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Northumberland County Council

Your ref:

Our ref:

Enquiries to: Rebecca Little

Email: Rebecca.Little@northumberland.gov.uk

Tel direct: 01670 622611

Date: Wednesday, 14 December 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, 22 DECEMBER 2022** at **2.00 PM**.

Yours faithfully

Rick O'Farrell
Interim 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



Rick O'Farrell, Interim 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. **PROCEDURE TO BE FOLLOWED AT A PLANNING COMMITTEE**

(Pages 1
- 2)

2. **APOLOGIES FOR ABSENCE**

3. **DISCLOSURE OF MEMBERS' INTERESTS**

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

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

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

- 4. DETERMINATION OF PLANNING APPLICATIONS** (Pages 3 - 6)
- To request the committee to decide the planning applications attached to this report using the powers delegated to it.
- Please note that printed letters of objection/support are no longer circulated with the agenda but are available on the Council's website at <http://www.northumberland.gov.uk/Planning.aspx>*
- 5. 21/02292/FUL** (Pages 7 - 48)
Conversion of former community building to creature 9no. flats, with construction of 1no. new house and garage block to rear (as amended)
5 Palace Street East, Berwick Upon Tweed, Northumberland, TD15 1HT
- 6. 21/02293/LBC** (Pages 49 - 68)
Listed Building Consent: Conversion of former community building to creature 9no. flats, with construction of 1no. new house and garage block to rear (as amended)
5 Palace Street East, Berwick Upon Tweed, Northumberland, TD15 1HT
- 7. 21/04037/FUL** (Pages 69 - 90)
Removal of existing reception building and associated structures; erection of new reception building with associated parking landscaping and infrastructure; relocated/enlarged play area; siting of up to 23 static caravans with associated landscaping infrastructure; vehicular access routes and LPG compound; enlarged caravan display area.
Land at South West of Elmbank Caravan Park, Cow Road, Spittal, Northumberland
- 8. 22/02795/FUL** (Pages 91 - 100)
Demolish conservatory to the side and outbuildings to the rear; construction new rear extension.
The Blink Bonny Hotel, Christon Bank, Northumberland, NE66 3ES
- 9. 22/00666/FUL** (Pages 101 -)
New detached house for permanent residence.

Land West of Radcliffe Park, Radcliffe Park, Bamburgh, NE69 7AN 112)

10. **21/03911/FUL** (Pages
Construction of 12 new dwellings 113 -
Land North East of 49 Hedgehope Drive, Hedgehope Drive, 132)
Kingsmead, Wooler, Northumberland

11. **APPEALS UPDATE**

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

12. **DATE OF NEXT MEETING**

The next meeting of the North Northumberland Local Area Council is scheduled for Thursday, 19 January 2023 at St James URC, Pottergate, Alnwick, NE66 1JW

13. **URGENT BUSINESS**

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

IF YOU HAVE AN INTEREST AT THIS MEETING, PLEASE:

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

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

Registering Interests

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

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

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

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

Non participation in case of disclosable pecuniary interest

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

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

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

Disclosure of Other Registerable Interests

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

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in **Table 1**) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
- a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied
9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well- being:
- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

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

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

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

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor’s knowledge)—

	<p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <ul style="list-style-type: none"> i. the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - i. exercising functions of a public nature
 - ii. any body directed to charitable purposes or
 - iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)



Northumberland County Council

PROCEDURE AT PLANNING COMMITTEE

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

Welcome to also include reference to

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

B Record attendance of members

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

C Minutes of previous meeting and Disclosure of Members' Interests

D Development Control

APPLICATION

Chair

Introduces application

Site Visit Video (previously circulated) - invite members questions

Planning Officer

Updates – Changes to recommendations – present report

Public Speaking

Objector(s) (up to 5 mins)

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

Applicant/Supporter (up to 5 mins)

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

Committee members' questions to Planning Officers

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

Debate (Rules)

Proposal

Seconded

DEBATE

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

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

Vote (by majority or Chair's casting vote)

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



Northumberland County Council

NORTH NORTHUMBERLAND LOCAL AREA COUNCIL

22 DECEMBER 2022

DETERMINATION OF PLANNING APPLICATIONS

Report of the Interim Executive Director of Planning and Local Services

Cabinet Member: Councillor C Horncastle

Purpose of report

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

Recommendations

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

Key issues

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

DETERMINATION OF PLANNING APPLICATIONS

Introduction

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

The Determination of Planning and Other Applications

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

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

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BACKGROUND PAPERS

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

IMPLICATIONS ARISING OUT OF THE REPORT

Policy:	Procedures and individual recommendations are in line with policy unless otherwise stated
Finance and value for Money:	None unless stated

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

Report author : Rob Murfin
Interim Executive Director of Planning and Local Services
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APPENDIX 1: PROCEDURE AT PLANNING COMMITTEES

Chair

Introduce application

Planning Officer

Updates – Changes to Recommendations – present report

Public Speaking

Objector(s) (5mins)

Local Councillor/Parish Councillor (5 mins)

Applicant / Supporter (5 mins)

NO QUESTIONS ALLOWED TO/ BY PUBLIC SPEAKERS

Member's Questions to Planning Officers

Rules of Debate

Proposal

Seconded

DEBATE

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

Vote (by majority or Chair casting vote)

Chair should read out resolution before voting

Voting should be a clear show of hands.

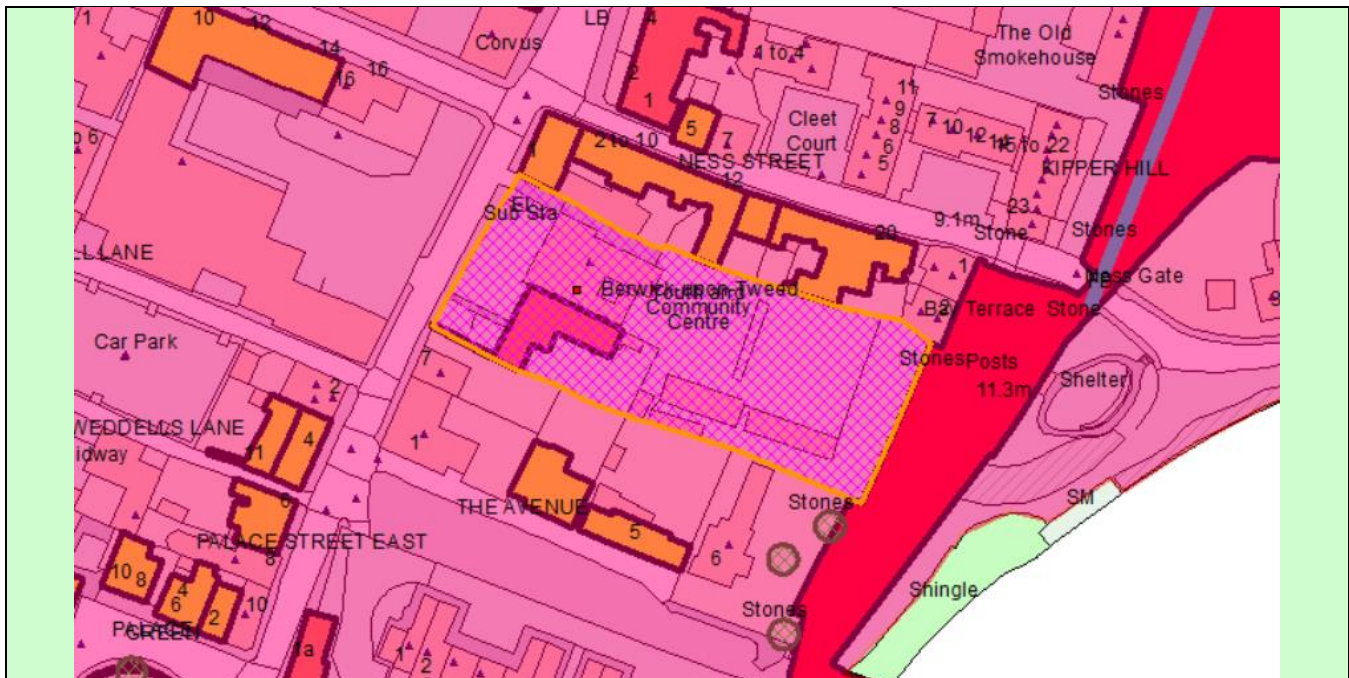


Northumberland County Council

North Northumberland Local Area Council Planning Committee 22nd December 2022

Application No:	21/02292/FUL		
Proposal:	Conversion of former community building to create 9no. flats, with construction of 1no. new house and garage block to rear (as amended)		
Site Address	5 Palace Street East, Berwick-Upon-Tweed, Northumberland, TD15 1HT		
Applicant:	John Bell 9-12 Golden Square, Berwick Upon Tweed, TD15 1BG,	Agent:	Ninette Edwards 12 Alnside, Whittingham, Alnwick, NE66 4SJ
Ward	Berwick North	Parish	Berwick-upon-Tweed
Valid Date:	8 July 2021	Expiry Date:	31 May 2022
Case Officer Details:	Name: Mr Jon Sharp Job Title: Senior Planning Officer Tel No: 07966331971 Email: Jon.Sharp@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission subject to a S106 legal agreement securing Coastal Mitigation (£6150) and Open Space contributions (12,494.34).



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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 and neighbouring amenity.

1.2 The application has been reviewed by the Committee Chairs and the Director of Planning who requested a committee decision for the reason that it does raise issues of strategic, wider community or significant County Council Interest.

2. Description of the Proposals

2.1 The application seeks planning permission for the conversion of a former community building to create 9no. flats (8no units of 'supported accommodation' plus a caretaker's flat.), with construction of 1no. new house and garage block to rear (as amended) at 5 Palace Street East, Berwick-Upon-Tweed.

2.2 The proposals include the renovation and conversion of the former Georgian Townhouse and associated Victorian school buildings to habitable accommodation, the cantilevering of the north gable wall of the school hall and removal of a stone arch to improve access to the rear of the site and the removal of 2no prefabricated outbuildings within the rear yard to facilitate the construction of a new dwelling and garage block. The refurbishment works include the drylining and thermal insulation of the building, replacement and/or refurbishment of windows and repairs to stonework. Initial proposals to render the front of the building have been removed and the proposed new build elements to the rear yard have been reduced in scale and massing.

2.3 The proposed dwelling would be single storey and would have an L-shaped plan form with accommodation consisting of 2no ensuite bedrooms, living, kitchen/dinner, study, garage and WC/utility room. The footprint of the dwelling would be approximately 205sqm and it would have a maximum height of approximately 6.5 metres. Facing materials would include stone and render under a slate tiled roof.

2.4 The proposed garage block would have a simple plan form with a footprint of approximately 186sqm and a maximum height of 6.4 metres. It would include 4no garage spaces at ground level together with a shower room and kitchenette with stairs providing access to a meeting room and storage space in the roof space. Materials would match those of the house.

2.5 The application site is located within the built-up area of Berwick to the south east of the town centre. It is bound to the north and south by residential dwellings, to the east by the historic town walls and ramparts and to the west by public highway from which the site is accessed, with mixed commercial and residential development opposite.

2.6 Site constraints include,

Archaeological Site Centre Point
Article 4 Direction
Coal Advice Low Risk Area
Conservation Area
Coastal Mitigation Zone
Impact Risk Zone - SSSI
Listed Buildings (and Scheduled Monument)

3. Planning History

Reference Number: C/00/00204/CCD

Description: Change of use of first and second floor flat from residential to office use

Status: PER

Reference Number: N/84/B/LB07

Description: Construction of a garage and conservatory

Status: PER

Reference Number: C/84/B/127

Description: Construction of garage

Status: PER

Reference Number: C/89/B/069

Description: Renewal of 84/B/127 for garage

Status: REPLY

Reference Number: C/89/B/009 LBC

Description: Listed Building Consent for the renewal of 84/B/7 for garage

Status: REPLY

Reference Number: C/E/B/072

Description: Conversion of toilets in to shower block and provision of conservatory

Status: REPLY

Reference Number: N/84/B/0127/P

Description: Construction of garage

Status: PER

Reference Number: N/89/B/LB09

Description: Renewal of permission for garage.

