the reserved matters application brought before members, which would include parking, this would be considered through the chair referral process.
- Planning officers were satisfied that the site could provide up to four dwellings.
- Planning Officers had worked with the AONB, and the developer was aware of the concerns raised.
- The street scene did not contain only bungalows.

Councillor Pattison proposed to refuse the application for the following reasons: Harmful visual impact on neighbouring amenity and general visual amenity, failure to conserve and enhance the special qualities of the AONB, failure to demonstrate sufficient car parking and over development of the site. This was seconded by Councillor Hill.

After a small debate from members, a vote was taken as follows: FOR; 6, AGAINST; 4, ABSTAIN; 0.

**RESOLVED** that the application was **REFUSED** for harmful visual impact on neighbouring amenity, impact on the AONB (harm on area of outstanding beauty), concerns around parking and over development of the site.

**9. TREE PRESERVATION ORDER  
Land at Bank House Farm, Acklington, Northumberland  
Tree Preservation Order 2021 (no. 4 of 2021)**

The Planning Officer introduced the preservation order with the aid of a PowerPoint presentation.

There were no questions from members.

Councillor Watson proposed to accept the officer's recommendation, which was seconded by Councillor Castle.

A vote was taken as follows: FOR; 9, AGAINST; 1, ABSTAIN; 0

**RESOLVED** that the Tree Preservation Order is confirmed without modification for the reasons set out in paragraphs 7.1 - 7.3 in the report.

**10. APPEALS UPDATE**

**RESOLVED** that this was noted.

**11. SECTION 106**

**RESOLVED** that this was noted.

*A comfort break was announced for officers to change over.  
Councillor Castle (Chair) – In the Chair*

**12. PUBLIC QUESTION TIME**

No questions had been submitted in writing.

Ch.'s Initials.....

Q.

L. Robson, local resident, asked where they were able to recycle printer cartridges as there had been no recycling scheme available from the supplier since the Covid-19 pandemic.

A.

The chair explained that a full written response would be provided to Mr Robson, with some members suggesting local recycling points.

Q.

B. Darling, local resident, asked where he could report illegal and fraudulent land sales that Northumberland County Council may be caught up in.

A.

The chair explained that if the resident believed there was illegal activity occurring then they should contact the police in the first instance or if they were concerned with suspicious practice then they could also contact their local member.

J. Thomas, local resident, asked several questions:

Q1)

Mr Thomas questioned the effectiveness between Parish Councils and had raised a number of concerns with the democratic process which received no formal response.

A1)

The chair explained that previous questions may have not been permitted and that only questions which adhere to the public question time policy would guarantee a written response.

Q2)

Storm Arwen, there were no public requests for direct feedback for any fact finding. Mr Thomas had requested help and support from Northumberland County Council but had been denied and no feedback was gathered.

A2)

The chair explained that there had been a Storm Arwen working group and there had been a dedicated email address for any Storm Arwen concerns or feedback. The working group had agreed recommendations in principle, and they had used feedback and comments from local members, town and Parish Councils as well as members of the public, these recommendations were to be heard by full council in due course.

Q3)

Mr Thomas believed that the public drop-in sessions for the Berwick Education Review were "woefully short", and he was concerned that no full public consultation was completed.

A3)

Councillor Renner-Thompson, Portfolio Holder for Children and Young People, explained that the consultation had been completed formally and legally, with schools and the teaching staff consultation proceeding for four years previous. Councillor Renner-Thompson explained that he had confidence in officers that had completed the consultation but expressed that there could have been more in-person

consultations, however explained that there was also an online platform where residents could express their views.

Q4)

Mr Thomas explained that there has been an issue with the roads in Lowick Village due to the speed of traffic and size of vehicles passing, the road gullies were inadequate and had not been serviced, they had raised this with the local member for the area but received no reply.

A4)

The chair explained that Mr Thomas would receive a full written response to this question.

### **13. PETITIONS**

#### **(a) Receive any new petitions:**

There had been no new petitions received.

#### **(b) Consider reports on petitions previously received:**

There were no reports presented on previous petitions.

#### **(c) Receive any updates on petitions for which a report was previously considered:**

There were no updates.

### **14. LOCAL SERVICES ISSUES**

#### **Highways**

##### **Resurfacing**

Three schemes had been completed of the 2022/23 LTP, those were:

- Swansfield Park Road – Alnwick
- Trew hitt Hall
- Barmoor to Doddington

There would be a total of 41 resurfacing schemes to deliver in the North Northumberland area, including eight additional schemes, two micro surfacing schemes and 14 on the surface dressing programme.

The schemes to complete next were:

- Canongate Bridge – Alnwick
- Knocklaw – Rothbury
- Brewery Road – Wooler
- Harwood Village

The highways team had also been delivering a major car park scheme in Amble



## Maintenance

The maintenance teams had the use of two hot box loans, making it three in total. There would shortly have two gully tankers  
The jet patcher was due to arrive the week after the meeting for roughly eight weeks.

All of the gullies on the A697 from Weldon Bridge to Coldstream had recently been cleared, along with all the gullies on the A698 from Cornhill to Berwick and all of the gullies on the A1068 Druridge to Alnwick. This process would continue on all of the major roads and then move onto the secondary roads.

Members noted that Highways Inspectors were continuing to deal with hundreds of complaints every week about potholes and noted that it was a struggle to deal with these while trying to complete their routine inspections

Following the update from G. Bucknall – Lead Highways Delivery Manager, members were invited to ask questions, in which the following information was provided:

- The list of C roads to be completed would be circulated to members after the meeting.
- The sign team had been suspended as there had been an issue with getting poles.
- The new gully wagon would be full time.
- The jet patcher blows out all the water, ready for the mix to be inputted for filling potholes.

Members thanked Graham and the team for their continued hard work.

## **Neighbourhood Services**

### Waste Services

Residual and Recycling waste collection services were continuing to perform well. Demand for the bulky waste services were high but the service had been performing well after making some adjustments to meet demand,  
Garden Waste service had also been performing well, with 440 new customers in the North Northumberland area.

### Grass Cutting

Seasonal staff had been appointed and the team had started cutting late March/early April.

Start of the grass cutting season saw a few interruptions from wet weather and the Easter bank holiday which elongated the gap between cut one and two, but the teams recovered well.

### Weed Control

Area weed spraying was underway, including the spraying of obstacles.

### Verge Cutting

Work was predicted to start shortly and would take approximately two months to complete.

There was 6.8 million sq. meters of verge to be cut in the county, and the team

planned to engage local farmers and contractors to help reduce the significant workload.

The team planned to react quickly if any re-visits were necessary for any visibility sightlines.

Holy Island Public Conveniences had opened since the previous North Northumberland Local Area Committee meeting in March 2022.

Following the update from B. Hodgson – Neighbourhood Services Area Manager, members were invited to ask questions, which then the following information was provided:

- There had been more staffing planned for the Jubilee Bank Holiday weekend to cover for public litter bins.
- Litter bins were the responsibility of the Town and Parish councils to clean, however the Neighbourhood Services Team would be willing to complete this upon request.
- The accessible toilets in Holy Island and Seahouses has been registered with changing place facilities.
- Neighbourhood Services team were legally allowed to spray active weeds only and were not allowed to blanket spray full paths, they have also trialled other weed control measures such as steam, vinegar, and acid.

Councillor Mather stated that he would like a report to go to Cabinet regarding the stoppage of spending for clean-up after storm Arwen. Councillor Mather also suggested that there should be communication to land owners explaining their responsibility with fallen trees, this was agreed by the rest of the committee for a report to cabinet and communications to land owners.

Members thanked Bob and the team for their continued hard work.

*Members agreed to suspend standing orders at this point to allow the meeting to continue over 3 hours.*

## **15. TWEED VALLEY RAILWAY CAMPAIGN**

J. Boulton – Chairman, Tweed Valley Railway Campaign, and A. Russell – Secretary, Tweed Valley Railway Campaign introduced themselves and explained the background behind the Tweed Valley Railway Campaign with the aid of a PowerPoint Presentation, and stating the three-point plan for the Campaign:

1. Generate Support
2. Feasibility Study
3. Build it

The campaign objective was to establish a railway between Tweedbank and Berwick Upon Tweed, this would be a 34-mile route, with half in Northumberland and half in the Scottish Borders.

J. Boulton explained the reasons behind the idea, including:

- Resilience - To assist with scheduled maintenance, poor weather, or any other unscheduled events.
- Tourism & Leisure - To allow members of the public to access all that Northumberland and the Scottish Borders have to offer, without needing a motor vehicle.
- Active Travel - To encourage the public to explore the region, with cycle paths nearby the line.
- Access to Work, Education & Healthcare - To assist those without the use of a car or decent modes of public transport. Better public access to education and workplace encourages younger generations to stay within the region, encouraging it to develop and grow.
- Attracting Investment – A 21<sup>st</sup> Century railway would attract investment in the form of housing, local amenities, car parks and cycle spaces.
- Sustainable Transport – Reduces dependency on cars and fossil fuels. Increases the use of trains for freight.

J. Boulton explained what the campaign had achieved so far, including securing the funding for Year 1 from the Scottish Borders Council, transport strategy responses and building the stakeholder network.

Councillor Mather started the discussion welcoming the idea, stating that the roads were struggling, and it would save roads being so congested, with Councillors Seymour, Hunter and Renner-Thompson agreeing that it would better connect the East and West side of the county and bring more employment to the region.

Councillor Castle advised J. Boulton and A. Russell to contact the old Valley Railway and learn from previous attempts, and that the campaign would need a driving force. Councillor Watson suggested contacting expert officers in Northumberland County Council who have previously worked with Borderlands and questioned about the sustainability of the line with daily journeys.

Councillor Hill declared that she was part of the campaign and explained that there had been a large population shift in the previous 20 years and that North Northumberland appreciated the Scottish links to the county and that it would benefit tourism to both Northumberland and the Scottish Borders.

The committee thanked J. Boulton and A. Russell for attending and wished them well on the Tweed Valley Railway Campaign.

## 16. OUTSIDE BODIES

The following changes were made to the outside body appointments:

- Glendale Gateway Trust no longer required a NCC appointment.
- North Sunderland Harbour Commission were weeks away from signing a new Harbour Order which would no longer require a NCC representative. The committee declined to appoint a member.

- Councillor Nick Morphet had been allocated to sit on Northumberland National Park Joint Local Access Forum.

**17. MEMBERS LOCAL IMPROVEMENT SCHEMES**

**RESOLVED** that this was noted.

**18. LOCAL AREA WORK PROGRAMME**

**RESOLVED** that this was noted.

**19. DATE OF NEXT MEETING**

**RESOLVED** that this was noted.

**CHAIR.....**

**DATE.....**

Ch.'s Initials.....



## Northumberland County Council

**North Northumberland Local Area Council**

**23 June 2022**

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### **DETERMINATION OF PLANNING APPLICATIONS**

**Report of the Interim Executive Director of Planning and Local Services**

**Cabinet Member:** Councillor C Horncastle

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#### **Purpose of report**

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

#### **Recommendations**

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

#### **Key issues**

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

### **DETERMINATION OF PLANNING APPLICATIONS**

#### **Introduction**

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

#### **The Determination of Planning and Other Applications**

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

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

### **Important Copyright Notice**

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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

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

Report author : Rob Murfin  
Interim Executive Director of Planning and Local Services  
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Rob.Murfin@northumberland.gov.uk

## **APPENDIX 1: PROCEDURE AT PLANNING COMMITTEES**

### **Chair**

Introduce s application

### **Planning Officer**

Updates – Changes to Recommendations – present report

### **Public Speaking**

Objector(s) (5mins)

Local Councillor/Parish Councillor (5 mins)

Applicant / Supporter (5 mins)

NO QUESTIONS ALLOWED TO/ BY PUBLIC SPEAKERS

### **Member's Questions to Planning Officers**

### **Rules of Debate**

Proposal

Seconded

DEBATE

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

### **Vote (by majority or Chair casting vote)**

Chair should read out resolution before voting

Voting should be a clear show of hands.