Status: WDN

Reference Number: N/89/B/0069/P

Description: Renewal of permission on garage.

Status: WDN

Reference Number: N/00/B/0617

Description: Change of use of first and second floor flat from residential to office use

Status: NOOBJ

Reference Number: 18/04107/TREECA

Description: Trees in a conservation area: Fell Rowan (T1), Cherry (T2), Whitebeam (T3), Sycamore (T4), and Oak (T5).

Status: NOOBJ

Reference Number: 19/04114/LBC

Description: Listed Building Consent: Installation of perma steel boarding to protect building from further break-ins and eradication of dry rot

Status: PER

Reference Number: N/83/B/0179/P

Description: Conversion of outside toilet into shower block & provision of conservatory.

Status: PD

Reference Number: 21/02293/LBC

Description: Listed Building Consent: Conversion of former community building to create 9no. flats, with construction of 1no. new house and garage block to rear (as amended)

Status: PDE

Reference Number: N/84/B/127

Description: Detailed application for construction of garage

Status: PER

4. Consultee Responses

Advance Northumberland	No response received.
Affordable Housing	Advice provided
Berwick-upon-Tweed Town Council	Members had no objections and would like to see the application progress. However, they expressed the wish that the application be considered by the Northumberland County Council Local Area Council due to the technicalities involved.
Berwick-upon-Tweed Town Council (2)	<p>Berwick-upon-Tweed Town Council would like to make the following comments on the amended plans for Planning Applications 21/02292/FUL and 21/02293/LBC:</p> <p>Members offered the following observations:</p> <p>Loss of public visual amenity, impact on outlook, concern that listed buildings are being demolished and concern that Conservation Officer has not commented and would draw their attention to the size of the garage and noise.</p> <p>The view was also expressed that the application should be adopted because:</p> <p>The buildings needs to be renovated due to their condition, the view from the walls will not be as bad as feared, the application is for a good cause and the noise will be bearable.</p>
Building Conservation	<p>The proposed conversion scheme would not preserve the special interest of the Grade II* listed building. It would result in less than substantial harm to its significance. We would welcome a revised proposal with a lighter touch to the reuse of this important listed building.</p> <p>Likewise, the proposed new build element to the rear of the site would cause less than substantial harm to significance as the scale and design of development does not preserve the open setting of the Grade II* listed building, scheduled ramparts and</p>

	<p>Conservation Area. The applicant has not put forward an Enabling Development case to justify that the new build element is required to finance the conversion of the listed building.</p> <p>We consider the proposal in its entirety would give rise to less than substantial harm to heritage assets of the highest designations within the terms of paragraph 199 of the Framework. Cumulatively, we consider the degree of this harm to be towards the upper end of the scale of less than substantial harm.</p> <p>Built Heritage and Design suggest that the applicant omits the new build element of this proposal to avoid a recommendation for refusal due to the number of concerns we have about the development. This would allow for proactive discussions between applicant and the Council on how to bring the Grade II* listed building back into use as a priority.</p>
Building Conservation (2)	<p>In our previous comments submitted 12th November 2021 we raised concerns regarding the following aspects of the proposed development that have not been addressed by the amended plans:</p> <ul style="list-style-type: none"> o Dry lining, noise attenuation and insulation throughout building - cross sections required showing how this related to internal features such as cornices, architraves, panelling and shutters o Replacing Georgian and Victorian timber sliding sashed windows with double glazed sash windows - awaiting window schedule and condition report o Demolition of wall extending from 1836 extension of Georgian house - clear and convincing justification is required for the loss of this early 19th century wall
Building Conservation (3)	<p>Subject to the above amendments/ conditions, we consider the amended proposals for the Grade II* listed building to be acceptable to bring it back into use and preserve its special interest in the long term.</p> <p>The proposed development to the rear of the site is much improved and would enhance the setting of the listed building. Its traditional built form and use of local materials would contribute positively to the character and appearance of Berwick Conservation Area.</p> <p>While its scale and design are much more appropriate within the setting of the scheduled ramparts, the development would still present 'less than substantial harm' as it would diminish the site's open character that enhances the setting of the ramparts and views along the promenade. This harm should be weighed against the public benefits of the development.</p>
County Archaeologist	Insufficient information has been submitted to enable this application to be determined. A programme of archaeological

	assessment should be undertaken and submitted to the LPA prior to the determination of this application.
County Archaeologist (2)	The scope of an appropriate phased programme of archaeological assessment was set out in my memo response of 05/08/21. To date, the applicant has completed the first stage of the identified assessment process. In order to inform an assessment of the significance of the archaeological resource and the impact of the development on that significance, it will be necessary for the applicant to undertake the remaining phases of work. It will also be essential for the applicant to provide clarity regarding the type and depth of foundations proposed and of any other proposed groundworks. Without this information it will not be possible to provide updated mitigation advice consistent with the tests and objectives of paragraphs 56 and 205 of the NPPF.
County Archaeologist (3)	<p>The proposed development site has been subject to a programme of archaeological assessment including evaluation trenching. The evaluation exercise was limited to a depth of 1.25m below the present ground surface. This was on safety grounds and on the basis that the impact of development was not anticipated to exceed 1.25m below the present ground surface. The development has potential to damage or disturb archaeological deposits within the uppermost 1.25 m of the site (the anticipated maximum impact depth of the development). This risk can be mitigated via a programme of archaeological monitoring (watching brief). This work can be secured by condition.</p> <p>Should the impact of the proposed development exceed 1.25m, a more robust archaeological response may be required.</p>
County Ecologist	No objection subject to conditions and contribution to CMS
Environment Agency	No response received.
Fire & Rescue Service	No objection
Highways	Further to HDM's response dated 27th July 2021, the applicant has provided a supporting statement which states the access plan for the proposed works to the side access is on the existing and proposed floor plans BYP/101 and 201B, which is considered acceptable. The applicant has also submitted a revised block plan of the proposed access showing visibility splays of 2.4 x 43 metres however, the visibility sightline is obstructed by the stone pillars and part wall adjacent. The applicant is required to provide a revised block plan showing an unobstructed visibility splay from the site access. Further info also required re number of volunteers, whether use of garages can be restricted and a Stage 1 RSA is also required.
Highways (2)	The following information will be required to inform a response within a statutory reconsultation period:

	<p>A revised block plan is required giving details of the proposed widening works to the access.</p> <p>A revised block plan demonstrating visibility splays of 2.4 x 43 metres can be achieved from the proposed site access</p> <p>Further details of the expected numbers including staff and frequency of use of the proposed garages are required.</p> <p>If the amended / additional materials cannot be provided we would recommend the submission is withdrawn and that a revised application is submitted with the information required at a later date.</p>
Highways (3)	<p>Following HDM's previous comment on the application, the applicant has provided additional documentation and plans. On the basis of the evidence presented, HDM have major concerns over highway safety implications regarding the width of the access road which would be unable to allow 2-vehicle passage leading to vehicles waiting on the highway and restricting the space allowing for vehicles to egress from the junction. Furthermore, HDM have major concerns regarding vehicle manoeuvrability into and out of the access as demonstrated on the submitted drawings. There is very limited scope for improvements to fix this issue.</p> <p>HDM wishes to object to the development based on TRA 1 and TRA 2 of the Northumberland Local Plan (2022) and the NPPF Paragraphs 110 and 112 (2021).</p>
Historic England	<p>Bringing this important set of buildings back into use is a considerable benefit and as such we are supportive of the proposals in principle. However, in its present form, the proposals contain elements which would cause harm to the significance of this highly graded heritage asset and the character of this part of the conservation area, as discussed above. In that regard, we ask that alternative arrangements or further justification for the proposed solutions is requested from the applicant. These should be discussed and agreed to the satisfaction of your in-house conservation advisers, who will also be able to advise you of any necessary conditions.</p>
Lead Local Flood Authority (LLFA)	<p>The FCERM team at Northumberland County Council as the Coastal Protection Authority object to this application on Coastal Erosion Grounds. A Coastal Vulnerability Assessment is required to ensure that the development is appropriate and will be safe for the lifetime of development.</p>
Lead Local Flood Authority (LLFA) (2)	<p>A Coastal Vulnerability Assessment is required when a scheme is in a CCMA (Coastal Management Change Area) (Local Plan Policy WAT 5). Our Policy map shows Palace street to be in a CCMA area. This requirement may be secured by conditions prior to the first occupation of the development.</p>
Natural England	<p>No objection subject to appropriate mitigation</p>
Northumbria Ambulance Service	<p>No response received.</p>
Northumbrian Water Ltd	<p>No response received.</p>

Police Architectural Liaison Officer	<p>We always encourage the refurbishment and re-use of old and derelict buildings and whilst we have no objections for this planning application from a crime prevention viewpoint, there is little information provided with regards to security measures, such as access control for the main building and general physical security measures for the building.</p> <p>All of these measures should be considered with appropriate written policies in place. Please contact us if you require any advice or information in relation to security of the building.</p>
Public Protection	<p>The Environmental Protection Team object to the proposed development for the following reasons:</p> <p>No assessment of risks from land contamination as required by paragraphs 183 and 184 of the NPPF. No information submitted to indicate how the required ground gas / radon gas protection will be designed and fitted to the existing buildings to be retained. No information submitted of the potential impacts from the proposed "workshops" upon the residential elements of the proposed development or residential dwellings beyond the site.</p> <p>Without further information about these issues, the Environmental Protection Team will be unable to remove these objections and being in a position to recommend appropriate conditions to the LPA.</p>
Public Protection (2)	<p>No objection subject to conditions.</p> <p>The applicant has now submitted a Phase 1 Desk Top Study. Whilst it is acknowledged that the site has been historically a townhouse then school with associated gardens, we would concur with the Phase 1 that the lack of contemporary site investigations and the end use of residential (presumably without homegrown produce) would indicate that further site investigations were required, particularly sampling and testing of the soils in the area where the two new houses are proposed.</p> <p>Therefore, conditions have been recommended to the LPA to secure these further site investigations and for the applicant to address contamination should it be discovered during development.</p>

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	27
Number of Objections	25
Number of Support	1
Number of General Comments	0

Notices

Site Notice - Stat pub & affect listed building & con, 16th July 2021

Press Notice - Berwick Advertiser, 22nd July 2021

Summary of Responses:

25no objections and 1no letter of support have been registered against the full planning application. A number of interested parties have submitted multiple submissions as plans have been amended/additional information added.

Concerns have been raised in respect of the proposed new build elements and their visual impact upon surrounding heritage assets and neighbouring amenity, particularly with regard to the proposed "motorcycle workshop" and the impact on views into and through the site. Concerns also around the proposed rendering of the front elevation of the old school building, wholesale replacement of windows and other works proposed to facilitate the proposed change of use.

The letter of support was submitted by the Berwick Civic Society which qualified its support for the reuse of the building with concerns echoing those made by others regarding the impact of the proposals upon the designated heritage assets.

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=QU6NC7QSGY500>

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)

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

STP 5 - Health and wellbeing (Strategic Policy)

HOU 1 - Making the best use of existing buildings (Strategic Policy)

HOU 2 - Provision of new residential development (Strategic Policy)

HOU 5 - Housing types and mix

HOU 6 - Affordable housing provision

HOU 9 - Residential development management

QOP 1 - Design principles (Strategic Policy)

QOP 2 - Good design and amenity

QOP 5 - Sustainable design and construction

TRA 1 - Promoting sustainable connections (Strategic Policy)

TRA 2 - The effects of development on the transport network

TRA 4 - Parking provision in new development

ICT 2 - New developments

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

ENV 2 - Biodiversity and geodiversity

ENV 7 - Historic environment and heritage assets

ENV 9 - Conservation Areas
WAT 2 - Water supply and sewerage
WAT 3 - Flooding
WAT 5 - Coastal erosion and coastal change management
POL 1 - Unstable and contaminated land
POL 2 - Pollution and air, soil and water quality
INF 6 - Planning obligations

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

6.3 Neighbourhood Planning Policy

N/A

6.4 Other Documents/Strategies

Planning Practice Guidance (2021, as updated)

National Design Guide (2021)

National Model Design Code (2021)

Historic Environment Good Practice Advice in Planning Note 4: Enabling Development and Heritage Assets (2020)

Listed Buildings and Curtilage - Historic England Advice Note 10 (2018)

Historic England - Traditional Windows Their Care, Repair and Upgrading (2017)

Historic Environment Good Practice Advice in Planning 3: The Setting of Heritage Assets (2017)

Historic England - Understanding Historic Buildings: A Guide to Good Recording Practice (2016)

Berwick Upon Tweed Conservation Area Character Appraisal

Design matters: Berwick-upon-Tweed, Spittal and Tweedmouth Doors and windows in the historic environment

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, 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 (NLP) (2022). 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,
Housing Need,
Design,
Amenity,
Heritage Assets,
Highways,
Ecology,
Environmental Protection,
Water Management,
Sustainable Construction,
ICT,
Healthy Planning,
Planning Obligations,
Coastal Mitigation,
Open Space, and
Procedural Matters.

Principle

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 Berwick as a "Main Town" which will be the main focus for employment, housing, retail and services within the county.

7.5 Policy STP 2 sets out the presumption in favour of sustainable development, whilst STP 3 defines the principles that development proposals will be expected to adhere to in order to deliver against the economic, social and environmental objectives of sustainable development.

7.6 Policy HOU 2 of the NLP encourages the best and most efficient use of land and buildings, encouraging higher densities in the most accessible locations and the redevelopment of suitable previously-developed 'brownfield' sites wherever possible and viable to do so.

7.7 The site is in a highly sustainable location in terms of accessibility to local amenities, services and transport links, it would provide a type and mix of homes to meet local housing need whilst supporting and providing opportunities to improve health, social and cultural wellbeing. It would also contribute to the conservation and enhancement of Northumberland's natural, historic and built environment assets.

7.8 On the basis of the above policy context the proposals are acceptable in principle.

Housing Need

7.9 Policy HOU 5 of the NLP seeks to ensure the provision of a range of good quality, energy-efficient and affordable homes, including supported specialist housing for vulnerable people, as part of delivering a more balanced mix of tenures, housing types and sizes to meet identified housing needs.

7.10 Together with HOU 5, policy HOU 6 requires development proposals to be assessed in terms of how well they meet the housing needs and aspirations identified in the most up-to-date Strategic Housing Market Assessment (SHMA) or local housing needs assessment.

7.11 The proposed development would provide for 10no dwellings, 80% (8no) of which would be affordable homes. This comfortably meets the requirements of Policy HOU 6 which requires 10% (1no) affordable provision in low value areas. However, as the application is for less than 30 dwellings there is no requirement for affordable housing to be provided or secured by S106 legal agreement in this instance.

7.12 A housing needs survey was carried out in 2020. While it showed no evidence of need for affordable rented tenure over the next 5 years, it did qualify this by saying small amounts of affordable rented housing may need to be built to help social landlords meet individual tenants' specific needs or replace stock with regeneration schemes. This application will provide homes for both a specific need and assists regeneration.

7.13 The Council's Housing Enabler has confirmed that the applicant has made a bid for s106 funding and summarised the proposals (prior to the reduction in numbers) as follows,

"To repair and develop a grade 2 listed former school and community centre to create 8 no. new units of housing for young people and one concierge flat. The 8 no. Units will be flats for affordable rent, the concierge flat will not be for affordable rent and will not be eligible for s106 funding.*

The project also involves the construction of one 2 bed market house and one 3 bed house for market sale, and these too are not eligible for grant funding but the proceeds from them will be used to cross subsidize the project.

The 8 flats will be a next step in the housing pathway for young people in BYP supported housing or by young people with fewer support needs."

7.14 The officer considers that BYP are both an experienced developer and provider of young persons housing with a good track record. BYP have developed similar accommodation previously and they currently own and manage 6 units of accommodation at Golden Square. They have not received funding from the Council's s106 or CHF funds previously.

7.15 The proposed housing mix and tenure breakdown is therefore broadly in line with the area and the county's identified needs and local and national policy requirements. The affordable homes provided together with the support offered by the applicant are a unique opportunity and a valuable steppingstone for young

people who require affordable housing. There is strong support from the Housing Enablers. On this basis the proposals are acceptable in accordance with Policy HOU 6.

Impact on Character of Area

7.16 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, incorporate green infrastructure and opportunities to support wildlife and make provision for efficient use of resources, be adaptable to a changing climate and ensure the longevity of buildings and spaces.

7.17 It is clear that the context of the site is important. Leaving aside heritage considerations for the moment, this is a tight-knit location, characterised by a high-density buildings of various vintages within an essentially medieval street pattern. The town walls and ramparts surround this corner of Berwick on three sides, giving the site a 'closed-in feel' in spite of the Tweed estuary foreshore lying just beyond.

7.18 Paragraph 130 of the NPPF requires that developments function well and add to the overall quality of the area. They should be *“sympathetic to local character and history, including the surrounding built environment and landscape setting”* maintaining *“a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit”*.

7.19 The redevelopment proposed within the rear yard represents a more intensive use of the site, as well as adding greater scale and massing, as compared with the current position, where the back part of the site could be seen as providing something of a 'breathing space' in a high-density area. Just because the nature of an area is one of high density, however, does not mean that infilling with additional structures would necessarily accord with the character.

7.20 It is noted that the proposed new buildings would be highly visible from the vantage point of the town wall and the tourist route along it. However, the reduction from the 2no bungalows originally proposed and the reduction in scale of the proposed garage/workshop building means that a reasonable level of openness is retained. Overlaying these townscape factors are the conservation considerations discussed in more detail below.

Design

7.21 This section considers the appearance of the proposed development independently and as part of the immediate street scene.

7.22 Policy HOU 9 of the NLP seeks to support residential developments where they contribute to a sense of place, provide functional space and facilities for refuse and recycling storage as appropriate for the development and are constructed to a high quality of design. Policy HOU 11 meanwhile supports the provision of housing that meets the changing needs of older and vulnerable people, including supported housing, as proposed through this application.

7.23 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.

7.24 The National Design Guide also provides guidance on design for those involved in the planning and built environment disciplines and illustrates how well-designed places that are beautiful, enduring and successful can be achieved. This forms part of the Planning Practice Guidance and should be read alongside other guidance on the design process and tools.

7.25 High quality design supports the creation of good places and has a positive impact on health, wellbeing, and happiness. The highest standards of design can be achieved to create new vibrant places which are distinctive, safe, and pleasant, easy to move around, welcoming, adaptable, and sustainable. Good design should:

- demonstrate an understanding of the unique characteristics of a place and the context within which it is located.
- demonstrate an understanding of the historical development of the site.
- reinforce its surroundings by conserving and enhancing the character and appearance of the landscape and townscape.
- provide appropriate densities depending on their existing characteristics; and,
- incorporate and use features worthy of retention, including natural features, buildings, and views.

7.26 The works proposed to the main buildings are acceptable in design terms. The repair and upgrading of stone frontages, windows, doors and roofing and the reinstatement of the railings and town garden to the front of the site are supported, whilst the sympathetic improvements to rear access and small extension to the rear are also acceptable.

7.27 The proposed new build elements to the rear have been amended to be more appropriate in the context of the setting of the surroundings. Scale, design and materials are considered to be acceptable in this respect and the proposed bungalow would provide the high standard of living and amenity that is expected in the current housing market. Conditions are recommended below to secure details of facing materials.

7.28 On the basis of the above the proposals are acceptable and in accordance with Policies QOP 1, QOP 2, QOP 3, HOU 9 and TRA 1 of the NLP and the NPPF.

Amenity

7.29 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.

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

7.31 The site location is such that there would be no substantive concerns regarding neighbouring amenity. The proposal would not give rise to concerns in respect of overlooking, overbearing or loss of light and the comments of the neighbours notwithstanding, there are no significant concerns regarding privacy.

7.32 The comments from neighbours raising concerns about the impacts of noise from the proposed workshop are noted. The applicant has provided additional information in this regard and conditions are recommended below. The proposal is therefore in accordance with Policy QOP 2 of the NLP and the NPPF in this respect.

Heritage Assets

7.33 The legislative framework has regard to Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 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 and the desirability of preserving or enhancing the character or appearance of the conservation area.

7.34 Policy ENV 1 of the NLP pertains to the natural, historic and built environment and introduces the concept that great weight should be given to the conservation of designated heritage assets and that harm can be caused by development that affects the setting and significance of heritage assets.

7.35 Paragraph 197 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.

7.36 This is echoed by Policies ENV 7 and ENV 9 of the NLP which state 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 and ensure that development enhances and reinforces the local distinctiveness of the conservation area, while, wherever possible, better revealing its significance.

7.37 The NPPF (para 199) sets out the degrees of harm that can be caused by development affecting the setting and significance of heritage assets. These are 'total loss', 'substantial harm', or 'less than substantial harm' and the need to balance any harm against the benefits of the development is stated.

7.38 The Council's Built Heritage and Design Officer has provided comments raising concerns regarding the proposals and noting that a level of harm would be caused to the listed buildings. The individual elements of the scheme are discussed below, however the overall level of harm identified is "less than substantial" for the purposes of the NPPF.

Conversion of Grammar School Buildings

7.39 The works required to convert the existing building to habitable accommodation include the installation of new partition walls to subdivide the space to create self-contained apartments. The surviving plan form of the 18th century house has considerable historic interest and whilst new partition walls are acceptable to the

Victorian rear block, it is important that the historic plan form of the Georgian house is retained as much as possible. To this end the applicant has agreed to the retention of the original internal plan form in the Georgian house. The proposed dry lining and thermal insulation of the building would result in the covering over of some historic features. Original cornicing would be retained and concealed with a new cornice matching its profile installed over the insulation. As there are different cornice mouldings throughout the listed building it is recommended that large scale drawings of the proposed cornicing, together with materials, be secured by condition.

Cantilevering of north gable of school hall, removal and relocation of stone arch

7.40 It is understood that this part of the proposals has been put forward to minimise the impact on historic fabric while providing sensible and safe vehicular access to the rear. The stone arch is proposed to be removed and relocated to a resident's garden behind the house. The Built Heritage Officer considers the stone arch and the north elevation of the 19th century school extension to have moderate historic and architectural interest. On balance however, if required to provide safe access, the loss of historic fabric would not harm the overall significance of the building.

Replacement of Windows

7.41 The application originally proposed the wholesale removal and replacement of historic windows from building with the exception of the large round headed window to the rear elevation which would be repaired as required. The Built Heritage Officer found this to be harmful to the significance of the building and asked the applicant to submit further justification together with a window schedule prepared by a suitably qualified specialist. Following receipt of this information and negotiations with the applicant, it has been accepted that a number of windows are beyond repair and may be replaced, whilst the remainder of the windows should be repaired/refurbished as required.

Rendering of Front Elevation

7.42 The proposals originally included the rendering of the principal elevation of the building in order to address defects to the existing stonework and to cover holes caused by the historic insertion of flues. The conservation officer considered that this would cause harm to its significance of the building and would neither preserve nor enhance the special interest of Berwick Conservation Area. Following negotiation with the applicant it has been agreed that this element of the proposals should be removed in favour of localised repairs thereby preserving the listed building and preserving or enhancing the character and appearance of the conservation area.