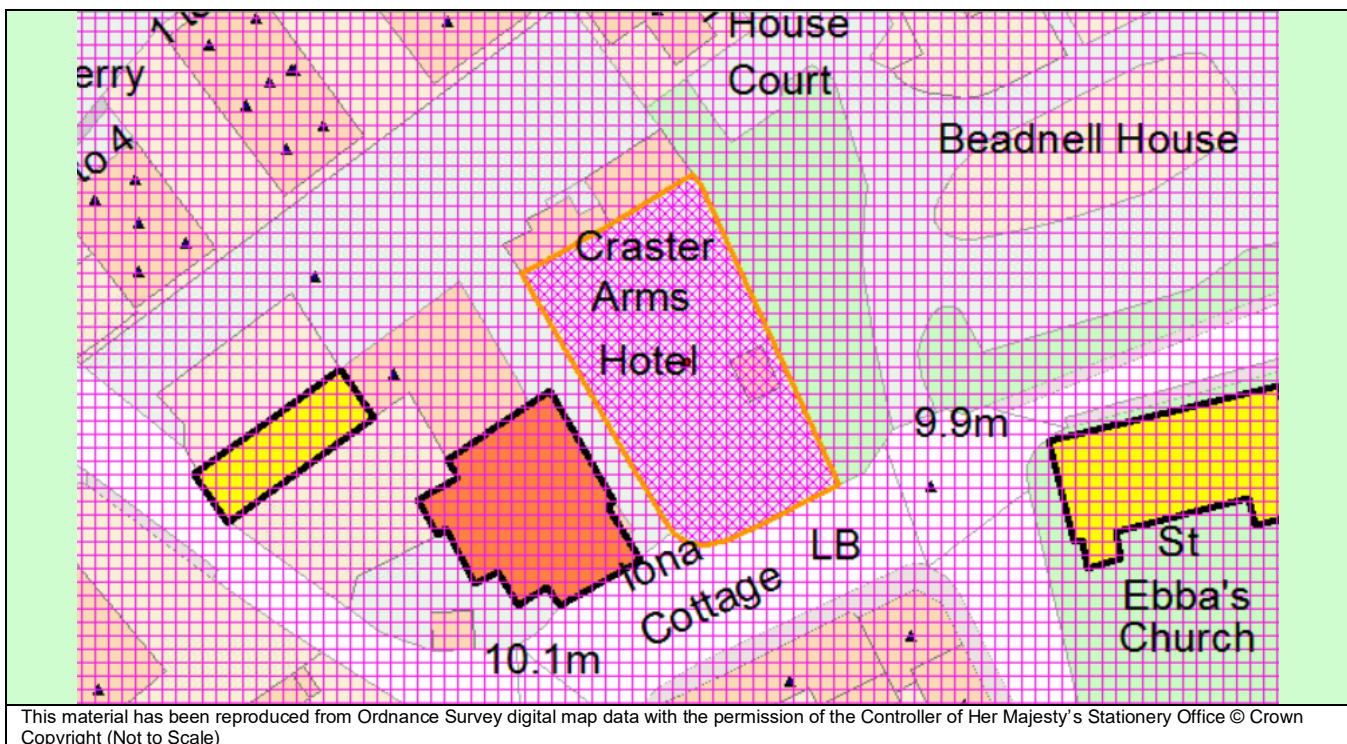


**Northumberland**  
County Council

**North Northumberland Local Area Council Planning Committee**  
**23<sup>rd</sup> June 2022**

<b>Application No:</b>	21/03792/FUL		
<b>Proposal:</b>	Retrospective: Construction of outdoor timber serving building and temporary siting of 4 no. all weather restaurant sheds		
<b>Site Address</b>	Land East Of The Craster Arms, The Haven, Beadnell, Northumberland		
<b>Applicant:</b>	Michael Dawson Craster Arms, The Wynding, Beadnell, NE67 5AX	<b>Agent:</b>	Corrina Scott-Roy Fenwick Granary Farmhouse, Beal, TD15 2PL
<b>Ward</b>	Bamburgh	<b>Parish</b>	Beadnell
<b>Valid Date:</b>	15 February 2022	<b>Expiry Date:</b>	12 April 2022
<b>Case Officer Details:</b>	Name: Mr Jon Sharp Job Title: Senior Planning Officer Tel No: 01670 623628 Email: Jon.Sharp@northumberland.gov.uk		

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



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**1. Introduction**

1.1 This application falls to be determined by the North Northumberland Local Area Council Planning Committee due to concerns raised regarding the impact of the

proposals upon designated heritage assets leading to a recommendation for refusal contrary to the unanimous support of the Parish Council.

## **2. Description of the Proposals**

2.1 The application seeks full planning permission for the construction of an outdoor timber serving building and temporary siting of 4 no. all weather restaurant sheds within the garden of The Craster Arms Hotel, The Wynding, Beadnell.

2.2 The Craster Arms Hotel is an ashlar fronted former inn with medieval and 18th Century features, located on the north eastern side of The Wynding within the historic core of Beadnell. The buildings are Grade II\* listed under list reference 1276787 The Craster Arms. The application site lies to the east and within the curtilage of the building. The site is within the Beadnell Conservation Area and the Northumberland Coast AONB.

2.3 The proposed dining sheds have the appearance of large garden sheds and are constructed of timber panelling under single ply multi pitched roofs with a footprint of approximately 8 square metres and a maximum height of approximately 2.4 metres.

2.4 The restaurant building is constructed of wood panelling with extensive full height glazed doors to the front elevation, under a monopitch single ply roof with protruding flue. The footprint is approximately 80 square metres and the maximum height is approximately 2.4 metres.

## **3. Planning History**

**Reference Number:** N/89/B/LB4

**Description:** Demolition of existing kitchen and rebuilding of extended new kitchen.

**Status:** Permitted

**Reference Number:** N/82/B/158

**Description:** Extension to existing public bar and upgrading adjoining cottage.

**Status:** Permitted

**Reference Number:** N/82/B/LB14

**Description:** Extension to existing public bar and upgrading adjoining cottage.

**Status:** Permitted

**Reference Number:** N/87/B/102

**Description:** Amenity board, post sign, directional sign and free standing letters.

**Status:** Permitted

**Reference Number:** N/87/B/LB22

**Description:** Proposed signs

**Status:** Permitted

**Reference Number:** N/89/B/0023/P

**Description:** Rebuild & extend kitchen.

**Status:** Permitted

**Reference Number:** N/89/B/LB4

**Description:** Demolition of existing kitchen and rebuilding of extended new kitchen.  
**Status:** Permitted

**Reference Number:** N/90/B/0042/P

**Description:** New toilets & sun porch & the conversion of gents to store and ladies to gents.

**Status:** Permitted

**Reference Number:** N/90/B/LB04

**Description:** Build new ladies toilet, demolish & rebuild sun porch & convert gents to stores & ladies to gents.

**Status:** Permitted

**Reference Number:** 17/03497/FUL

**Description:** Proposed retention of double doorway and decking area (retrospective)

**Status:** Permitted

**Reference Number:** 21/02570/FUL

**Description:** Installation of car park management system (ANPR system & 4no pole mounted 800mm x 600mm signs (as amended).

**Status:** Permitted

**Reference Number:** 21/02571/ADE

**Description:** Advertisement consent for Installation of car park management system (ANPR system & 6no pole/wall mounted 800mm x 600mm signs.

**Status:** Permitted

**Reference Number:** 21/02572/LBC

**Description:** Listed building consent for the Installation of car park management system (ANPR system & 4no pole mounted 800mm x 600mm signs (as amended)

**Status:** Permitted

**Reference Number:** 21/04823/FDN

**Description:** Following storm Arwen our Monkey Puzzle Tree is dangerously leaning towards overhead power lines, putting surrounding properties and the general public at risk. Tree Surgeon has confirmed he is available to cut this down on the 16th December.

**Status:** COMMNT

**Reference Number:** N/06/B/1004

**Description:** Erection of a detached annexe following demolition of existing outbuilding.

**Status:** Refused

**Reference Number:** N/05/B/0718

**Description:** Erection of a detached annexe following clearance of the site.

**Status:** Withdrawn

**Reference Number:** N/03/B/0366

**Description:** Installation of broadband internet satellite dish.

**Status:** Permitted

**Reference Number:** N/03/B/0367

**Description:** Installation of broadband internet satellite dish.

**Status:** Permitted  
**Appeals**

**Reference Number:** N/06/B/1004

**Description:** Erection of a detached annexe following demolition of existing outbuilding.

**Status:** Dismissed

#### 4. Consultee Responses

Beadnell Parish Council	Parish Councillors debated the above application and unanimously agreed to support this application.
Highways	No issues arising
Building Conservation	<p>The NPPF (para 200) requires any harm to a designated heritage asset to be supported by clear and convincing justification.</p> <p>ENV 9 (2) sets out how development on public and private open spaces, that are integral to the special character of a conservation area, will be assessed in accordance with part 1b of this policy.</p> <p>This assessment concludes the cumulatively cluttered appearance that has resulted from the siting of these structures is harmful, albeit this is 'less than substantial harm'.</p> <p>NPPF (202), NLP Policy ENV 7 (5) and NLP ENV 9 (1.b) require 'less than substantial harm,' to be weighed against the public benefits of the proposal, including securing an optimum use that is viable and justifiable. Unless a genuine public - not private benefit - is put forward to outweigh this harm the application should be refused.</p>
Public Protection	Public protection have no comments/objections on this consultation.
North Sunderland And Seahouses PC	No response received.
Northumberland Coast AONB	The AONB Partnership is concerned the application has a negative impact on Craster Arms Hotel, a Grade II* listed building, and on the Beadnell Conservation Area. The role of the temporary structures in recovery from the Covid pandemic is recognised however, and it is suggested that that permission, if granted, is for a time-limited period. It is suggested this time limited period is for one year rather than the three requested.
Historic England	No comment

#### 5. Public Responses

## Neighbour Notification

Number of Neighbours Notified	29
Number of Objections	0
Number of Support	0
Number of General Comments	0

## Notices

Site Notice - Conservation & affect LBC, posted 28th February 2022

Press Notice - Northumberland Gazette, published 24th February 2022

## Summary of Responses:

None received

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=QZXZ4RQSJHA00>

## **6. Planning Policy**

### 6.1 Development Plan Policy

#### *Northumberland Local Plan (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)  
ECN 12 - A strategy for rural economic growth (Strategic Policy)  
ECN 15 - Tourism and visitor development  
QOP 1 - Design principles (Strategic Policy)  
QOP 2 - Good design and amenity  
QOP 5 - Sustainable design and construction  
TRA 2 - The effects of development on the transport network  
ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)  
ENV 2 - Biodiversity and geodiversity  
ENV 5 - Northumberland Coast Area of Outstanding Natural Beauty  
ENV 7 - Historic environment and heritage assets  
ENV 9 - Conservation Areas

#### *North Northumberland Coast Neighbourhood Plan (2018)*

Policy 1 - Sustainable Development  
Policy 5 - Design in New Development  
Policy 8 - Sustainable Development Within the Settlements  
Policy 12 - Historic Core Of Beadnell  
Policy 23 - Business And Employment

### 6.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

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

### 6.3 Other Documents/Strategies

National Design Guide (2021)

Beadnell Conservation Area Character Appraisal (2020)

Northumberland Coast AONB Management Plan (2020)

Northumberland Coast AONB Design Guide

The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (2nd Ed) (2017)

Planning (Listed Buildings and Conservation Areas) Act (1990)

## **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 the Northumberland Local Plan (NLP) (2022) and the North Northumberland Coast Neighbourhood Plan (NNCNP) (2018). The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 Paragraph 219 of the NPPF advises that weight should be given to relevant policies in existing plans according to the degree of consistency with the NPPF i.e. the closer a policy in a local plan accords with the NPPF, the greater the weight that may be given to them. The policies referred to in this report are considered to be in accordance with the NPPF and can therefore be given due weight.

7.3 The application has been assessed against national planning policy and guidance, development plan policies, other material planning considerations and the advice of statutory consultees. The main considerations in assessing this proposal are:

Principle of Development,  
Scale, Design & Visual Impact,  
Residential Amenity,  
Highways,  
Heritage Assets, and  
Impact on AONB.

### Principle of Development

7.4 Policy STP 1 of the NLP seeks to deliver sustainable development which enhances the vitality of communities across Northumberland, supports economic growth and which conserves and enhances the County's unique environmental

assets. The policy sets out a settlement hierarchy which identifies Beadnell as a "small village" which will support a proportionate level of development.

7.5 Policy ECN 12 seeks to support rural business by safeguarding the rural environment, rural communities and traditional rural businesses upon which the rural economy depends.

7.6 Policy 1 of the NNCNP seeks to promote sustainable development and supports development within the plan area which provides for new and expanded business premises. Policy 23 of the same document supports proposals for the extension and expansion of existing businesses within settlements.

7.7 Paragraph 83 of the NPPF supports the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

7.8 Small scale development of the type proposed within the beer garden of an established business is acceptable in this context.

7.9 As part of the government's response to the Covid 19 pandemic temporary permitted development rights (Part 4 Class BB of The Town and Country Planning (General Permitted Development) (England) (Amendment) (Coronavirus) Order 2021) were introduced in early 2021 permitting the siting of moveable structures on land within the curtilage of cafes, restaurants and drinking establishments such as pubs, including where these are listed buildings. The permitted development right specifies each use or use class that benefits from it - i.e. use Class E(b) (sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises) or the sui generis uses of public house, wine bar, drinking establishment or a drinking establishment with expanded food provision. These provisions were eventually made permanent, however, the siting of such structures is subject to the Prior Approval of the Local Planning Authority and may only be retained for 120 days in any one year. In this case the applicant is looking for permanent permission for the outdoor serving building and temporary permission (3 years) for the restaurant sheds, therefore, planning permission is required.

7.10 As the site is located within the settlement of Beadnell and the proposal would serve to sustain and enhance an established business, the principle of the proposal is accepted. Notwithstanding this, concerns are raised regarding the impacts of the proposal upon the setting of the listed building, conservation area and AONB and these are discussed further below.

#### Scale, Design & Visual Impact

7.11 Policy QOP 1 of the NLP seeks to support development which respects its surroundings. The preamble to the policy states that the assessment of design against Policy QOP 1 should be proportionate, taking into account the type, scale and context of the development. Amongst a range of criteria the policy states that development proposals should make a positive contribution to local character and distinctiveness.

7.12 Paragraph 126 of the NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable

development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 seeks to ensure that developments are sympathetic to local character and design.

7.13 The long and narrow footprint (16m x 5 metres) of the restaurant cabin structure located against the northern boundary of the garden, together with its low height, flat roof profile, facing materials and colour finish allow it to blend into the backdrop of the stone boundary wall. On this basis the design, scale and visual impact of this element of the proposals is acceptable.

7.14 The 4no dining cabins (in reality large garden sheds) are more conspicuous given their locations within the site, their pitched roofs, dark colour and painted murals. Whilst the murals add an element of vibrancy to the development, the overall impact is one of clutter within what was previously an open garden with picnic tables arranged throughout. Views into the site are limited to some extent by the stone boundary wall between the garden and the highway and the site is still understood as a pub beer garden. However, the proposed temporary nature of the buildings mitigates the highlighted concerns sufficiently that they would not warrant a refusal in this respect.

7.15 On this basis the proposal is acceptable in accordance with Policy QOP 1 of the NLP, Policy 5 of the NNCNP and the NPPF.

#### Amenity

7.16 Policy QOP 2 of the NLP seeks to ensure that development would not result in unacceptable adverse impacts on the amenity of neighbouring land uses.

7.17 Paragraph 130 of the NPPF seeks to ensure that developments will create places with a high standard of amenity for existing and future users.

7.18 Due to the location and existing use of the site, there would not be any substantive impacts on neighbouring amenity resulting from the proposals in terms of loss of light, outlook, overbearing, privacy or noise. The siting of the cabins may enable the use of the garden for longer periods however the Council's Public Protection team have responded to consultation raising no concerns. As such the proposal is considered to be in accordance with Policy QOP 2 of the NLP and the NPPF in this respect.

#### Highways

7.19 Policy TRA 2 of the NLP seeks to ensure that all development will minimise any adverse impacts upon the highway network.

7.20 Paragraph 111 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.21 There are no concerns in respect of parking or highway safety arising from the proposals. The Local Highway Authority has responded to consultation noting there would be no changes to the parking arrangements as a result of this application and there would be no loss of off-street parking. The proposal would not result in a material increase in traffic flow to the pub/local area and therefore there are no



objections in principle to the proposals. The proposals are therefore acceptable in accordance with highways policy.

### Heritage Impacts

7.22 The application is within the curtilage of the grade II\* listed Craster Arms and is also within the Beadnell Conservation Area and due consideration must be given to these designated heritage assets.

7.23 The legislative framework has regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) which requires the local planning authority to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses. The Local Planning Authority must also have regard to Section 72(1) of the Act which requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

7.24 Paragraph 199 of the NPPF states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

7.25 Policy ENV 7 of the NLP 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. Policy ENV 9 seeks to ensure that development within conservation areas should help to preserve or enhance the character or appearance of that area.

7.26 Policy 12 of the NNCNP relates to the historic core of Beadnell and states that "development proposals within or affecting the setting of the historic core of Beadnell [...] must demonstrate they do not harm this area or its setting through inappropriate scale, height, design, and materials".

7.27 Views into and through the site add to the character and appearance of the Conservation Area and this area also forms part of the historic setting of the listed building. The area to the east of the Craster Arms is an important element of its setting and is directly associated with the former defensive tower house. Hence this open area has historically been within the curtilage of The Craster Arms, as shown intact on the first O/S Map. This relationship is still evident on site due to the existence of a random rubble boundary wall along The Haven.

7.28 Prior to the introduction of the linear restaurant cabin structure, and four standalone dining sheds, this was an attractively grassed open pub garden with picnic benches.

7.29 The Council's Built Heritage & Design Officer has responded to consultation noting that the introduction of built form into an area which has historically been free of structures, even if they are low scale and temporary, can result in overcrowding of

the formerly open setting. Albeit individually the structures are small scale and single storey, the cumulative impact is cluttered.

7.30 The Heritage Statement submitted with the application concludes that the development would not interfere with the fabric of the listed building, as it is sited within a well enclosed curtilage, which is described as having much less significance. Whilst the officer does not dispute this, The Craster Arms has a low-level stone boundary wall, with no other permanent buildings within its curtilage (prior to the introduction of the restaurant cabin and dining sheds, (which are dotted around the curtilage) and consequently there is an impact upon the setting of the listed building.

7.31 The long and narrow linear footprint (16m x 5 metres) of the restaurant cabin structure, together with its low height, flat roof profile and siting along the northern boundary, mean that it is well set back from the public highway to the south (The Haven) and has a limited visual impact in views into and across the site. The facing materials and colour finish allow it to blend into the backdrop of the stone boundary wall, to some extent, with the modern stone-built housing development to the rear. This structure therefore has less impact on the setting of the listed building and is not evident in any views towards the listed Church. However, the four dining cabins, which have pitched roofs and are painted a dark green with murals, three of which are sited on the west boundary, within metres of the side elevation of the listed building, and one on the south boundary which blocks views into and through the site towards the other listed buildings, are harmful to aesthetic value.

7.32 The setting is now cluttered, views of the surrounding listed buildings are interrupted, and the overall character and appearance of the historic core of Beadnell, which is a designated conservation area, has been impacted. Policy ENV 9 (1.c) is clear that development in conservation areas should enhance and reinforce local distinctiveness and wherever possible, better reveal its significance. Any development must respect architectural and historic character and cultural associations, including historic plot boundaries, layouts, densities, patterns of development, existing buildings and structures and the contribution made by open areas.

7.33 The siting of five structures, albeit some of which are temporary, within the setting of the Grade II\* listed building has resulted in harm to its aesthetic and historic significance. The cumulative impact of so many structures in the immediate setting of the listed building, and the resulting impact on the character and appearance of the conservation area is considered to be harmful, albeit this would be 'less than substantial.' within the terms of the NPPF.

7.34 Paragraph 202 of the NPPF states that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

7.35 Policy ENV 9 (2) of the NLP sets out how development on public and private open spaces, that are integral to the special character of a conservation area, will be assessed in accordance with part 1b of the policy, which requires 'less than substantial harm,' to be weighed against the public benefits of the proposal, including securing an optimum use that is viable and justifiable.

7.36 Whilst some of the structures are proposed to be temporary, the justification provided in the Heritage Statement regarding the ongoing viability of the business does not sufficiently address this. Given that all restrictions have now been lifted, it is officer opinion that Covid related adjustments are not sufficient to justify the type of development proposed and whilst the restaurant structure may be acceptable on its own, the proposal is for the restaurant structure and dining sheds and must be considered as such. It is therefore considered that the harm identified is not outweighed by genuine public benefits and as such the proposal is contrary to Policies ENV 7 and ENV 9 of the NLP, Policy 12 of the NNCNP, the NPPF and the PLBCAA.

#### Impact on AONB

7.37 The application site falls within the Northumberland Coast AONB and as such due consideration must be given to this designated asset.

7.38 Paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. Case law shows that giving 'great weight' means placing the conservation of the landscape and scenic beauty of an AONB into a special category of material consideration rather than simply weighing it in the planning balance.

7.39 Policy ENV 5 of the emerging NLP states that the special qualities of the Northumberland Coast Area of Outstanding Natural Beauty will be conserved and enhanced, having regard to the current AONB Management Plan and locally specific design guidance.

7.40 Policy 5 of the NNCNP states that all new development in the Neighbourhood Area, including extensions and conversions, should incorporate high quality design which, for areas within the Northumberland Coast AONB, will include incorporating the principles contained in the most recent version of the Northumberland Coast AONB Design Guide.

7.41 The AONB Partnership responded to consultation raising concerns that the proposal has a negative impact on the Grade II\* listed building and upon the Beadnell Conservation Area. Whilst recognising the original purpose of the structures as part of the business' covid recovery strategy, it is considered that any temporary permission should be for a shorter period of time than the three years requested. Whilst the pandemic required this valued and successful business to adapt, the beer garden is considered to be over-developed in its current state. As such the proposal does not conserve or enhance the special qualities of the AONB and is contrary to Policy ENV 5 of the NLP and the NPPF.

#### Other Matters

7.42 The comments received from the Parish Council are noted and have been taken into account in the assessment of the application.

#### Equality Duty

7.43 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

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

#### Human Rights Act Implications

7.45 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.

7.46 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.

7.47 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 concerns raised in respect of the visual impacts of the proposal, the harm identified to designated heritage assets and the impact upon this part of the AONB have been taken into account in the assessment of the application.

8.2 Notwithstanding the support of the Parish Council, in light of the concerns raised, the proposal is not in accordance with national and local planning policies and accordingly planning permission should not be granted.