C20th Prefabs

7.43 The proposed removal of the curtilage listed early C20th huts from the rear yard would facilitate the erection of the new bungalow and garage/workshop building. Berwick Civic Society has carried out research into the history and assessed the significance of the two huts. Their significance is derived predominantly from their historic interest but, overall, the Council's Built Heritage Officer finds this to be low based on the research carried out. However, local plan policy seeks to conserve and sustain the significance of heritage assets and it should be clearly demonstrated why the huts cannot be retained and reused by the applicant. Ideally if the huts are no longer required in situ efforts should be made to relocate them, however if the

Authority were to consent to demolition, the buildings should be recorded and added to the Historic Environment Record. A condition is recommended below to secure this.

New build bungalow and garage/workshop

7.44 The proposed bungalow and workshop building sit within the immediate setting of the grade II* listed buildings as well as the Berwick Conservation Area and the Scheduled Ramparts and Town Wall. As noted above these elements would be highly visible from the vantage point of the town wall and would introduce permanent structures into a site which has historically been open space and which, for the last hundred years, has only been host to obviously subservient “temporary” structures.

7.45 The erection of the proposed buildings in this location would increase the density and permanence of built form and would have a commensurate impact upon the setting of the surrounding heritage assets. The council’s Built Heritage Officer has welcomed the reduction in the number of bungalows and the reduction in scale of the workshop building and finds that the proposed buildings would cause a level of harm to the setting of the designated assets of “less than substantial”. Whilst the harm to the heritage assets would be less than substantial, this does not diminish the great weight that should be given to that harm and the conservation of the designated heritage assets.

Impact on Conservation Area

7.46 It is noted that the Berwick Conservation Area appears on the Heritage at Risk Register where it is described as ‘very bad’, although this observation is tempered by an assessment of ‘low vulnerability’, suggesting that further significant deterioration is not a great danger.

7.47 The Grade II* listing of the former Grammar School building must give the asset a significant status within the conservation area. However, despite deterioration recorded in statements accompanying the application, the building itself is not on the Heritage at Risk Register. Notwithstanding this somewhat paradoxical situation, it can be surmised that allowing the further deterioration of the building would lead to a spiral of decline – something that could contribute to the conservation area remaining on the Register, or even bring the Grade II* building itself onto the Register.

7.48 Paragraph 190 of the NPPF promotes a positive strategy for the conservation of the historic environment, including heritage assets most at risk through neglect, decay or other threats. The Council has sought to set out such a strategy in part 8 of Policy ENV 7. Under this policy, if the development will demonstrably help halt the decline of an asset at risk, then it can receive support. The asset itself, as stated, is not on the ‘at risk’ Register. Nonetheless, bringing it back into beneficial reuse in a manner consistent with its conservation, would undoubtedly help with efforts towards taking the Conservation Area off the ‘at risk’ Register.

7.49 Paragraph 206 of the NPPF states that “*local planning authorities should look for opportunities for new development within Conservation Areas ... to enhance or better reveal their significance.*” Whilst the reuse of the main building, preserving its external features, would undoubtedly help with this aim, the overall scheme, including the new build elements, ought to do so as well.

Public Benefits

7.50 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.

7.51 On balance, whilst some harm is caused to the significance of the listed buildings (and in the case of the C20th outbuildings would amount to total loss), the works proposed enable the reuse of the heritage asset, thereby helping to secure its future. A secure, appropriate use for the listed buildings will help ensure the continued use, retention and protection of this asset. Concerns with regard to the external finishes and the proposed wholesale replacement of historic windows have been addressed through negotiation with the applicant, who has agreed to remove or amend those elements as noted above.

7.52 The applicant has submitted a statement setting out the benefits arising from the new build elements. In essence the bungalow would finance the building of the workshop, which would allow the Youth Project to consolidate operations on this site. This is noted and whilst the proposals would not amount to an enabling development in respect of the listed buildings, they would cross subsidise the work of the Youth Project and therefore amount to a public benefit for the purposes of the NPPF.

7.53 Subject to appropriate conditions the proposal is considered to accord with local plan policies QOP 1, ENV 7 and ENV 9 of the NLP and the provisions and intentions of the NPPF.

Highways

7.54 Policy TRA 1 of the NLP promotes sustainable connections and states that the transport implications of development must be addressed as part of any planning application. Policy TRA 2 seeks to ensure that all development will minimise any adverse impacts upon the highway network. Policy TRA 4 sets out requirements for parking provision in new development.

7.55 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.

7.56 Paragraph 112 goes on to say that within this context, applications for development should:

- give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

- allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

7.57 The Local Highway Authority responded to initial consultation raising concerns about access and visibility and requested additional information including a Road Safety Audit. Following receipt of additional information, no objections are raised subject to conditions and informatives as set out below. On this basis that proposals are acceptable in highways policy terms.

Ecology

7.58 Policy ENV 2 of the Local Plan relates to ecology and seeks to ensure that development proposals will minimise their impact upon biodiversity and geodiversity, avoiding significant harm through location and/ or design and will secure a net gain for biodiversity through planning conditions or planning obligations. The proposal is in accordance with this policy which is a material consideration in the assessment of the application.

7.59 Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural environment based on detailed principles.

7.60 The County Ecologist has responded to consultation noting that the buildings are generally in a poor state of repair and the former landscaping appears to have become overgrown and dilapidated and it is unlikely any habitats of value are present. The building has been assessed as being of low risk for bats. The risk of any impact to void roosting bats has been ruled out completely but there is a low risk of crevice dwelling species such as common or soprano pipistrelle bats being present and being impacted by the development. The few available potential roost features (prfs) would only support occasional sporadic day roosting bats, in common with almost all buildings and the dampness of the building, the recent dry rot treatment and the lack of heating in the buildings means the chance of encountering bats is negligible. In addition, the prfs can be surveyed with an endoscope to ensure no bats are present prior to the works being undertaken. A condition is included below to ensure any bats present are fully protected.

7.61 Currently this planning application will result in a net loss for biodiversity, including the loss of some trees to the front aspect (including a cherry tree) and some overgrown formal garden habitats. The landscape plan is lacking in detail to assess whether any enhancements are planned. It is therefore appropriate to secure a landscape and ecological management plan by condition in order to ensure the development results in a net gain for biodiversity.

Environmental Protection

7.62 Policy POL 1 of the NLP states that development proposals will be supported where it can be demonstrated that unacceptable risks from land instability and contamination will be prevented by ensuring the development is appropriately located and that measures can be taken to effectively mitigate the impacts.

7.63 Policy POL 2 seeks to ensure that development proposals are not put at an unacceptable risk of harm from or are adversely affected by pollution by virtue of the

emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances.

7.64 Paragraph 183 of the NPPF states that decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

7.65 The Council's Environmental Protection team have raised no objections to the proposals in respect of contamination or ground gas, subject to the conditions set out below, which are required to ensure the risks arising are minimised and are not prejudicial to health and amenity.

7.66 The applicant has provided further details on the proposed use of the workshops by the Berwick Youth Project and a hobbyist motorcycle group. Whilst not ideal it would appear the use is not intended to be a commercial one and the site itself would not appear to be impacted by any particular sources of noise which would require assessment or mitigation. The Environmental Protection Team make recommendations to ensure the proposed use of the workshops is not, or does not become, incompatible with the existing and proposed residential receptors nearby. It is recommended that there should be no introduction of an overly intrusive noise in the area affecting residential receptors created by the proposed development outside of normally accepted periods. This may be achieved by restricting the days and times which the workshops can be used with the agreement of the applicant/users of the workshops and a condition is included below in this respect.

7.67 This does not mean that the workshops/garages and storage space could not be used outside these times, but that any noise generated could result in action by the LPA in respect of breach of a planning condition. This would provide a more expedient route to action than could be achieved through "statutory nuisance", although this could still be actioned through this legislation. It is also recommended that the LPA ensure that any planning use class assigned to the proposed workshops would not allow an automatic route to the use of the workshops for a commercial activity (ie "permitted development" or any simplified change of use) and a condition is also recommended in this respect.

7.68 On this basis the proposals are acceptable in accordance with policies POL 1 and POL 2 of the NLP and the NPPF.

Water Management

7.69 Policy WAT 3 of the NLP relates to flooding and states that development proposals will be required to demonstrate how they will minimise flood risk to people, property and infrastructure from all potential sources. Policy WAT 4 relates to Sustainable Drainage Systems (SuDS) and states that water sensitive urban design, including SuDS will be incorporated into developments whenever necessary, in order to separate, minimise and control surface water run-off, in accordance with national standards and any future local guidance. Policy WAT 5 sets out requirements for development sites located within Coastal Change Management Areas.

7.70 Paragraph 167 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

7.71 The LLFA and Flooding and Coastal Erosion Risk Management team responded to initial consultation requesting further information regarding the potential for coastal erosion to impact upon the proposed development. A Coastal Vulnerability Assessment was requested to inform potential mitigation however it was implied that this could be secured by condition. Following further discussions with the FCERM team it is understood that the CVA should have been submitted prior to determination, however, in the circumstances it has been agreed that this may be secured by condition prior to first occupation of the development, as set out below. On this basis the proposals are acceptable in accordance with policies WAT 3 WAT 4 and WAT 5 of the NLP and the NPPF.

Sustainable Construction

7.72 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.

7.73 Policy QOP 1 of the NLP sets out a number of design principles stating that proposals will be supported where, amongst other criteria buildings are functional for future uses, incorporates green infrastructure, mitigates climate change and ensures the longevity of the buildings and spaces.

7.74 Policy QOP 5 relates to sustainable design and construction and states that 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.

7.75 The documents which accompany the application do not provide any information with respect to sustainable design and construction. It is therefore appropriate to attach a condition to any granting of permission in order to ensure that the proposal will be constructed in accordance the requirements of Local Plan Policies QOP 1 and QOP 5.

ICT

7.76 Policy ICT 2 of the NLP 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.

7.77 Paragraph 114 of the NPPF states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.

7.78 The current application does not state whether full-fibre broadband connections are proposed. It is therefore appropriate that further details of the proposed broadband connectivity for the development be secured by condition, in accordance with Policy ICT 2 of the NLP and Paragraph 114 of the NPPF.

Healthy Planning

7.79 Policy STP 5 of the NLP addresses health and wellbeing and recognises the value of ensuring development has access to a range of facilities. The policy requires that a Healthy Planning Checklist is completed for all major development proposals, to determine whether the potential impact on health resulting from the development warrants any further assessment. The applicant has submitted the required checklist and it is considered that no further assessment is required. The proposals are therefore in accordance with Policy STP 5 of the NLP.

Planning Obligations

7.80 Policy INF 6 of the NLP states that where it is not possible to address any unacceptable impacts of development through the use of planning conditions, planning obligations will be secured to ensure that otherwise unacceptable development can be made acceptable. Planning obligations may be used to secure the timely provision, and/or improvement and maintenance of any physical, social, community and green infrastructure and/or any mitigation and/or compensatory measures reasonably necessary to make a development acceptable in planning terms.

Coastal Mitigation

7.81 When developers apply for planning permission for new residential development within the coastal zone of influence, the local planning authority, as competent authority, is required to fulfil its obligations under the Wildlife and Countryside Act (for SSSIs) and the Conservation of Habitats and Species Regulations (for SPAs, SACs and Ramsar Sites), by ensuring that the development will not have adverse impacts on designated sites, either alone or in combination with other projects.

7.82 Due to growing concerns about the effectiveness of mitigation that does not include direct management of the protected areas themselves, the Council has introduced a scheme whereby developers can pay a contribution into a strategic mitigation service which will be used to fund coastal wardens who will provide the necessary mitigation.

7.83 Contribution to the Coastal Mitigation Service enables a conclusion of no adverse effect on site integrity to be reached when a planning application is subject to appropriate assessment, without the developer having to commission any survey or mitigation work. Similarly it enables a conclusion of no adverse effect on the interest features of coastal SSSIs.

7.84 The contribution per residential unit in this location would be £615 giving a total for the proposed development of £6,150.

Open Space

7.85 Policy INF 5 of the NLP sets out requirements for open space, sports and recreational land and buildings created as part of a development. Where appropriate open space should:

- be of an appropriate standard and fit for purpose in accordance with relevant recognised standard
- be accessible by sustainable travel;
- maximise multifunctional use, and allow wide community use;
- be designed to include appropriate landscaping and to be safe and secure in accordance with relevant recognised standards;
- take opportunities to improve the Strategic Green Infrastructure Network, including the accessibility and connectivity of the network; and
- include a suitable long-term management and maintenance arrangement.

7.86 The development does not propose any public open space with the site. Having regard to the requirements set out in Appendix H1 of the NLP, it is considered appropriate to seek a contribution towards the young peoples, amenity green space and parks and gardens elements of the open space requirements.

7.87 The table below sets out the expected contribution.

Young People £4,428

Amenity green space £3,505.50

Parks and gardens £4,560.84

Total £12,494.34

7.88 On this basis the proposals would be acceptable in accordance with Policy INF 5 and Appendix H1 of the NLP.

Procedural Matters

Equality Duty

7.89 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

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

Human Rights Act Implications

7.91 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.

7.92 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.

7.93 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 main planning considerations in determining this application have been set out above, stating accordance with the relevant Development Plan Policies. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the NLP and the NPPF on the matters of relevance in this case.

8.2 The proposed refurbishment and conversion of the former Berwick Grammer School buildings is supported and the less than substantial harm identified to the listed building is considered to be outweighed by the public benefits of providing much needed sheltered accommodation for vulnerable young people as well as helping to secure an appropriate and viable use for the listed building into the future.

8.3 The proposed removal of the existing early C20th outbuildings is regrettable but will enable the charity to relocate existing activities from elsewhere in the town to a new purpose built storage and workshop facility, helping to reduce overheads for this well used charitable organisation. The proposed bungalow would facilitate the above and whilst this element of the scheme is less palatable it is recognised that this would contribute towards the ongoing sustainability of the charitable works that the applicant carries out in the area. The design and scale of both the bungalow and the storage/workshop building have been reduced through negotiation with the applicant and it is considered that, on balance, these elements of the scheme may also be supported.

8.4 The proposal has addressed the main considerations, accords with relevant planning policies and legislation and is considered to be acceptable on balance.

9. Recommendation

9.1 That this application be GRANTED permission subject to the following conditions and a S106 legal agreement securing the following:

- A financial contribution of £6,150 towards the Council's Coastal Mitigation Service,
- A financial contribution of £12,494.34 towards Open Space Provision.

Conditions/Reason

Development Management

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

02. Approved Plans

The development hereby permitted shall be carried out in complete accordance with the following approved plans

1. Location Plan
2. Drawing No 201 Rev E - Proposed Floor Plans
3. Drawing No 202 Rev C - Proposed Elevations
4. Drawing No 203 Rev E - Proposed Site Plan
5. Drawing No 204 Rev E - Proposed New Build Floor Plans
6. Drawing No 205 Rev E - Proposed New Build Elevations

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

03. Materials

Notwithstanding any description of the materials in the application, no development shall be commenced until precise details, to include samples, of the materials to be used in the construction of the external walls and / or roof(s) of the building(s) and including windows and doors have been submitted to, and approved in writing by, the Local Planning Authority. All roofing and / or external facing materials including windows and doors used in the construction of the development shall conform to the materials thereby approved.

Reason: To retain control over the external appearance of the development to ensure works are carried out in a manner consistent with the character and setting of the building, in accordance with the provisions of Development Plan policy ENV 7 and the provisions and intention of the NPPF

04. Restriction of use (Use Class)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) (England) Order 2015 (or any other re-enacting or revoking Order with or without

modification), the garage/workshop/storage building within the rear yard shall only be used as a garage/workshop/storage facility ancillary to the main use of the site as supported residential accommodation and for no other purpose. For the purposes of the Use Classes Order the building shall be considered to fall within the Sui Generis Use Class.

Reason: In the interests of residential amenity, in accordance with the National Planning Policy Framework and Policies QOP 2 and TRA 2 of the Local Plan.

05. Restriction of use (Hours)

Any noisy use of the garage/workshop building shall not occur outside the following hours:

Mon to Fri – 0800 to 2000hrs

Sat – 0800 to 1800hrs

Sun – 1000 to 1600hrs

Bank Holidays – none permitted

Reason: In the interests of residential amenity, in accordance with the National Planning Policy Framework and Policy QOP 2 of the Local Plan.

06. Site/Finished Floor Levels

Notwithstanding the approved plans the new build elements of the development shall not commence until details of existing and proposed site and finished floor levels have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policy QOP 2 of the Northumberland Local Plan and the NPPF.

Highways

07. Demolition/ Construction Method Statement - PRE-COMMENCEMENT

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

- i. vehicle cleaning facilities;
- ii. the parking of vehicles of site operatives and visitors;
- iii. the loading and unloading of plant and materials; iv. storage of plant and materials used in constructing the development

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

08. Details of car parking to be submitted

The development shall not be occupied until details of the car parking area to accord to NCC parking standards with required dimensions have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the car parking area shall be retained in accordance with the approved details.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA4 of the Northumberland Local Plan.

09. Boundary treatment

The development shall not be occupied until details of the proposed boundary treatment, including the height of the boundary wall and new stone pillars have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is occupied.

Reason: In the interests of visual amenity and highway safety, in accordance with the National Planning Policy Framework and Policy TRA1 of the Northumberland Local Plan.

10. External lighting

The development shall not be occupied until details of the external lighting of the building(s) and external area(s) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is occupied and retained as such thereafter.

Reason: In the interests of amenity and highway safety, in accordance with the National Planning Policy Framework and Policy TRA1 of the Northumberland Local Plan.

11. Surface water drainage (Private Land)

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

Reason: In order to prevent surface water run-off in the interests of highway safety, the amenity of the area and to protect the integrity of the highway in accordance with the National Planning Policy Framework.

12. Implementation of Electric Vehicle Charging

Prior to occupation the Electric Vehicle Charging points shown on the approved plans shall be implemented in accordance with the approved plans. Thereafter, the Electric Vehicle Charging Points shall be retained in accordance with the approved plans and shall be kept available for the parking of electric vehicles at all times.

Reason: In the interests of Sustainable Development, in accordance with the National Planning Policy Framework and Policy TRA1 of the Northumberland Local Plan

13. Implementation of cycle parking

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

Reason: In the interests of highway safety, residential amenity, and sustainable development, in accordance with the National Planning Policy Framework and Policy TRA1 of the Northumberland Local Plan.

Built Heritage

14. Historic Building Recording - PRE-COMMENCEMENT

No development shall commence on site until a Written Scheme of Investigation (WSI) for archaeological work (historic building recording) has been submitted to and approved in writing by the Local Planning Authority and their archaeological advisors. The programme of archaeological (historic building recording) work should be in line with 'Level 2' of Historic England's 2016 Guidance document 'Understanding Historic Buildings: A Guide to Good Recording Practice'. The archaeological scheme shall comprise three stages of work. Each stage shall be completed and approved in writing by the Local Planning Authority before it can be discharged.

This requirement shall apply to all buildings within the site, including outbuildings and timber buildings.

- a) No development or archaeological mitigation (historic building recording) shall commence on site until a Written Scheme of Investigation (WSI) based on 'Level 2' of Historic England's 'Understanding Historic Buildings' guidance has been submitted to and approved in writing by the Local Planning Authority.
- b) The agreed archaeological recording scheme must be completed in accordance with the approved Written Scheme of Investigation.
- c) The programme of analysis, reporting, publication and archiving must be completed in accordance with the approved written scheme of investigation.

Reason: The site is of archaeological and historic interest and the development shall result in the loss of a heritage asset, and a reduction in significance so a historic building record is required in accordance with Policy ENV 7 of Northumberland Local Plan.

15. Structural survey - PRE-COMMENCEMENT

Prior to commencement of development, a structural survey of the listed buildings shall be carried out by a conservation accredited structural engineer, and a report, including details of any structural repair works required to the buildings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter any required works shall be carried out in strict accordance with the details as approved.

Reason: To ensure the integrity of the listed building is not prejudiced thereby preserving its special architectural and historic interest and in accordance with Policy ENV7 of the Northumberland Local Plan.

16. Joinery

Notwithstanding the approved plans, prior to the commencement of works to windows and doors full details of existing and proposed windows and doors, including drawings 1:20 scale and cross sections 1:5 scale, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter all windows and doors shall be installed in accordance with the approved plans.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

17. Stone cornice

Prior to the partial demolition of the north east gable wall of the school hall, large scale drawings of the new stone cornice in 1:20 scale and sections 1:5 scale shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved detail.

Reason: To preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

18. Demolition by hand

The partial demolition of the north east gable wall of the former school hall hereby authorised shall be carried out by hand (or by hand-held tools) only.

Reason: To ensure the integrity of the listed building is not prejudiced thereby preserving its special architectural and historic interest and in accordance with Policy ENV7 of the Northumberland Local Plan.

19. Stone arch

The stone archway attached to the gable end wall of the listed building shall be retained and relocated to the resident's garden.

Reason: To preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

20. Stonework

Prior to the commencement of works to stonework, a detailed method statement identifying the extent of repair and replacement, including details of proposed natural stone type, sizes, colour, pointing mortar mix, joint thickness and finish profile, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details. For the avoidance of doubt, the use of Lithomex, or other lime based restoration mortars, is not approved and shall not be used.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

21. Repointing

Prior to repointing works being undertaken to any elevation, a method statement, including lime mortar specification, shall be submitted to and approved in writing by the Local Planning Authority. A 1sqm sample panel showing the proposed repointing shall then be prepared in situ for the written approval of the Local Planning Authority. Repointing shall then be carried out in the manner shown on the approved sample panel and in accordance with the approved scheme.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

22. Roof slates

Replacement slates shall be indigenous natural slate matching the dimensions, colour and texture of the slates on the existing building and shall remain as such unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

23. Rooflights

The rooflights hereby approved shall be of 'conservation' design, metal framed with structural glass and central vertical glazing bar and shall be installed flush to the roof and shall thereafter be so retained. Any subsequent replacement rooflight shall be to the same specification and design.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

24. Roofing material

Prior to the construction of the flat roofed single storey extension, specification details of the roofing material and method of connection with the listed building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the extension shall be constructed in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

25. Metal windows

Prior to installation of the lancet windows in the school hall, large scale drawings in 1:20 scale and sections 1:5 scale, including details of the metal and finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be constructed in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

26. Services

Prior to installation of any new services, detailed service plans shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved details.

Reason: To preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

27. Rainwater goods and pipes

New rainwater goods and soil pipes shall be of cast iron construction, painted black and fixed directly to the walls without fascia boards. Prior to installation, specification details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

28. Cornices

Prior to installation, large scale drawings in 1:20 scale and sections 1:5 scale of new cornices to match the profiles of existing cornices, and details of material and finish shall be submitted to and approved in writing with the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved details.

To preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

29. Internal joinery

Prior to removal of window panelling, shutters and surrounds, a method statement for their removal and refixing in front of insulation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved details.

Reason: To preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

30. Staircase

Prior to installation, large scale drawings in 1:20 scale and sections 1:5 scale of the new timber handrail, posts and spindles, and details of materials and finish shall be submitted to and approved in writing with the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved details.

To preserve and enhance the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

31. Boundary treatments

Prior to installation, full details of the new railings and stone pillars to the front of the listed building, including large scale drawings, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved details.

Reason: To preserve the setting of the listed building and the character and appearance of the conservation area and in accordance with Policy ENV7 and ENV 9 of the Northumberland Local Plan

32. New Build Materials

No development shall commence above damp proof course level until precise details, to include samples, of the materials to be used in the construction of the external walls and roof have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details.