### **9. Recommendation**

9.1 That this application be REFUSED permission subject to the following:

Conditions/Reason

1. Impact on Designated Heritage Assets

The siting of the structures, albeit temporary, within the setting of the Grade II\* listed building would result in harm to its aesthetic and historic significance. The setting is now cluttered, views of the surrounding listed buildings are interrupted and the overall character and appearance of the historic core of Beadnell, which is a designated conservation area, has been impacted. The proposal does not therefore accord with Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies ENV 7 and ENV 9 of the Northumberland Local Plan (2022), Policy 12 of the North Northumberland Neighbourhood Plan (2018) or Chapter 16 of the NPPF.

2. Impact on AONB

The proposal fails to conserve or enhance the Northumberland Coast AONB and is therefore contrary to Policy ENV 5 of the Northumberland Local Plan and paragraph 176 of the NPPF.

**Background Papers:** Planning application file(s) 21/03792/FUL

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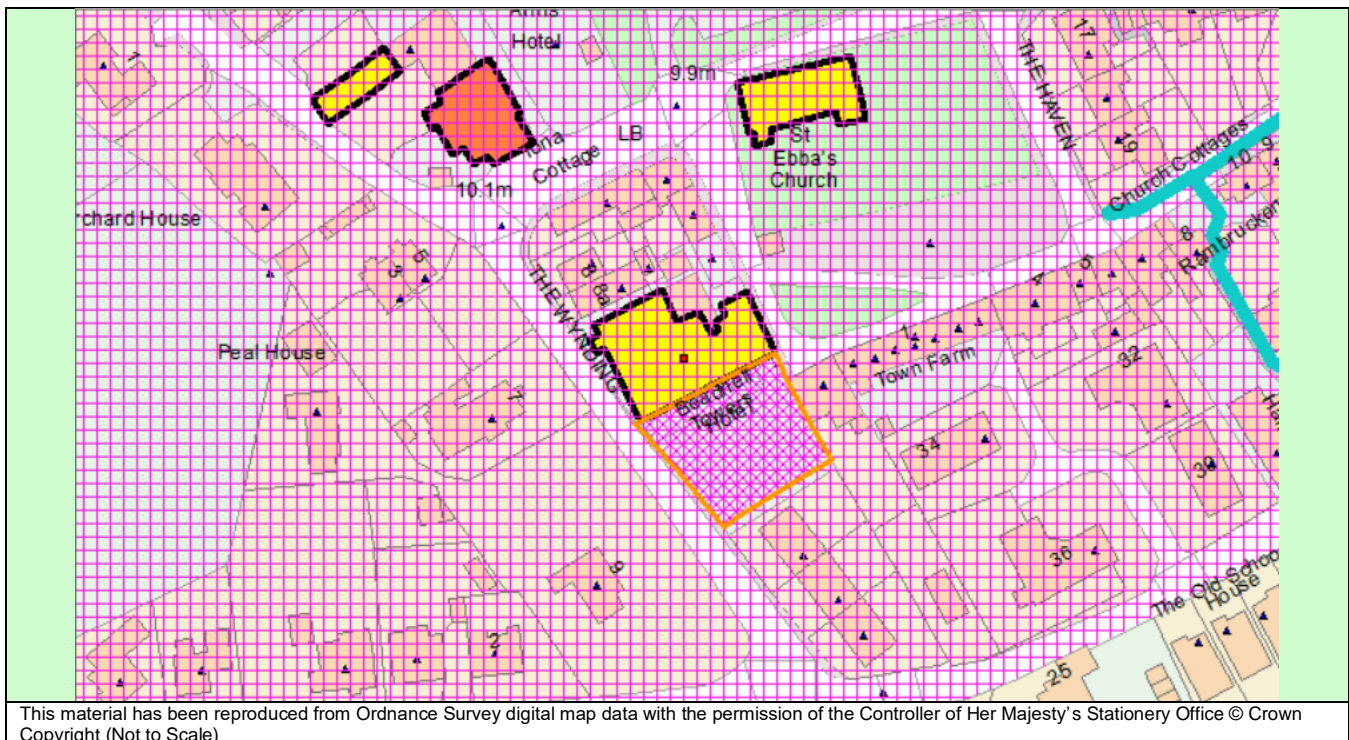


**Northumberland**  
County Council

**North Northumberland Local Area Council, 23<sup>rd</sup> June 2022**

<b>Application No:</b>	21/01112/FUL		
<b>Proposal:</b>	Replacement of existing store and smoking shelter within the rear car park with a shipping container to provide outdoor food and drink service ancillary to Beadnell Towers Hotel		
<b>Site Address</b>	Beadnell Towers Hotel, The Wynding, Beadnell, Chathill Northumberland NE67 5AY		
<b>Applicant:</b>	Mr David Wilson Care of Agent, 1 Hood Street, Newcastle-upon-Tyne, NE1 6JQ	<b>Agent:</b>	Mr Daniel Puttick 1 Hood Street, Newcastle-upon-Tyne, NE1 6JQ,
<b>Ward</b>	Bamburgh	<b>Parish</b>	Beadnell
<b>Valid Date:</b>	29 March 2021	<b>Expiry Date:</b>	14 June 2021
<b>Case Officer Details:</b>	Name: Mr Jon Sharp Job Title: Senior Planning Officer Tel No: 01670 623628 Email: Jon.Sharp@northumberland.gov.uk		

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



**1. Introduction**

1.1 This application falls to be determined by the North Northumberland Local Area Council Planning Committee due to concerns raised regarding the impact of the proposals upon designated heritage assets and the similarity between this and an application at the nearby Craster Arms (21/03792/FUL).

## 2. Description of the Proposals

2.1 The application seeks permission for the replacement of an existing store and smoking shelter within the car park of the Beadnell Towers Hotel, The Wynding, Beadnell with a shipping container to provide a servery for outdoor food and drink service ancillary to the wider use of the hotel.

2.2 The shipping container is of a standard size (10ftx8ftx8ft6) and has been clad in vertical timber boarding which has been stained dark brown. The container is located to the eastern side of the car park which was temporarily given over to outdoor seating as part of the pandemic response. The car park is now back in use for car parking however the applicant seeks the retention of the container unit for use as a servery.

2.3 The application site is within the village of Beadnell and is surrounded by a mixture of commercial and residential land uses. The site is within the Beadnell Conservation Area and the hotel is Grade II listed under list reference 1233312 Beadnell Tower Hotel.

## 3. Planning History

**Reference Number:** 17/04217/FUL

**Description:** Removal of lean to extensions to the rear and replace with single storey extension and proposed roof terrace

**Status:** Permitted

**Reference Number:** 17/04218/LBC

**Description:** LISTED BUILDING CONSENT: Removal of lean to extensions to the rear and replace with single storey extension, proposed roof terrace, removal of existing metal fire escapes, interior layout re-arrangements and total refurbishment

**Status:** Permitted

**Reference Number:** 18/02076/DISCON

**Description:** Discharge of Condition 5 (Construction Method Statement) on approved planning application 17/04217 FUL (PART)

**Status:** Permitted

**Reference Number:** 18/02430/LBC

**Description:** Listed Building Consent to change the external paint colour

**Status:** Permitted

**Reference Number:** 18/02560/VARYCO

**Description:** Variation of condition 2 (Approved Plans) pursuant to planning permission 17/04217/FUL in order to replace flat roof with a pitched roof.

**Status:** Permitted

**Reference Number:** 19/00599/ADE



**Description:** Advertisement consent for replacement painted signage around entrance canopy and on elevations; Illuminated hanging sign replacing non-illuminated hanging sign on west (The Wynding) elevation; Car park direction signboard at first floor on north gable end of Rose Cottage

**Status:** Permitted

**Reference Number:** 19/00907/DISCON

**Description:** Discharge of condition 4 (Site plan); condition 6 (waste bin proposals) on approved planning application 17/04217/FUL

**Status:** Permitted

**Reference Number:** 19/00081/LIC

**Description:** Minor Variation - change of layout

**Status:** No Objection

**Reference Number:** 21/00021/LIC

**Description:** Variation of premises licence - Last date for reps is 17/4/21. SRU: 147090.

**Status:** No Objection

**Reference Number:** N/91/B/0417/P

**Description:** New hoarding sign onto existing posts.

**Status:** Permitted

**Reference Number:** N/01/B/0102

**Description:** Refurbishment works including external painting of black window and door surrounds with blue paint and internal alterations.

**Status:** Permitted

**Reference Number:** N/02/B/0159

**Description:** Retention of 6 no. spotlights attached to hotel building.

**Status:** Permitted

#### 4. Consultee Responses

Beadnell Parish Council	No objection subject to condition in respect of opening times and assurances sought over the use of the car park as an outdoor seating area
North Sunderland And Seahouses PC	No response received.
Northumberland Coast AONB	Concerns raised that the shipping container detracts from its setting and appears incongruous in the setting of the listed hotel and conservation area. It is noted that the structure is proposed "to be provided only as long as is necessary to ensure the business can operate viably" and as such it is requested that if planning permission is granted, this is for a limited time period and that, once restrictions are lifted for serviced accommodation, the external space of the hotel reverts to a car park.
Building Conservation	Objects. The development within the setting of the Grade II listed building has resulted in harm to its aesthetic significance. No clear and convincing argument has been put forward to

	justify this. The container also has an impact on the special character and appearance of the Conservation Area.  To accord with the NPPF (paragraph 196), unless a genuine public - not private benefit - is put forward to outweigh this harm, the application should be refused.
Highways	No objection. Given the ancillary use to the adjacent hotel and the potential to cater for local trips that should be undertaken through walking or cycling, it is considered that the development would not generate sufficient additional trips or parking demand that would warrant a justifiable reason for refusal of the application under the NPPF.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	5
Number of Objections	5
Number of Support	0
Number of General Comments	1

### Notices

Site Notice - Affecting Conservation, posted 20th April 2021

Press Notice - Berwick Advertiser, published 22nd April 2021

### Summary of Responses:

6no representations received including 5no objections and 1no neutral observation. Comments include;

Impact of loss of parking arising from use of car park for outdoor seating  
Use of car park for outdoor seating should only be temporary and should have time restrictions applied  
Impact on neighbouring amenity  
Incorrect plans  
Visual impact of shipping container

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=QQ5QEYQSMSL00>

## 6. Planning Policy

### 6.1 Development Plan Policy

*Northumberland Local Plan (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)  
ECN 12 - A strategy for rural economic growth (Strategic Policy)  
ECN 15 - Tourism and visitor development  
QOP 1 - Design principles (Strategic Policy)  
QOP 2 - Good design and amenity  
QOP 5 - Sustainable design and construction  
TRA 2 - The effects of development on the transport network  
TRA 4 - Parking provision in new development  
ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)  
ENV 5 - Northumberland Coast Area of Outstanding Natural Beauty  
ENV 7 - Historic environment and heritage assets  
ENV 9 - Conservation Areas

#### *North Northumberland Coast Neighbourhood Plan (2018)*

Policy 1 - Sustainable Development  
Policy 5 - Design in New Development  
Policy 8 - Sustainable Development Within the Settlements  
Policy 12 - Historic Core Of Beadnell  
Policy 23 - Business And Employment

#### 6.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

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

#### 6.3 Other Documents/Strategies

National Design Guide (2021)

Beadnell Conservation Area Character Appraisal (2020)

Northumberland Coast AONB Management Plan (2020)

Northumberland Coast AONB Design Guide

The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (2nd Ed) (2017)

Planning (Listed Buildings and Conservation Areas) Act (1990)

### **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 the Northumberland Local Plan (NLP) (2022) and the North Northumberland Coast Neighbourhood Plan (NNCNP) (2018). The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 Paragraph 219 of the NPPF advises that weight should be given to relevant policies in existing plans according to the degree of consistency with the NPPF i.e. the closer a policy in a local plan accords with the NPPF, the greater the weight that may be given to them. The policies referred to in this report are considered to be in accordance with the NPPF and can therefore be given due weight.

7.3 The application has been assessed against national planning policy and guidance, development plan policies, other material planning considerations and the advice of statutory consultees. The main considerations in assessing this proposal are:

Principle of Development,  
Scale, Design & Visual Impact,  
Amenity,  
Highways,  
Heritage Matters, and  
Impact on AONB.

#### Principle of the development

7.4 Policy STP 1 of the NLP seeks to deliver sustainable development which enhances the vitality of communities across Northumberland, supports economic growth and which conserves and enhances the County's unique environmental assets. The policy sets out a settlement hierarchy which identifies Beadnell as a "small village" which will support a proportionate level of development.

7.5 Policy ECN 12 seeks to support rural business by safeguarding the rural environment, rural communities and traditional rural businesses upon which the rural economy depends.

7.6 Policy 1 of the NNCNP seeks to promote sustainable development and supports development within the plan area which provides for new and expanded business premises. Policy 23 of the same document supports proposals for the extension and expansion of existing businesses within settlements.

7.7 Paragraph 83 of the NPPF supports the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

7.8 Small scale development of the type proposed within the curtilage of an established business is acceptable in this context.

7.9 As part of the government's response to the Covid 19 pandemic temporary permitted development rights (Part 4 Class BB of The Town and Country Planning (General Permitted Development) (England) (Amendment) (Coronavirus) Order 2021) were introduced in early 2021 permitting the siting of moveable structures on land within the curtilage of cafes, restaurants and drinking establishments such as pubs, including where these are listed buildings. The permitted development right specifies each use or use class that benefits from it - i.e. use Class E(b) (sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises) or the sui generis uses of public house, wine bar, drinking establishment or a drinking establishment with

expanded food provision. These provisions were eventually made permanent, however the siting of such structures is subject to the Prior Approval of the Local Planning Authority and may only be retained for 120 days in any one year.

7.10 Buildings that do not fall within use class E(b) or the sui generis uses described above (hotels or other venues with an ancillary restaurant, for example) do not benefit from the new permitted development right. In the case at hand therefore, planning permission is required for the siting of a temporary structure within the curtilage of the hotel.

7.11 As the site is located within the settlement of Beadnell and the proposal would serve to sustain and enhance an established business, the principle of the proposal is accepted. Notwithstanding this, concerns are raised by local residents and consultees regarding the impacts of the proposal upon neighbouring amenity, highways and the character of the listed building and conservation area and these are discussed further below.

### Scale, Design & Visual Impact

7.12 Policy QOP 1 of the NLP seeks to support development which respects its surroundings. The preamble to the policy states that the assessment of design against Policy QOP 1 should be proportionate, taking into account the type, scale and context of the development. Amongst a range of criteria the policy states that development proposals should make a positive contribution to local character and distinctiveness.

7.13 Policy 5 of the NNCNP states that all new development in the Neighbourhood Area, including extensions and conversions, should incorporate high quality design. The policy also sets out criteria by which development proposals should be assessed.

7.14 Paragraph 126 of the NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 seeks to ensure that developments are sympathetic to local character and design.

7.15 The container, which has been in situ since April 2021, does not have a harmonious impact upon its immediate surroundings. The shape, mass and colour of the container inevitably gives it the character and appearance of a temporary storage structure or garden shed. Whilst this type of converted container has worked well in other locations, in this case it is an incongruous feature within the curtilage of the grade II listed hotel. However, the proposed temporary nature of the container mitigates the highlighted concerns sufficiently that they would not warrant a refusal in this respect. On that basis the proposal is acceptable in accordance with Policy QOP 1 of the NLP, Policy 5 of the NNCNP and the NPPF.

7.16 Notwithstanding this and although the temporary nature of the proposal would mitigate the concerns highlighted in respect of its impact on the surrounding area, concerns remain regarding its impact on the designated heritage assets and the AONB. These are discussed in more detail below.

### Amenity

7.17 Policy 5 of the NNCNP also states that development proposals must demonstrate that they will not result in an unacceptable loss of light or overshadowing, or other adverse amenity impacts on existing or future residents.

7.18 Policy QOP 2 of the NLP seeks to ensure that development would not result in unacceptable adverse impacts on the amenity of neighbouring land uses.

7.19 Paragraph 130 of the NPPF seeks to ensure that developments will create places with a high standard of amenity for existing and future users.

7.20 The siting of the container does not give rise to any concerns in respect of neighbouring amenity and there are no privacy, overbearing or loss of light issues. Concerns raised by neighbours have focused on the potential for antisocial behaviour and/or increased noise and disturbance arising from the use of the outdoor space at antisocial times, which may be facilitated by the siting of the servery. However, these issues could just as well be caused if the servery was located indoors and as such it is considered that the siting of the container servery within the car park would not give rise to any disturbance above and beyond that which might otherwise be forthcoming from an established hotel bar and restaurant. On this basis the siting of the container is acceptable in accordance with Policy 5 of the NNCNP, Policy QOP 2 of the NLP and the NPPF.

### Highways

7.21 Policy TRA 2 of the NLP seeks to ensure that all development will minimise any adverse impacts upon the highway network.

7.22 Paragraph 111 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.23 Concerns have been raised by members of the public regarding the use of the hotel car park as an outdoor seating area and the attendant impact that has had on parking in the surrounding streets. The application at hand however only relates to the shipping container servery, which has been located on the former site of a smoking shelter and has not therefore diminished the amount of parking space available within the car park.

7.24 The other concern that has been raised is that the plans submitted with the application show parking spaces available to the east of the building which are no longer available due to the construction of a private terrace for the adjacent bedroom. These matters aside and as noted above, the application at hand only relates to the siting of the container and not the closure of the wider car park, which was carried out under the relaxation of licensing laws as part of the government's Covid 19 recovery plans. The car park has subsequently been reopened and therefore the wider impact of the closure of the car park cannot be considered in the context of this application. Any proposals for the permanent closure of the car park would need to be submitted to the LPA via a separate planning application and would be assessed accordingly.

7.25 The Local Highway Authority has raised no objections to the proposal and it is therefore acceptable and in accordance with Policy TRA 2 of the NLP and the NPPF in this respect.

### Heritage Matters

7.26 The application site is located within the curtilage of the Grade II listed Beadnell Towers Hotel and is also within the Beadnell Conservation Area. As such due consideration must be given to these designated heritage assets.

7.27 The legislative framework has regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires Local Planning Authorities, as decision makers, in considering whether to grant planning permission for development, to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7.28 Section 72(1) of the same Act requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

7.29 Paragraph 199 of the NPPF states that In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

7.30 Policy ENV 7 of the NLP 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. Policy ENV 9 seeks to ensure that development within conservation areas should help to preserve or enhance the character or appearance of that area.

7.31 Policy 12 of the NNCNP relates to the historic core of Beadnell and states that "development proposals within or affecting the setting of the historic core of Beadnell [...] must demonstrate they do not harm this area or its setting through inappropriate scale, height, design, and materials".

7.32 The Council's Built Heritage & Design Officer has responded to consultation noting that the listed building has aesthetic, communal and historic value, however, in this instance the impact on aesthetic value - including the open nature of its immediate setting - is the key consideration. The container is in situ and is highly visible in the context of the listed building, due to the open nature of the setting. It is also very prominent from within the site. It is noted that the Heritage Statement submitted with the application concludes that the siting of the container is harmful to the setting of the listed building and that this would be 'less than substantial' in the context of the NPPF. The Built Heritage Officer agrees with this assessment but does not agree that this is minimal.

7.33 The officer concludes that the setting has been interrupted by an incongruous structure, not in any way associated with the significance of the heritage asset. This causes harm to aesthetic value and historical value and is out of place in the immediate setting of the listed building in this small attractive village.

7.34 With regard to the impact of the servery on the Beadnell Conservation Area, views into and across the site and of the surrounding listed buildings are interrupted, and the overall character and appearance of the historic core of Beadnell, has been impacted. Policy ENV 9 (1.c) is clear that development in conservation areas should enhance and reinforce local distinctiveness and wherever possible, better reveal its significance. Any development must respect architectural and historic character and cultural associations, including historic plot boundaries, layouts, densities, patterns of development, existing buildings and structures and the contribution made by open areas.

7.35 Paragraph 202 of the NPPF states that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use". This is echoed by Policy ENV 7 (5) of the NLP.

7.36 Policy ENV 9 (2) of the NLP sets out how development on public and private open spaces, that are integral to the special character of a conservation area, will be assessed in accordance with part 1b of the policy, which requires 'less than substantial harm,' to be weighed against the public benefits of the proposal, including securing an optimum use that is viable and justifiable.

7.37 Given that all restrictions have now been lifted, it is the opinion of the case officer that Covid related adjustments are no longer sufficient to justify the type of development proposed. The harm identified is not outweighed by genuine public benefits and as such the proposal is contrary to Policies ENV 7 and ENV 9 of the NLP, Policy 12 of the NNCNP, the NPPF and the PLBCAA.

#### Impact on AONB

7.38 The application site is within the Northumberland Coast AONB and as such consideration must be given to the impact of the proposals on that designated area.

7.39 Policy 5 of the NNCNP states that all new development in the Neighbourhood Area, including extensions and conversions, should incorporate high quality design which, for areas within the Northumberland Coast AONB, will include incorporating the principles contained in the most recent version of the Northumberland Coast AONB Design Guide.

7.40 Policy ENV 5 of the NLP states that the special qualities of the Northumberland Coast Area of Outstanding Natural Beauty will be conserved and enhanced, having regard to the current AONB Management Plan and locally specific design guidance.

7.41 Paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. Case law shows that giving 'great weight' means placing the conservation of the landscape and scenic beauty of an AONB into



a special category of material consideration rather than simply weighing it in the planning balance.

7.42 The AONB Partnership has responded to consultation stating that the shipping container detracts from its setting and appears incongruous. The Partnership agrees with the Heritage Statement that the structure has a harmful effect on the listed building and the character and appearance of the Conservation Area and that this is "derived from the introduction of a further structure of an industrial appearance which would contrast with the appealing architecture exhibited within the listed building itself."

7.43 It is further noted that the container was intended as "a short-term flexible space" to assist with the business' recovery and that it would be "provided only as long as [...] necessary to ensure the business can operate viably". Whilst the installation is considered acceptable as a temporary response to the impact of the pandemic, the AONB Partnership have concerns over the long-term siting of the container within the carpark and request that if planning permission is to be granted, it is for a limited time period only and that it be removed once pandemic restrictions are lifted for serviced accommodation.

7.44 On this basis the siting of the container may be considered to have been acceptable on a short-term basis. However, as Covid restrictions have now been lifted the justification for its siting is no longer valid and the proposal is therefore contrary to Policy ENV 5 of the NLP, Policy 5 of the NNCNP and the NPPF.

#### Other Matters

7.45 The concerns raised in the representations received are noted and have been taken into account and/or addressed in the assessment of the application as appropriate.

#### Equality Duty

7.46 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

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

#### Human Rights Act Implications

7.48 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.

7.49 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.

7.50 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 concerns raised in respect of the visual impacts of the proposal, the harm identified to designated heritage assets and the impact upon this part of the AONB have been taken into account in the assessment of the application.

8.2 In light of the concerns raised, the proposal is not in accordance with national and local planning policies and accordingly planning permission should not be granted.

## **9. Recommendation**

9.1 That this application be REFUSED permission subject to the following:

### Conditions/Reason

#### **1. Impact on Designated Heritage Assets**

The siting of the structure, albeit temporary, within the setting of the Grade II listed building would result in harm to its aesthetic and historic significance. Views of the surrounding listed buildings are interrupted and the overall character and appearance of the historic core of Beadnell, which is a designated conservation area, has been impacted. The proposal does not therefore accord with Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies ENV 7 and ENV 9 of the Northumberland Local Plan (2022), Policy 12 of the North Northumberland Neighbourhood Plan (2018) or Chapter 16 of the NPPF.