Reason: To preserve the settings of the listed building and the scheduled monument, and the character and appearance of the conservation area in accordance with Policies ENV7 and ENV9 of the Northumberland Local Plan

33. New Build Stonework

Prior to the commencement of stonework, a sample panel shall be made available on site for inspection and approved in writing with the Local Planning Authority and carried out accordingly.

Reason: To preserve the settings of the listed building and the scheduled monument, and the character and appearance of the conservation area in accordance with Policies ENV7 and ENV9 of the Northumberland Local Plan

34. New Build PV tiles

Prior to installation, the specification details of the photo voltaic tiles for the garage roof shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the panels shall be installed in accordance with the approved details. Any replacement units shall be to the same specification and design.

Reason: To preserve the settings of the listed building and the scheduled monument, and the character and appearance of the conservation area in accordance with Policies ENV7 and ENV9 of the Northumberland Local Plan

35. New Build Rainwater goods

New rainwater goods shall be black painted cast iron fixed directly to the walls without fascia boards.

Reason: To preserve the settings of the listed building and the scheduled monument, and the character and appearance of the conservation area in accordance with Policies ENV7 and ENV9 of the Northumberland Local Plan

36. New Build External joinery

Prior to commencement of external joinery work, large scale drawings and sections of windows, doors and garage doors in 1:20 scale and sections 1:5 scale including details of the timber and painted finish, shall be submitted to, and approved in writing by the Local Planning Authority .

Reason: To preserve the settings of the listed building and the scheduled monument, and the character and appearance of the conservation area in accordance with Policies ENV7 and ENV9 of the Northumberland Local Plan

37. New Build Rooflights

The rooflights indicated on the approved plans shall be of "conservation" design, metal framed with structural glass and central vertical glazing bar and shall be installed flush to the roof and shall thereafter be so retained. Any subsequent replacement rooflight shall be to the same specification and design.

Reason: To preserve the settings of the listed building and the scheduled monument, and the character and appearance of the conservation area in accordance with Policies ENV7 and ENV9 of the Northumberland Local Plan

38. Hard Landscaping

Prior to commencement of landscaping works, full details of boundary treatments and other areas of hard landscaping, including large scale drawings, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the hard landscaping shall be carried out in accordance with the approved plans.

Reason: To preserve the settings of the listed building and the scheduled monument, and the character and appearance of the conservation area in accordance with Policies ENV7 and ENV9 of the Northumberland Local Plan.

Ecology

39. Landscape and Ecological Management Plan (LEMP) - PRE-COMMENCEMENT

Notwithstanding the approved plans a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed including bird and bat boxes, native to Northumberland trees, shrubs and other habitats.

- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Reason: to conserve and enhance the natural environment in accordance with the NPPF.

40. Bat Mitigation

The development hereby approved shall be carried out in accordance with the following method statement

A toolbox talk will be undertaken before works commence. All contractors will be informed of the potential presence of bats and will be made aware of the actions they are required to take if bats are found at any time during works on site. The contact numbers for the ecologist, Natural England (0845 6014523) and the Bat Advice Line (0345 1300228) will be left with the contractors on site.

The ecologist will be on site when the roof of the school hall is stripped. The roof covering will be removed under ecological supervision. The removal of ridge tiles, hip ridges, slates and verges will be undertaken carefully by hand, being aware that a bat may be roosting underneath. The ridge tiles/slates will be lifted directly up and will not be slid along the roof line to avoid any harm to any bats that may be roosting under the slates. The slates will be removed by hand, and turned over before they are slid down the roof slope. Any lead flashing or mortar fillets which need to be removed will be removed under ecological supervision. Any bat access points identified will be noted and reinstated when the roof covering is replaced.

Works to remove the wooden window frames will be undertaken by hand, with care, being aware that a bat may be roosting around the wooden frames

Works to repair the movement cracks will only be undertaken if the full extent of the crevice can be seen either by torch light or with an endoscope.

Any essential pointing/mortaring will only be undertaken if the full extent of the crevice can be seen either by torch light or with an endoscope. Any non-essential pointing will not be undertaken.

All structural work will be undertaken by hand, being aware that bats may be present on wall tops, within walls and between loose stones.

Any timber treatments used in the development work will be preparations approved for use where bats may be present. Remedial timber treatments that are toxic to

mammals will be avoided. Both pre-treated timbers and timber treatments will use chemicals classed as safe for use where bats may be present, see Timber treatment table 1 of the ecological survey report (Tina Wiffen 2021).

If roosting bats become evident during work, the ecologist will be contacted immediately. Work will stop in the vicinity of the bat and if applicable the cavity the bat is within will be covered over for the safety of the animal. The ecologist will attend site as quickly as possible to assess the situation and move the bat to safety. The bat will be carefully caught by hand or with a static hand net and will be placed in a bat tank and kept in the dark in a quiet place until it can be released at dusk near to where it was found.

All contractors shall be made aware of the potential presence of bats, of their legal protection and the requirement to contact the ecologist and Natural England if they are found during works.

If bats are found during the works, work should cease immediately in that area and the ecological consultant should be consulted for further advice. This contact number should be left with the contractors on site.

Reason: To protect bats and their roosts (whether occupied or not) which are strictly protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017

41. Nesting Birds

Notwithstanding the approved plans, work shall not be carried out during the breeding season, unless a checking survey is carried out within 5 days of the start of the works. If active nests are encountered during the check (including nest building) then works shall cease in that area until the young birds have fledged.

Reason: To avoid harm to breeding birds which are protected under the Wildlife and Countryside Act 1981 (as amended)

Environmental Protection

42. Ground Gas Protection Proposals

The development shall not commence until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (practice on the testing and verification of protection systems for buildings against hazardous ground gases)

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the users/occupants of the proposed building

Validation and Verification of Ground Gas Protection

No building shall not be brought into use or occupied until the applicant has submitted validation and verification report to the approved methodology in Condition 1*, which has been approved in writing by the LPA. * In this list of conditions

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the users/occupants of the proposed building.

43. Potentially Contaminated Land

The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been undertaken by a competent and qualified consultant then submitted to and approved in writing by the Local Planning Authority and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing: a) A site investigation (Phase 2) shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters as indicated by the Phase 1 report (Desk Based Report, Produced by Intersoil Limited, Report Ref 21028x Issue 30 September 2021). It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion b) Thereafter, a written Method Statement (or Remediation Strategy) detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without express written agreement of the Local Planning Authority.

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

44. Contaminated Land Verification

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

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

45. Contamination Not Previously Discovered

If during development contamination not previously considered is identified, then an additional written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out. Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition.

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

LLFA/FCERM

46. Coastal Vulnerability Assessment

Prior to commencement of the new build elements of the development a Coastal Vulnerability Assessment (CVA) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved CVA and the associated maintenance plan.

For the avoidance of doubt the CVA shall include the following details:

- the risk of erosion to the scheme and,
- any associated maintenance requirements for any coastal assets that could be impacted by erosion for the development's lifetime

Reason: To ensure coastal erosion is considered for the development's lifetime in accordance with Policy WAT 5 of the Northumberland Local Plan and the NPPF.

Informatives

1. Alterations to vehicle crossing point (widening driveway) (S184)

The applicant should note that alterations to the existing vehicle crossing point(s) are required. These works should be carried out before first use of the development. To arrange alterations to the existing vehicle crossing point(s) (and to make good any damage or other works to the existing footpath or verge) please contact the Highways Area Office at: northernareahighways@northumberland.gov.uk.

2. Contact Traffic Management

The applicant is advised to contact the Council's Traffic Management Section at highwaysprogramme@northumberland.gov.uk before and during the construction period

3. Reminder to not store building material or equipment on the highway

Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.

4. Contact Lighting Section

The applicant is advised to contact the Council's Lighting Section on HighwaysStreetLighting@northumberland.gov.uk before and during the construction period with respect to street lighting for the changes to any street lighting and to ensure sufficient illumination levels of the public highway.

5. Reminder to not deposit mud/ debris/rubbish on the highway

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

6. Road Safety Audits

The applicant is advised that Road Safety Audits are required to be undertaken. Northumberland County Council offers this service. Please contact highwaysplanning@northumberland.gov.uk or 01670 62297

7. Advisory note: engaging an archaeologist

Northumberland County Council (NCC) Conservation Team would be happy to discuss the scope of an appropriate assessment programme with the applicant or approve specifications for archaeological assessment as necessary. Please note that this may be a chargeable service. A copy of the Conservation Team's charging policy is available to view on the Council's website at:

<https://www.northumberland.gov.uk/NorthumberlandCountyCouncil/media/Planning-andBuilding/Conservation/Archaeology/Charging-Policy.pdf>

NCC Conservation Team is part of the Planning Service within Northumberland County Council. The role of the NCC Conservation Team is to advise the LPA regarding the need for and scope of archaeological work to inform the planning process and to mitigate development impacts to the historic environment. The NCC Conservation Team is an advisory service only and does not undertake archaeological fieldwork.

The Conservation Team does not retain or provide a list of approved archaeological contractors or consultants. Directories of archaeological contractors and consultants are hosted by independent organisations, including:

Chartered Institute for Archaeologists:

<http://www.archaeologists.net/regulation/organisations>

British Archaeological Jobs and Resources:

<http://www.bajr.org/RACSmapp/default.asp>

8. Noisy Working During the Construction Phase

During the construction period, there should be no noisy activity from mobile plant, pneumatic equipment, power tools etc. audible at the site boundary, on Sundays or Bank Holidays or outside the hours of: Monday to Friday - 0800 to 1800. Saturday 0800 to 1600.

9. Deliveries and Collections During the Construction Phase

During the construction or demolition phase of the development there shall be no deliveries or collections from the site outside the hours of: Monday to Friday - 0800 to 1800. Saturday 0800 to 1600.

10. Ground Gas Protection

The first recommended gas protection condition sets out why gas protection is needed and what is proposed to meet this requirement submitted in the form of a "report": The gas protection proposed should meet a minimum of Characteristic Situation 2 (CS2) to the level required in BS 8485:2015+A1:2019.

Building Type is Type A - residential dwelling and Type B or C - workshops.

The British Standard requires achieving a score of 3.5 for Building Type A and either 3.5 for Building Type B or 2.5 for Building Type C.

This can be met by a:

- A gas membrane meeting the requirements of Table 7 of BS 8485:2015+A1:2019 (achieving 2.0 points) and a passively-ventilated, sub-floor void of at least good performance (1.5 points) OR well reinforced raft/slab (1.5 points).
- Any proposed gas membrane should also meet the maximum methane gas transmission limit in BS 8485 of 40ml/m²/day/atm and also be suitable to prevent radon as ingress.
- Where a suspended floor is not possible and a cast in situ raft/slab is proposed then this should be "well reinforced" (achieving 1.5 points)
- A technical brochure for the gas membrane to be used and any manufacturer's installation guidance (if available) and that the membrane will be installed following manufacturer guidance (if available).
- That the installation will be carried out by a suitably qualified and experienced installer.
- Proposing what verification of the installation will be; independent verifier, main contractor inspection etc.

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

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

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

- Plans showing location and number of ventilation bricks to meet very good ventilation performance.

SEE APPENDIX 3 OF OUR ADOPTED GUIDANCE FOR A FULL LIST OF ITEMS TO ADDRESS THE SECOND GAS CONDITION (see link below).

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

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

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

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

Guidance on the Design of Gas Protection in Building Conversions Guidance for incorporating gas protection in existing buildings is contained within CIRIA C795 Retrofitting Ground Gas Protection Measures in Existing or Refurbished Buildings, this can be found at:

<https://www.ciria.org/ItemDetail?iProductcode=C795&Category=BOOK>

Sealing of Service Ducts

The applicant should ensure that as well as any “top-hat” around the outside of service ducts being secured to the membrane (tape or weld) that also the internal annulus of the duct holding each of the service pipes and conduits (typically only water) should be filled with a recognised gastight sealant approved by the water supply companies, such as FILOseal+ or FILOseal+HD manufactured by Filoform UK Ltd:

<https://www.filoform.co.uk/catalog/category/view/s/re-enterable-duct-sealingsystems/id/9/>

Evidence of this will be required under the validation/verification of the gas protection.