#### **2. Impact on AONB**

The proposal fails to conserve or enhance the Northumberland Coast AONB and is therefore contrary to Policy ENV 5 of the Northumberland Local Plan and paragraph 176 of the NPPF.

**Background Papers:** Planning application file(s) 21/01112/FUL

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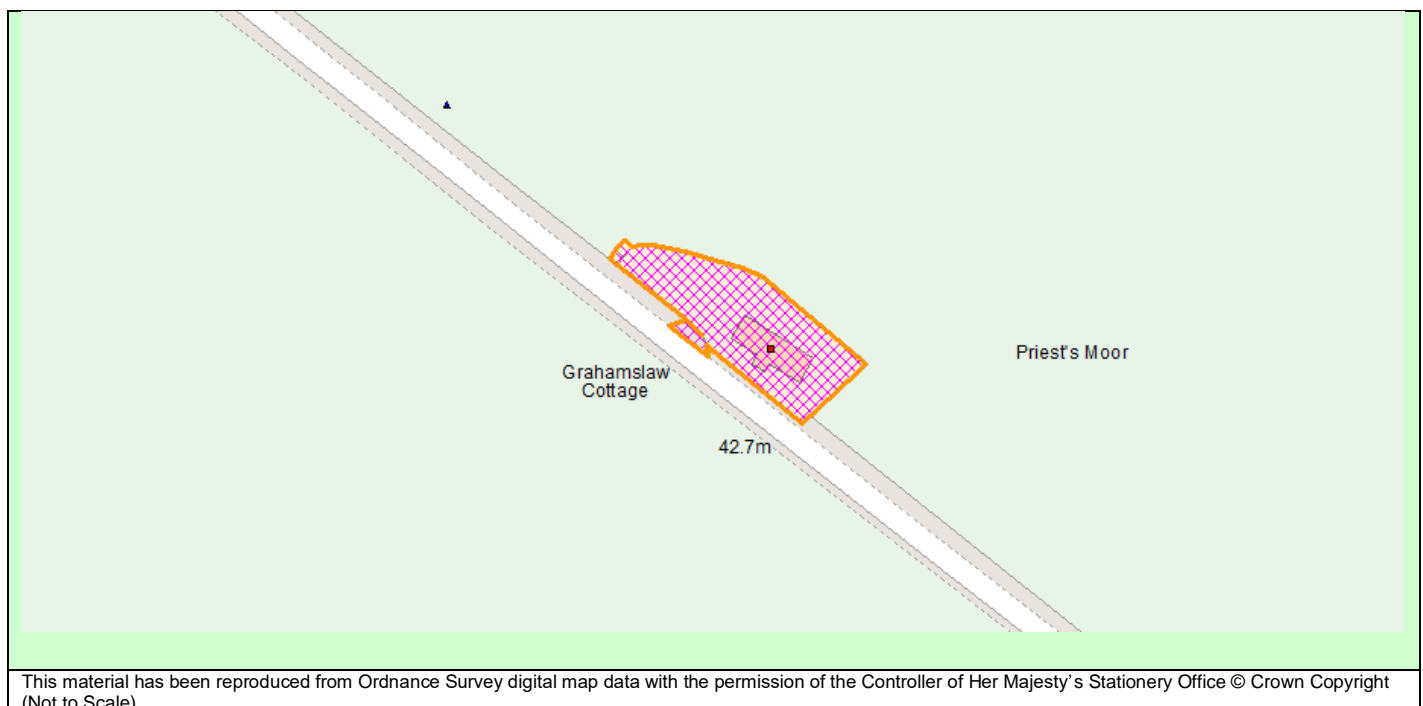


## Northumberland County Council

### North Northumberland Local Area Council, 23<sup>rd</sup> June 2022

<b>Application No:</b>	21/04960/FUL		
<b>Proposal:</b>	Resubmission: Rebuilding of Grahamslaw Cottage following significant fire damage. Detached garage.		
<b>Site Address</b>	Grahamslaw Cottage, Priests Moor, Christon Bank, Northumberland		
<b>Applicant:</b>	Grahamslaw C/O Agent	<b>Agent:</b>	Mr Craig Ross 4-6 Market Street, Alnwick, NE66 1TL,
<b>Ward</b>	Longhoughton	<b>Parish</b>	Embleton
<b>Valid Date:</b>	22 December 2021	<b>Expiry Date:</b>	13 May 2022
<b>Case Officer Details:</b>	Name: Mr James Hudson Job Title: Senior Planning Officer Tel No: 01670 622646 Email: James.Hudson@northumberland.gov.uk		

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



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## 1. Introduction

1.1 Following support from the Parish Council contrary to officer recommendation for refusal the application was referred to the Director of Planning and the Chairs of Planning Committee where it was resolved that the application should be determined by the North Northumberland Local Area Council.

1.2 Planning permission 21/00257/FUL for the construction of a 1.no 1.5 storey dwelling and detached garage was refused on 20.08.21 under delegated decision.

## 2. Description of the Proposals

2.1 The application seeks permission for the construction of 1.no 1.5 storey dwelling and detached garage located on the site of the former Grahamslaw Cottage, Priests Moor, Christon Bank.

2.2 The dwelling is located on the site of the former Grahamslaw Cottage, which had sustained significant fire damage. The dwelling itself will be located on the same footprint of the prior cottage with the garage located in north west corner of the site. The proposed dwelling would be four bedroomed and would have living accommodation on the ground floor and bedrooms incorporated into the roof spaces. The dwelling will be approximately 7.1m in height, 18.4 in length and 7.3m in width and constructed from redbrick and natural stone quoins, cills and heads. The roof will be constructed from natural slate. The front of the property will have a porch, two windows with two dormer windows built into the eave line. All weather goods, doors and garage door will be painted black. The garage will be approximately 4m in height, 6m in length and 3m in width and constructed from red brick with a natural slate roof and traditional fixings.

2.3 The site is located in open countryside and bound by agricultural fields and adjacent to the U3001, approximately 300m north of Christon Bank with Embleton located approximately 1.4km south-east. The proposed site occupied a former dwelling which sustained fire damage in May 2020 and is largely overgrown with only 3 chimney stacks of the dwelling remaining in situ.

2.4. The applicant proposes to use and upgrade the existing access onto the U3001 in accordance with NCC design specification and with fronting hedge to be removed and re-planted to enable improved junction visibility

## 3. Planning History

**Reference Number:** 21/00257/FUL

**Description:** Rebuilding of Grahamslaw Cottage following significant fire damage. Detached garage.

**Status:** REF

## 4. Consultee Responses

Embleton Parish Council	Support the proposal.
County Ecologist	No objections, subject to condition and developer contribution towards the coastal mitigation service.
Highways	No objection, subject to condition.
Natural England	No objection subject to a developer contribution towards the coastal mitigation service.
Public Protection	No objection, subject to condition

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	0
Number of Objections	0
Number of Support	4
Number of General Comments	1

### Notices

General site notice, 11 February 2022  
No Press Notice Required.

### Summary of Responses:

4.no letters of support. Comments relate to the replacement dwelling appearing to be a sympathetic to the area in design and size.

## 6. Planning Policy

### Development Plan Policy

Northumberland Local Plan - (2018 - 2038) Adopted March 2022

Policy STP 1 - Spatial Strategy (Strategic Policy)  
Policy STP 2 - Presumption in Favour of Sustainable Development (Strategic Policy)  
Policy STP 3 - Principles of Sustainable Development (Strategic Policy)  
Policy ENV 2 - Biodiversity and Geodiversity  
Policy HOU 2 - Provision of New Residential Development (Strategic Policy)  
Policy HOU 9 - Residential Development Management  
Policy QOP 1 - Design Principles (Strategic Policy)  
Policy QOP 2 - Good Design and Amenity  
Policy QOP 4 - Landscaping and Trees  
Policy QOP 5 - Sustainable Design and Construction  
Policy QOP 6 - Delivering Well-Designed Places  
Policy TRA 1 - Promoting Sustainable Connections (Strategic Policy)  
Policy TRA 2 - The Effects of Development on the Transport Network  
Policy TRA 4 - Parking Provision in New Development  
Policy WAT 2 - Water Supply and Sewerage  
Policy WAT 4 - Sustainable Drainage Systems  
Policy ICT 2 - New developments  
Policy INF 1 - Delivering development related infrastructure (Strategic Policy)

Embleton Neighbourhood Plan made June 2021

Policy 1 - Sustainable Development  
Policy 2 - Landscapes and Seascapes in the NP area  
Policy 3 - Habitats and Species

Policy 4 - Design in New Development  
Policy 5 - Settlement Boundaries for Christon Bank and Embleton Village  
Policy 10 - Principal Residence Housing  
Policy 15 - Provision and Improvement of Pedestrian and Cycle Routes

### National Planning Policy

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

### Other Documents/Strategies

National Design Code (2021)  
National Design Guide (2021)

## **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 the Northumberland Local Plan 2016-2036 (adopted March 22) and the Embleton Neighbourhood Plan. The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are also material considerations in determining this application.

7.2 The key issues for consideration include:

- Principle of Development,
- Scale, Design & Visual Impact
- Amenity
- Ecology
- Highways
- Climate Change
- Broadband Connectivity

### Principle of Development

7.3 Policy STP 1 of the NLP (Northumberland Local Plan) defines settlement boundaries and the proposal is outside of these boundaries and considered to be within the open countryside.

7.4 Policy STP 1 (g)(iv) relates to housing in the open countryside and advises development in the open countryside will be supported if it can be demonstrated that it provides for residential development in accordance with Policies HOU 7 or HOU 8

7.5 Policy HOU 7 provides for the delivery of exception sites, in accordance with the NPPF the plan does not generally support the development of isolated homes in the countryside, detached from existing settlements, except in certain circumstances. The proposal is not considered a rural exception site and policy HOU 7 is not considered applicable.



7.6 Policy HOU 8 relates to isolated housing development in the open countryside and supports development where:

a. There is an essential and clearly established need for a full-time rural worker necessary to meet the operational needs of a rural business to live permanently at or near their place of work in the countryside, and where it can be demonstrated that:

i. The business is financially sound and viable with a clear prospect of remaining so, the activity and landholding units concerned having been established for at least three years and been profitable for at least one of those last three years; and

ii. The functional need could not be fulfilled by any existing dwelling on the landholding unit or any other existing accommodation in the immediate area, which is suitable (including by means of refurbishment or appropriate extension) and potentially available for occupation by the workers concerned; or

b. It represents the optimal viable use of a heritage asset, or represents appropriate enabling development to secure the future of a heritage asset(s);  
or

c. It re-uses redundant or disused buildings and enhances its immediate setting;  
or

d. It involves the appropriate sub-division of an existing residential dwelling; or

e. The design is of exceptional quality, in that it is truly outstanding or innovative, reflecting the highest standards of architecture, and would help to raise the standards of design in rural areas, and it would significantly enhance its immediate setting.

7.7 Policy STP 1 (h) advises forms of development in the open countryside, other than those identified in criterion g, will be permitted if they are supported in a made neighbourhood plan.

7.8 The proposed development is located within Embleton Neighbourhood Plan area. Policy 1 of the Embleton Neighbourhood Plan gives an overview of the types of development that will be supported in the Neighbourhood Area in order to deliver sustainable development. Embleton Neighbourhood plan states:

'Within the Neighbourhood Area, unless material considerations indicate otherwise, development will be supported which provides:

a. new Principal Residence dwellings within the settlement boundaries of Embleton village and Christon Bank;

b. affordable housing either within and/or on the edge of the settlements of Embleton village and Christon Bank delivered as 'rural exception sites';

c. the re-use of redundant or disused buildings (including for use as Principal Residence housing) where these buildings were originally of substantial construction and where the scheme would improve the appearance of the site and/or where the proposal secures the optimum viable use of a heritage asset;

d. rural business, tourism and employment opportunities as set out in Policy 9;

e. new and expanded social, community, leisure, recreational and educational facilities to serve the communities in Embleton village and Christon Bank;

f. new small-scale visitor facilities, particularly where these also benefit the local community'

7.9 Policy 5 of the ENP refers to the settlement boundaries for Embleton Village and Christon Bank and advises:

'Proposals for development will be supported within the defined settlement boundaries for Embleton village and Christon Bank shown on the Policies Map subject to other policies in the Development Plan. All land outside these settlement boundaries is considered to be 'open countryside' for planning purposes. The proposed development site falls outside the appended settlement boundary map within the ENP and is therefore considered 'open countryside'.

7.10 NPPF Paragraph 79 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and where there are groups of smaller settlements, development in one village may support services in a village nearby.

7.11 The NPPF Paragraph 80 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling; or
- e) the design is of exceptional quality, in that it: - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area

7.12 It is considered that the proposal would result in the construction of a new isolated dwelling in the open countryside that is not considered to be a sustainable form of development. No justification has been put forward to demonstrate that there is an essential need for a new dwelling in this location and there are not considered to be any overriding material considerations that would justify the construction of the new dwelling. The proposal is therefore considered to be contrary to Policy 1 and 5 of the ENP, Policy STP 1 and Paragraphs 79 and 80 of the NPPF.

7.13 The applicant has submitted a supporting statement with the application in which they have stated that this application is not seeking to establish the principle of new residential accommodation but reinstate a residential use which was provided by the original Grahamslaw Cottage but which was lost due to fire. They have furthermore undertaken a review of planning guidance and caselaw to reflect the loss of existing dwellings by means of fire or accident giving examples of where the planning authority have accepted the rebuilding of dwellings in the open countryside due the loss from fire.

7.14 In this case, the applicant believes it can be shown that the re-building of Grahamslaw Cottage will not undermine the content or weight afforded to the Local and Neighbourhood Plans because of the very special circumstances of the case as a result of the fire and the weight afforded to it as a material planning consideration.

7.15 Loss by fire is a concept that case law has considered, a dwelling may be burnt down or otherwise collapse by accident and in such cases inspectors have considered personal circumstances to override planning objections. It is clearly unfair and unreasonable that someone whose dwelling has collapsed or been burnt down should be denied permission to replace it because of an accident or the unlawful acts of others and inspectors are normally sympathetic and exercise a common sense judgment.

7.16 It is understood from assessing the proposal and discussion with the planning agent that that the building was originally used as a residential dwelling which was part of the Grahamslaw Family, however, that use ceased some 20 years ago. The building required refurbishment, although to what extent it does not appear to be clear. The building has then unfortunately been subject to a fire in May 2020 which destroyed all of the building with the exception of the 3 chimney stacks. There is no structural report provided due to the nature of the building's loss, the agent has advised that it had four walls and a roof but not a lot else. Aerial photographs of the site have been submitted by the agent showing the site prior to the fire with the site appearing overgrown with the roof of the building being partially vegetated. A site photograph taken from the U3001 in 2018 shows the site access is open and overgrown, the dwelling is highly vegetated to the point where there are no visible features of the dwelling remain.

7.17 The agent has advised that case law indicates that the proposed development in this case is acceptable as circumstances in this case fire, form a material consideration, which should carry significant weight. While this principle is agreed, it is considered that having assessed all the relevant information before the LPA it is reasonable to believe the use of the dwelling was abandoned prior to the fire in 2020. Therefore, circumstance relating to the fire is not afforded significant weight in the determination of this application.

7.18 The proposal represents new build development in an isolated and sensitive landscape area of the open countryside and is contrary to the NLP, ENP and NPPF for the reasons set out above.

### Scale, Design & Visual Impact

7.19 Policy QOP 1 of the Northumberland Local Plan sets out design principles for all types of development to adhere to. One of the principles states proposals will be supported where design "makes a positive contribution to local character and distinctiveness and contributes to a positive relationship between built and natural features, including landform and topography". Another principle of this policy states proposals will be supported where design "respects and enhances the natural and built environment, including heritage, environmental and ecological assets, and any significant views or landscape setting.

7.20 Policy ENV 3 of the Northumberland Local Plan is also relevant and relates specifically to landscape. This policy seeks to ensure that proposals conserve and enhance the character of the landscape.

7.21 Paragraph 126 of the NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 seeks to ensure that developments are sympathetic to local character and design.

7.22 In June 2021 new provisions were added to the NPPF in relation to design. Paragraph 129 of the NPPF advises that the guidance contained the National Design Guide and the National Model Design Code should be used to guide decisions on applications in the absence of locally produced design guides or design codes. Northumberland does not yet have any NPPF-compliant Local Design Guides. Until such time as it does, we must use the National Design Guide and National Model Design Code to guide decisions on applications. In accordance with the new provisions in NPPF, development that is not well designed should be refused, especially where it fails to reflect government guidance on design. Conversely, significant weight should be given development which reflects government guidance on design; and/or outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

7.23 The site is located within the open countryside on land surrounded by open fields. The dwelling will measure 7.8m in height and given the surrounding sparse flat topography will be highly visible in the landscape. A detached garage will be located to the east of the dwelling measuring 4m in height. The design of the dwelling is more in the style of a typical residential dwelling with a front porch, dormer windows and rooflights and does not reflect the surrounding agricultural landscape. Given the proposed scale, height, design and location of the development it is considered that the proposal would have a significant impact upon the character and appearance of the site and surrounding aesthetic. Having assessed the proposal against local and national planning policy and the 10 characteristics outlined in the National Design Guide it is considered that proposal would have significantly harmful effect on the character and appearance of the open countryside in this area. It is therefore considered that the proposal would not accord with the NLP, National Design Guide or Paragraphs 126 and 127 of the NPPF.

### Amenity

7.24 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.

7.25 Paragraph 130 of the NPPF seeks to ensure that developments will create places with a high standard of amenity for existing and future users.

7.26 There would be no issues arising in terms of loss of privacy, overlooking, overbearing or loss of light arising from the proposed development. As such it is considered that the proposal is in accordance with the NPPF and the emerging NLP in this respect.

7.27 The proposed dwelling is to be built on land which was fire damaged, NCC Public Protection commented on the application initially objecting advising the

applicant to carry out a Phase 1 contaminated land assessment. The applicant subsequently carried out an assessment and the Public Protection team have no objections to the proposal subject to a condition relating to further site investigation and remediation if necessary. It is therefore considered that the development is in accordance with the NLP and NPPF.

### Ecology

7.28 NLP policy ENV 2 seeks to ensure that proposals will not have an adverse impact on Biodiversity and Geodiversity. Policy ENV2 of the NLP states: 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.

7.29 Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural environment based on detailed principles.

7.30 The council's ecology team have no objections to the development subject to condition that no development will take place unless in accordance with the recommendations of the submitted ecology report. Furthermore, it is considered that a developer contribution of £615 towards the Coastal Mitigation Service will need to be secured by means of a Section 106 agreement. It is therefore considered that subject to the completion of a S106 and appropriate condition, the development would be in accordance with the NLP and NPPF. However, while the applicant has agreed to a developer contribution there is not currently a S106 in place and therefore the development does not accord with Policy ENV 2 of the NLP and the NPPF.

### Highway Safety

7.31 Paragraph 111 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.32 Policy TRA2 of the NLP seeks to ensure that all development will minimise any adverse impacts upon the highways network.

7.33 The Local Highway Authority has responded to consultation noting that they have no in principle objection to the proposed development. The applicant's attention is also drawn to conditions involving car parking arrangements, site access and Construction Method Statement, which are recommended to be imposed on any consent granted. On this basis it is considered that the principle of the proposal is in accordance with highways policy and the NPPF.

### Principal Occupancy

7.34 Policy 10 of the ENP advises that proposals for all new housing, excluding replacement dwellings, will only be supported where first and future occupation is restricted in perpetuity to ensure that each new dwelling is occupied only as a Principal Residence.

7.35 Principal Residence housing is that which is occupied as the sole or main home of the occupants and where the occupants spend the majority of their time when not working away from home.

7.36 These restrictions will be secured prior to the grant of planning permission through appropriate Planning Obligations created and enforceable under Section 106 of the Town & Country Planning Act 1990, or any subsequent successor legislation.

7.37 This Planning Obligation will require occupiers of homes to keep proof that they are meeting the obligation and they will be obliged to provide this proof if/when Northumberland County Council requests this information.

7.38 As highlighted in the proceeding paragraphs the proposal is not considered to be a replacement dwelling and therefore Policy 10 of the ENP is applicable to this proposal. It is therefore considered that subject to the completion of a S106, the development would be in accordance with the Policy 10 of the ENP. However, there is not currently a S106 in place although there is agreement with the applicant that the use of the property to be restricted to a Principal Residence dwelling.

### Climate Change

7.39 The NPPF (paragraph 14) seeks to achieve sustainable development through overarching objectives including environmental objectives. The environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

7.40 Local Plan Policy QOP1 sets out a number of design principles. Proposals will be supported where design makes a positive contribution to local character and distinctiveness, creates or contributes a strong sense of place, incorporates high quality materials, respects and enhances the natural and built environment, including heritage, ensures that buildings are functional for future uses, supports health and wellbeing and enhances quality of life, protect general amenity, supports positive social interaction, incorporates where possible green infrastructure, mitigates climate change and ensures the longevity of the buildings and spaces.

7.41 Local Plan Policy QOP 5 relates to sustainable design and construction. In order to minimise resource use, mitigate climate change, and ensure development proposals are adaptable to a changing climate, proposals will be supported where they incorporate passive design measures which respond to existing and anticipated climatic conditions and improve the efficiency of heating, cooling, ventilation and lighting amongst other matters.

7.42 The supporting documents which accompany the application do not provide any information with respect to sustainable design and construction. Would the application be granted approval it would be appropriate to attach a condition to the

permission in order to ensure that the proposal will be constructed in accordance the requirements of Local Plan Policies QOP1 and QOP5.

### Broadband Connectivity

7.43 Policy ICT2 of the Northumberland Local Plan requires provision of full fibre broadband connections in new developments. Where this cannot be provided, alternative solutions may be appropriate where justified. The Policy states that where no broadband provision is included, developers will be required to demonstrate, including through consultation with broadband providers, that connections are not deliverable, and/or viable.

7.44 The current application does not state whether full-fibre broadband connections are proposed. If the application were to be granted approval it would be recommended that further details of the proposed broadband connectivity for the development be secured by condition, in accordance with Policy ICT2 of the Northumberland Local Plan and Paragraph 114 of the NPPF.

### Equality Duty

7.45 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

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

### Human Rights Act Implications

7.47 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.

7.48 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.

7.49 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 unacceptable form of development in the open countryside that conflicts with both local and national planning policy. The development would also result in harm upon the character of the open countryside. The application is therefore recommended for refusal.

## **9. Recommendation**

That this application be REFUSED permission subject to the following:

### Reasons

01. By virtue of its location in the open countryside, the proposal would result in the construction of a new isolated dwelling in an unsustainable location and outside of any settlement identified within the Embleton Neighbourhood Plan. There has been no demonstrated need, justification or other material consideration that would justify the construction of a new dwelling in this unsustainable location. The proposal would therefore be contrary to Policy STP 1 of the Northumberland Local Plan and Policies 1 and 5 of the Embleton Neighbourhood Plan.
02. The proposal forms an incursion into the open countryside and fails to recognise the intrinsic character and beauty of the countryside and is therefore contrary to paragraph 174 of the NPPF. By virtue of its design, scale, location and density, the proposed development would be out of character with and would have a detrimental visual impact upon the surrounding landscape. As such the proposal would not accord with the National Design Guide, Policy QOP1 and QOP2 of the Northumberland Local Plan and Paragraphs 126 and 127 of the NPPF.
03. This development falls within the 'zone of influence' for coastal sites designated at a national and international level as Sites of Special Scientific Interest and Special Protection Areas/ Special Areas of Conservation/ Ramsar sites and, as such, coastal mitigation measures are required. Under Reg 63 (5) of the Habitats Regs 2017 the proposed development has failed to incorporate coastal mitigation measures or secure a financial contribution towards such measures. The development would therefore have an adverse effect on the site integrity and to grant planning permission for the development would be unlawful and contrary to policy ENV2 and the NPPF.
04. A Section 106 Agreement has not been completed to secure principal occupancy which is considered necessary in order to ensure that new



dwellings are occupied only as a Principal Residence. This would be contrary to Policy 10 of the Embleton Neighbourhood Plan.