Sub-Floor Void Ventilation Performance

Should a suspended floor be incorporated in the new dwellings, the specification for a good performance is partly contained within B.6 of BS 8485:2015+A1:2019 and specifies: "The volume flow-through rate is governed by the size and number of side vents; for small to medium width buildings (up to 15 m wide), the minimum area of side ventilation should be 1500 mm²/m run of wall on at least two opposite sides". Very good performance would equate to side ventilation should be 2000 mm²/m run of wall on at least two opposite sides. Also, the void should be at least 150mm deep and internal supporting walls or sleeper walls in the sub-floor area should be adequately cross-ventilated.

Statutory Nuisance

The effectiveness of the development's design in ensuring that a nuisance is not created, is the responsibility of the applicant / developer and their

professional advisors / consultants. Developers should, therefore, fully appreciate the importance of obtaining competent professional advice.

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

Burning Materials Onsite

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

Background Papers: Planning application file(s) 21/02292/FUL

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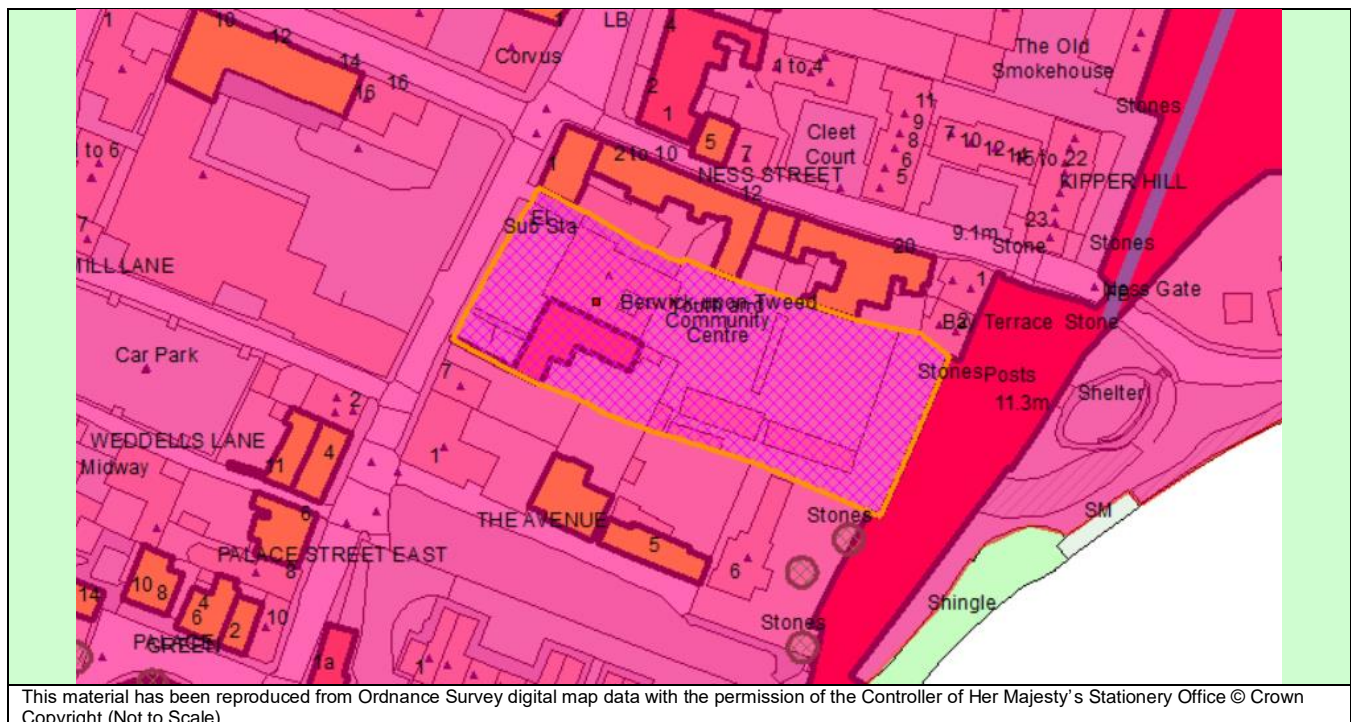


Northumberland
County Council

North Northumberland Local Area Council Planning Committee
22nd December 2022

Application No:	21/02293/LBC		
Proposal:	Listed Building Consent: Conversion of former community building to create 9no. flats, with construction of 1no. new house and garage block to rear (as amended)		
Site Address	5 Palace Street East, Berwick-Upon-Tweed, Northumberland, TD15 1HT		
Applicant:	John Bell 9-12 Golden Square, Berwick Upon Tweed, TD15 1BG,	Agent:	Ninette Edwards 12 Alnside, Whittingham, Alnwick, NE66 4SJ
Ward	Berwick North	Parish	Berwick-upon-Tweed
Valid Date:	28 June 2021	Expiry Date:	31 May 2022
Case Officer Details:	Name: Mr Jon Sharp Job Title: Senior Planning Officer Tel No: 07966331971 Email: Jon.Sharp@northumberland.gov.uk		

Recommendation: That this application be GRANTED consent



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 neighbouring amenity.

1.2 The application has been reviewed by the Committee Chairs and the Director of Planning who requested a committee decision for the reason that it does raise issues of strategic, wider community or significant County Council Interest.

2. Description of the Proposals

2.1 The application seeks listed building consent for the conversion of a former community building to create 9no. flats, with construction of 1no. new house and garage block to rear (as amended) at 5 Palace Street East, Berwick-Upon-Tweed.

2.2 The proposals include the renovation and conversion of the former Georgian Townhouse and associated Victorian school buildings to habitable accommodation, the cantilevering of the north gable wall of the school hall and removal of a stone arch to improve access to the rear of the site and the removal of 2no prefabricated outbuildings within the rear yard to facilitate the construction of a new dwelling and garage block. The refurbishment works include the drylining and thermal insulation of the building, replacement and/or refurbishment of windows and repairs to stonework. Initial proposals to render the front of the building have been removed. The proposed new build elements to the rear yard are considered in detail under the accompanying full planning application reference 21/02292/FUL.

2.3 The application site is located within the built-up area of Berwick to the south east of the town centre. It is bound to the north and south by residential dwellings, to the east by the historic town walls and ramparts and to the west by public highway from which the site is accessed, with mixed commercial and residential development opposite.

2.4 Site constraints include,

Archaeological Site Centre Point
Article 4 Direction
Coal Advice Low Risk Area
Conservation Area
Coastal Mitigation Zone
Impact Risk Zone - SSSI
Listed Buildings (and Scheduled Monument)
NCC Land

3. Planning History

Reference Number: C/00/00204/CCD

Description: Change of use of first and second floor flat from residential to office use

Status: PER

Reference Number: N/84/B/LB07

Description: Construction of a garage and conservatory

Status: PER

Reference Number: C/84/B/127
Description: Construction of garage
Status: PER

Reference Number: C/89/B/069
Description: Renewal of 84/B/127 for garage
Status: REPLY

Reference Number: C/89/B/009 LBC
Description: Listed Building Consent for the renewal of 84/B/7 for garage
Status: REPLY

Reference Number: C/E/B/072
Description: Conversion of toilets in to shower block and provision of conservatory
Status: REPLY

Reference Number: N/84/B/0127/P
Description: Construction of garage
Status: PER

Reference Number: N/89/B/LB09
Description: Renewal of permission for garage.
Status: WDN

Reference Number: N/89/B/0069/P
Description: Renewal of permission on garage.
Status: WDN

Reference Number: N/00/B/0617
Description: Change of use of first and second floor flat from residential to office use
Status: NOOBJ

Reference Number: 18/04107/TREECA
Description: Trees in a conservation area: Fell Rowan (T1), Cherry (T2), Whitebeam (T3), Sycamore (T4), and Oak (T5).
Status: NOOBJ

Reference Number: 19/04114/LBC
Description: Listed Building Consent: Installation of perma steel boarding to protect building from further break-ins and eradication of dry rot
Status: PER

Reference Number: N/83/B/0179/P
Description: Conversion of outside toilet into shower block & provision of conservatory.
Status: PD

Reference Number: 21/02292/FUL
Description: Conversion of former community building to create 9no. flats, with construction of 1no. new house and garage block to rear (as amended)
Status: PCO

Reference Number: N/84/B/127
Description: Detailed application for construction of garage

Status: PER

4. Consultee Responses

Berwick-upon-Tweed Town Council	Members had no objections and would like to see the application progress. However, they expressed the wish that the application be considered by the Northumberland County Council Local Area Council due to the technicalities involved.
Berwick-upon-Tweed Town Council (2)	<p>Berwick-upon-Tweed Town Council would like to make the following comments on the amended plans for Planning Applications 21/02292/FUL and 21/02293/LBC:</p> <p>Members offered the following observations:</p> <p>Loss of public visual amenity, impact on outlook, concern that listed buildings are being demolished and concern that Conservation Officer has not commented and would draw their attention to the size of the garage and noise.</p> <p>The view was also expressed that the application should be adopted because:</p> <p>The buildings need to be renovated due to their condition, the view from the walls will not be as bad as feared, the application is for a good cause and the noise will be bearable.</p>
Building Conservation	<p>The proposed conversion scheme would not preserve the special interest of the Grade II* listed building. It would result in less than substantial harm to its significance. We would welcome a revised proposal with a lighter touch to the reuse of this important listed building.</p> <p>Likewise, the proposed new build element to the rear of the site would cause less than substantial harm to significance as the scale and design of development does not preserve the open setting of the Grade II* listed building, scheduled ramparts and Conservation Area. The applicant has not put forward an Enabling Development case to justify that the new build element is required to finance the conversion of the listed building.</p> <p>We consider the proposal in its entirety would give rise to less than substantial harm to heritage assets of the highest designations within the terms of paragraph 199 of the Framework. Cumulatively, we consider the degree of this harm to be towards the upper end of the scale of less than substantial harm.</p> <p>Built Heritage and Design suggest that the applicant omits the new build element of this proposal to avoid a recommendation for refusal due to the number of concerns we have about the development. This would allow for proactive discussions</p>

	<p>between applicant and the Council on how to bring the Grade II* listed building back into use as a priority.</p>
<p>Building Conservation (2)</p>	<p>Built Heritage and Design has reviewed the documents submitted. We welcome the retention of the original internal plan form in the Georgian house, and support amended plans for the caretakers flat with mezzanine level which will allow most of the roof structure to be appreciated.</p> <p>The submitted front elevation stone condition report fails to provide the clear and convincing justification required for us to support the rendering of the Grade II* listed building's principal elevation, which would harm its significance.</p> <p>Rendering the principal elevation of the building would cause harm to its significance and would neither preserve nor enhance the special interest of Berwick Conservation Area. The submitted report does not provide the clear and convincing justification for this harm so we cannot support this aspect of the proposed development.</p> <p>Further concerns regarding drylining, noise attenuation and insulation throughout the building, replacement of windows and demolition of wall to rear of building have not been addressed by the amended plans.</p>
<p>Building Conservation (3)</p>	<p>Subject to the above amendments/ conditions, we consider the amended proposals for the Grade II* listed building to be acceptable to bring it back into use and preserve its special interest in the long term.</p> <p>The proposed development to the rear of the site is much improved and would enhance the setting of the listed building. Its traditional built form and use of local materials would contribute positively to the character and appearance of Berwick Conservation Area.</p> <p>While its scale and design are much more appropriate within the setting of the scheduled ramparts, the development would still present 'less than substantial harm' as it would diminish the site's open character that enhances the setting of the ramparts and views along the promenade. This harm should be weighed against the public benefits of the development</p>
<p>Historic England</p>	<p>Bringing this important set of buildings back into use is a considerable benefit and as such we are supportive of the proposals in principle. However, in its present form, the proposals contain elements which would cause harm to the significance of this highly graded heritage asset and the character of this part of the conservation area. In that regard, we ask that alternative arrangements or further justification for the proposed solutions is requested from the applicant. These should be discussed and agreed to the satisfaction of your in-</p>

	house conservation advisers, who will also be able to advise you of any necessary conditions.
County Archaeologist	<p>The proposed development site has been subject to a programme of archaeological assessment including evaluation trenching. The evaluation exercise was limited to a depth of 1.25m below the present ground surface. This was on safety grounds and on the basis that the impact of development was not anticipated to exceed 1.25m below the present ground surface. The development has potential to damage or disturb archaeological deposits within the uppermost 1.25 m of the site (the anticipated maximum impact depth of the development). This risk can be mitigated via a programme of archaeological monitoring (watching brief). This work can be secured by condition.</p> <p>Should the impact of the proposed development exceed 1.25m, a more robust archaeological response may be required.</p>

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	27
Number of Objections	22
Number of Support	1
Number of General Comments	0

Notices

Site Notice - Listed Building Consent, 16th July 2021

Press Notice - Berwick Advertiser, 15th July 2021

Summary of Responses:

22no objections and 1no letter of support have been registered against the Listed Building Consent application. A number of interested parties have submitted multiple submissions as plans have been amended/additional information added.