**Background Papers:** Planning application file(s) 21/04960/FUL

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# Northumberland County Council

## Appeal Update Report

Date: June 2022

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### Planning Appeals

**Report of the Director of Planning**

**Cabinet Member:** Councillor CW Horncastle

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#### **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?
21/02724/FUL	<p>Construction of new garage workshop on site of former garage – 70 Shielfield Terrace, Etal Road, Tweedmouth, Berwick-upon-Tweed</p> <p>Main issues: due to its scale and appearance the development would detract from the character and visual appearance of the area.</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?
21/01205/AGTRES	<p>Prior notification for change of use of an existing agricultural building and conversion to 1no. Dwelling - land to east of Edgewell House Farm House, Edgewell House Road, Prudhoe</p> <p>Main issues: insufficient information to assess and proposal does not constitute permitted development.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No – claim refused
21/03371/FUL	<p>Part-demolition of existing residential ancillary/incidental building with extension, new gable ended roof, raised ridge and two inward facing dormer windows to outbuilding and new decking area – 127 Bondicar Terrace, Blyth</p> <p>Main issues: due to the size and scale of the alterations the works would result in harm to the</p>	No

	<p>character of the Conservation Area.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	
20/03160/LBC	<p>Listed Building Consent: Replace 3 existing sash windows and associated secondary glazing at front of property in original style with grade 1 Redwood sashes and duplicating original pattern. The work will include slim line double glazed units – The Manor House, 55 Northumberland Street, Alnmouth</p> <p>Main issues: less than substantial harm caused to the listed building and Conservation Area and no public benefits identified.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
21/03892/FUL	<p>Demolition of outbuilding and rear bay window. Proposed rear single storey extension with roof terrace – 8 Woodlands, Warkworth</p> <p>Main issues: unacceptable impact on residential amenity.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
21/03387/FUL	<p>Dormer extensions to front and rear, removal of chimney, installation of rooflights to front, and alterations to fenestration to front and side elevations – 193 Edge Hill, Darras Hall, Ponteland</p> <p>Main issues: prominent and poor design would result in negative impact upon the character of the local area.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
21/02878/FUL	<p>Change of use of land for siting of shepherd's huts and associated development – land north of White House Farm, Slaley</p> <p>Main issues: inappropriate development in the Green Belt.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No

20/02979/DISCON	<p>Discharge of conditions: 3 (materials - chimney), 4 (schedule of plaster work), 5 (installation services) and 6 roof/rainwater goods) pursuant to planning approval 17/02196/LBC - Felton Park Lodge, Felton Park, Felton</p> <p>Main issues: lack of information provided to approve and discharge the conditions.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
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## 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
21/01136/FUL	<p>Construction of 1 no 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>13 December 2021</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/02984/FUL	<p>Erection of 4 bedroom dormer bungalow - land south of The Old Farmhouse, Ulgham</p> <p>Main issues: development in the open countryside; inappropriate development in the Green Belt; fails to demonstrate that safe ingress and access can be achieved from the proposed access; and no completed legal agreement to secure a contribution to the coastal mitigation service.</p>	<p>24 January 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</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>
21/03042/FUL	<p>Change of use from landscape contractors yard to residential, removal of existing buildings and erection of one no. dwellinghouse (C3 use) - Warkworth Landscaping Services, land north of Old Helsay, Warkworth</p> <p>Main issues: development in the open countryside; fails to support the conservation and enhancement of the countryside; fails to protect and enhance landscape character; and no suitable mitigation secured to address recreational disturbance to designated sites.</p>	<p>14 February 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
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>16 February 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/04610/LBC	<p>Listed building consent for internal and external works including ensuite shower room, installation 2 new windows to rear, replace windows/doors with double glazed timber units, installation of external door to sunroom, removal of rear porch, raised deck and steps down to garden – West House, Seahouses</p> <p>Main issues: harm to the listed building and no public benefits to outweigh the identified harm.</p>	<p>17 February 2022</p> <p>Appeal against non-determination</p>

21/04384/AGTRES	<p>Prior notification for conversion of an agricultural building to form two dwellinghouses – building west of Chattlehope Farm, Catcleugh</p> <p>Main issues: the development is not considered to be permitted development in relation to transport and highway impacts.</p>	<p>28 February 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
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>21 March 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>
21/02853/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>8 April 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/04026/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>20 April 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
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>20 April 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/01668/LBC	<p>Listed Building Consent for replacement of sash windows throughout and replacement</p>	<p>20 April 2022</p>



	<p>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>
21/04803/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>9 May 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</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>

# Recent Enforcement Appeal Decisions

## Enforcement Appeals Allowed

Reference No	Description and address	Award of costs?
None		

## 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
19/00170/ENDEVT	Construction of an access track – School House Farm, Kiln Pit Hill, Consett	5 January 2022
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	29 April 2022

	residential purposes - School House Farm, 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

## Inquiry and Hearing Dates

Reference No	Description and address	Inquiry/hearing date and decision level
None		

## Implications

<b>Policy</b>	Decisions on appeals may affect future interpretation of policy and influence policy reviews
<b>Finance and value for money</b>	There may be financial implications where costs are awarded by an Inspector or where Public Inquiries are arranged to determine appeals
<b>Legal</b>	It is expected that Legal Services will be instructed where Public Inquiries are arranged to determine appeals
<b>Procurement</b>	None
<b>Human resources</b>	None
<b>Property</b>	None
<b>Equalities (Impact Assessment attached?)</b> <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
<b>Risk assessment</b>	None
<b>Crime and disorder</b>	As set out in individual reports and decisions
<b>Customer consideration</b>	None
<b>Carbon reduction</b>	Each application/appeal may have an impact on the local environment and have been assessed accordingly
<b>Wards</b>	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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# Northumberland

## County Council

# S106 Agreements Update Report

## April 2022

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**Report of the Executive Director of Regeneration, Commercial and Economy**

**Cabinet Member:** Councillor Colin Horncastle

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### **Purpose of report**

For Members' information to report the agreement monitoring and collection of s106 contributions in the planning process. This is a monthly report and relates to agreements throughout Northumberland during the previous monthly period.

### **Recommendations**

To note the contents of the report in respect of agreement monitoring and collection of s106 contributions.

### **Link to Corporate Plan**

This report is relevant to all the priorities included in the NCC (Northumberland County Council) Corporate Plan 2018-2021.

### **Key issues**

This month's report provides details on new S106 agreements and unilateral undertakings completed during the month of April 2022 and payments received in this month.



## New Agreements

April	New Agreements completed and added to Database
21/02507/FUL	Rosling House and Carolyn House, Windmill Hill, Ellington
21/04144/FUL	Land at Old Rectory, Howick, Alnwick
21/03006/ful	Land at Rosebank Cottage, Cemetery Lane, Tweedmouth,
21/02363/FUL	3 Liddles Street, Bedlington
20/02119/COU	Garden Cottage, Ellington Hall Lane
21/04095/FUL	3 South View, Shilbottle
21/02261/FUL	Land North of the Old Vicarage, Northumberland Street, Alnwick

## Contributions Received

Development	Type of Contribution	Amounts Received
21/02507/ful	Coastal Mitigation	£1230
21/04144/ful	Coastal Mitigation	£345
21/01992/varyco	Coastal Mitigation	£345
21/01992/ful	Coastal Mitigation	£1230

## Awards and Payments Made

Awards Paid Out	Project	Amount Paid
Humshaugh Childrens Playing field trust	Improvements	£19,810.00

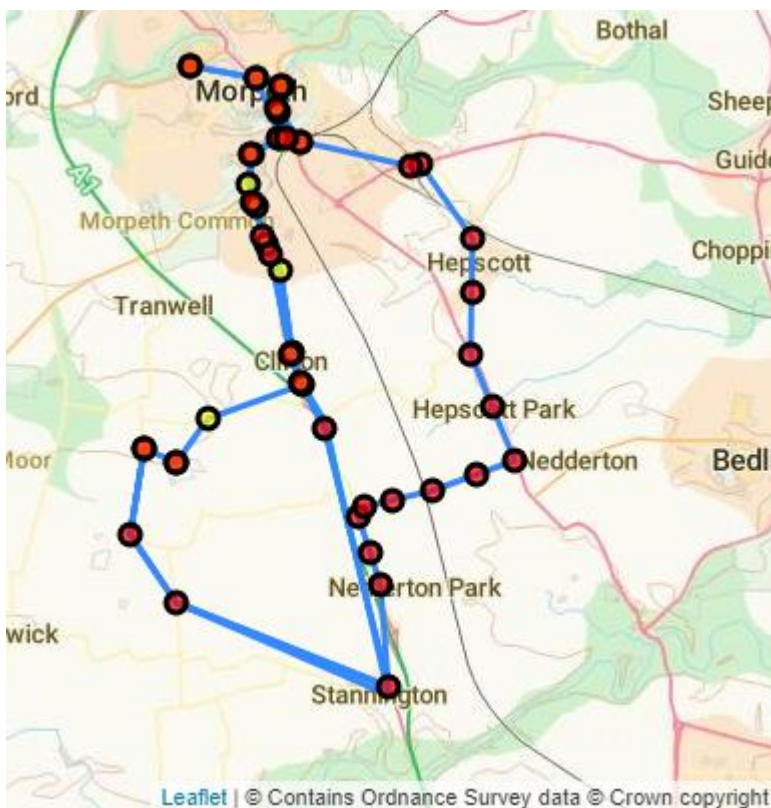
## St Marys and Stannington Supported Bus Service

During the determination of the Bellway Homes Development at St Marys, Stannington, a shortfall in public transport was identified during the application process. Travel plans and studies resulted in a requirement for Bellway to pay financial obligations of £450,00.

This funding has been used for the past 6 years to provide a supported bus service for new and existing residents to travel from St Mary's and Stannington Village to Morpeth train Station and Morpeth Town Centre.

Contributions of £120,000 from the Linden Homes development at St George's has enabled the Councils Transport and Employability team to extend the S1 bus service to extend its route to include new housing at St Georges and Northgate.

This bus service now provides a regular service allows residents to connect with other transport links in Northumberland and Tyne and Wear for leisure and employment.



106 team - Any queries please email: [s106@northumberland.gov.uk](mailto:s106@northumberland.gov.uk)



# Implications

<b>Policy</b>	Section 106 obligations are in line with policy unless other stated in individual applications.
<b>Finance and value for money</b>	As stated on individual applications
<b>Legal</b>	Legal Services will be instructed to assist with the preparation and monitoring of the obligations
<b>Procurement</b>	None
<b>Human resources</b>	None
<b>Property</b>	None
<b>Equalities (Impact Assessment attached?)</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/a	Each application will have regard to the Equality Act 2010
<b>Risk assessment</b>	None
<b>Crime and disorder</b>	As set out in individual reports and decisions
<b>Customer consideration</b>	None
<b>Carbon reduction</b>	As set out in individual reports and decisions
<b>Wards</b>	All

## Background papers

Planning applications and 106 Agreements

## Report author and contact details

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