Concerns have been raised in respect of the proposed new build elements and their visual impact upon surrounding heritage assets and neighbouring amenity, particularly with regard to the proposed "motorcycle workshop" and the impact on views into and through the site. Concerns also around the proposed rendering of the front elevation of the old school building, wholesale replacement of windows and other works proposed to facilitate the proposed change of use.

The letter of support was submitted by the Berwick Civic Society which qualified its support for the reuse of the building with concerns echoing those made by others regarding the impact of the proposals upon the designated heritage assets.

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=QU6NCCQSGY600>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan (2022)

QOP 1 - Design principles (Strategic Policy)

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

ENV 2 - Biodiversity and geodiversity

ENV 7 - Historic environment and heritage assets

ENV 9 - Conservation Areas

6.2 National Planning Policy

National Planning Policy Framework (2021)

6.3 Neighbourhood Planning Policy

N/A

6.4 Other Documents/Strategies

Planning Practice Guidance (2021, as updated)

Listed Buildings and Curtilage - Historic England Advice Note 10 (2018)

Historic England - Traditional Windows Their Care, Repair and Upgrading (2017)

Historic Environment Good Practice Advice in Planning: 3 The Setting of Heritage Assets (2017)

Historic England - Understanding Historic Buildings: A Guide to Good Recording Practice (2016)

Berwick Upon Tweed Conservation Area Character Appraisal

Design matters: Berwick-upon-Tweed, Spittal and Tweedmouth Doors and windows in the historic environment

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, 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 (NLP) (2022). The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

Principle of Development
Impact on Listed Buildings
Impact on Conservation Area
Ecology

Principle

7.2 The legislative framework has regard to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.

7.3 Policy ENV 1 of the NLP pertains to the natural, historic and built environment and introduces the concept that great weight should be given to the conservation of designated heritage assets and that harm can be caused by development that affects the setting and significance of heritage assets.

7.4 Paragraph 197 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.

7.5 This is echoed by Policy ENV 7 of the NLP which states that development proposals will be assessed and decisions made that ensure the conservation and enhancement of the significance, quality and integrity of Northumberland's heritage assets and their settings.

7.6 The principle of the renovation and conversion of the property to bring it back into a viable use is supported. The proposal would therefore accord with local plan policy ENV 7 and the provisions and intentions of the NPPF.

Impact on the Listed Buildings

7.7 The NPPF sets out the degrees of harm that can be caused by development affecting the setting and significance of heritage assets. These are 'total loss', 'substantial harm', or 'less than substantial harm' and the need to balance any harm against the benefits of the development is stated.

7.8 The Council's Built Heritage and Design Officer has provided comments raising concerns regarding the proposals and noting that a level of harm would be caused to the listed buildings. The individual elements of the scheme are discussed below, however the overall level of harm identified is "less than substantial" for the purposes of the NPPF.

Conversion of Grammar School Buildings

7.9 The works required to convert the existing building to habitable accommodation include the installation of new partition walls to subdivide the space to create self-contained apartments. The surviving plan form of the 18th century house has considerable historic interest and whilst new partition walls are acceptable to the Victorian rear block, it is important that the historic plan form of the Georgian house is retained as much as possible. To this end the applicant has agreed to the retention of the original internal plan form in the Georgian house. The proposed dry lining and thermal insulation of the building would result in the covering over of some historic features. Original cornicing would be retained and concealed with a new cornice matching its profile installed over the insulation. As there are different cornice mouldings throughout the listed building it is recommended that large scale drawings of the proposed cornicing, together with materials, be secured by condition.

Cantilevering of north gable of school hall, removal and relocation of stone arch

7.10 It is understood that this part of the proposals has been put forward to minimise the impact on historic fabric while providing sensible and safe vehicular access to the rear. The stone arch is proposed to be removed and relocated to a resident's garden behind the house. The Built Heritage Officer considers the stone arch and the north elevation of the 19th century school extension to have moderate historic and architectural interest. On balance however, if required to provide safe access, the loss of historic fabric would not harm the overall significance of the building.

Replacement of Windows

7.11 The application originally proposed the wholesale removal and replacement of historic windows from the building with the exception of the large round headed window to the rear elevation which would be repaired as required. The Built Heritage Officer found this to be harmful to the significance of the building and asked the applicant to submit further justification together with a window schedule prepared by a suitably qualified specialist. Following receipt of this information and negotiations with the applicant, it has been accepted that a number of windows are beyond repair and may be replaced, whilst the remainder of the windows should be repaired/refurbished as required.

Rendering of Front Elevation

7.12 The proposals originally included the rendering of the principal elevation of the building in order to address defects to the existing stonework and to cover holes caused by the historic insertion of flues. The conservation officer considered that this would cause harm to the significance of the building and would neither preserve nor enhance the special interest of Berwick Conservation Area. Following negotiation with the applicant it has been agreed that this element of the proposals should be removed in favour of localised repairs thereby preserving the listed building and preserving or enhancing the character and appearance of the conservation area.

C20th Prefabs

7.13 The proposed removal of the curtilage listed early C20th huts from the rear yard would facilitate the erection of new buildings being considered under application ref

21/02292/FUL. The Berwick Civic Society has carried out research into the history and assessed the significance of the two huts. Their significance is derived predominantly from their historic interest but, overall, the Council's Built Heritage Officer finds this to be low based on the research carried out. However, local plan policy seeks to conserve and sustain the significance of heritage assets and it should be clearly demonstrated why the huts cannot be retained and reused by the applicant. Ideally if the huts are no longer required in situ, efforts should be made to relocate them. However, if the Authority were to consent to demolition, the buildings should be recorded and added to the Historic Environment Record. A condition is recommended below to secure this.

Public Benefits

7.14 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.

7.15 On balance, whilst some harm is caused to the significance of the listed buildings (and in the case of the C20th outbuildings would amount to total loss), the works proposed enable the reuse of the heritage asset, thereby helping to secure its future. A secure, appropriate use for the listed buildings will help ensure the continued use, retention and protection of this asset. Concerns with regard to the external finishes and the proposed wholesale replacement of historic windows have been addressed through negotiation with the applicant, who has agreed to remove or amend those elements as noted above. It is considered that the reuse of the heritage asset is an acceptable public benefit which will outweigh any harm caused.

7.16 Subject to appropriate conditions the proposal is considered to accord with local plan policies QOP 1 and ENV 7 of the NLP and the provisions and intentions of the NPPF.

Ecology

7.17 Policy ENV 2 of the Local Plan relates to ecology and seeks to ensure that development proposals will minimise their impact upon biodiversity and geodiversity, avoiding significant harm through location and/ or design and will secure a net gain for biodiversity through planning conditions or planning obligations. The proposal is in accordance with this policy which is a material consideration in the assessment of the application.

7.18 Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural environment based on detailed principles.

7.19 The County Ecologist has responded to consultation noting that the buildings are generally in a poor state of repair and the former landscaping appears to have become overgrown and dilapidated and it is unlikely any habitats of value are present. The building has been assessed as being of low risk for bats. The risk of any impact to void roosting bats has been ruled out completely but there is a low risk of crevice dwelling species such as common or soprano pipistrelle bats being present and being impacted by the development. The few available potential roost features (prfs) would only support occasional sporadic day roosting bats, in common with almost all buildings and the dampness of the building, the recent dry rot

treatment and the lack of heating in the buildings means the chance of encountering bats is negligible. In addition, the prfs can be surveyed with an endoscope to ensure no bats are present prior to the works being undertaken. A condition is included below to ensure any bats present are fully protected.

Equality Duty

7.20 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

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

Human Rights Act Implications

7.22 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.

7.23 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.

7.24 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

8.1 The application has been considered against local development plan policies and the relevant sections of the NPPF. On balance, the less than substantial harm

identified to the listed building is considered to be outweighed by the public benefit of helping to secure an appropriate and viable use for the listed building into the future.

9. Recommendation

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

Conditions/Reason

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. Approved Plans

The development hereby permitted shall be carried out in complete accordance with the following approved plans

1. Location Plan
2. Drawing No 201 Rev E - Proposed Floor Plans
3. Drawing No 202 Rev C - Proposed Elevations
4. Drawing No 203 Rev E - Proposed Site Plan

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

3. Materials

Notwithstanding any description of the materials in the application, no development shall be commenced until precise details, to include samples, of the materials to be used in the construction of the external walls and / or roof(s) of the building(s) and including windows and doors have been submitted to, and approved in writing by, the Local Planning Authority. All roofing and / or external facing materials including windows and doors used in the construction of the development shall conform to the materials thereby approved.

Reason: To retain control over the external appearance of the development to ensure works are carried out in a manner consistent with the character and setting of the building, in accordance with the provisions of Development Plan policy ENV 7 and the provisions and intention of the NPPF

4. Joinery

Notwithstanding the approved plans, prior to the commencement of the development full details of existing and proposed windows and doors, including drawings 1:20 scale and cross sections 1:5 scale, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter all windows and doors shall be installed in accordance with the approved plans.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

5. Historic Building Recording

No development shall commence on site until a Written Scheme of Investigation (WSI) for archaeological work (historic building recording) has been submitted to and approved in writing by the Local Planning Authority and their archaeological advisors. The programme of archaeological (historic building recording) work should be in line with 'Level 2' of Historic England's 2016 Guidance document '*Understanding Historic Buildings: A Guide to Good Recording Practice*'. The archaeological scheme shall comprise three stages of work. Each stage shall be completed and approved in writing by the Local Planning Authority before it can be discharged.

This requirement shall apply to all buildings within the site, including outbuildings and timber buildings.

a) No development or archaeological mitigation (historic building recording) shall commence on site until a Written Scheme of Investigation (WSI) based on 'Level 2' of Historic England's 'Understanding Historic Buildings' guidance has been submitted to and approved in writing by the Local Planning Authority.

b) The agreed archaeological recording scheme must be completed in accordance with the approved Written Scheme of Investigation.

c) The programme of analysis, reporting, publication and archiving must be completed in accordance with the approved written scheme of investigation.

Reason: The site is of archaeological and historic interest and the development shall result in the loss of a heritage asset, and a reduction in significance so a historic building record is required in accordance with Policy ENV 7 of Northumberland Local Plan.

6. Structural survey

Prior to commencement of development, a structural survey of the listed buildings shall be carried out by a conservation accredited structural engineer, and a report, including details of any structural repair works required to the buildings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter any required works shall be carried out in strict accordance with the details as approved.

Reason: To ensure the integrity of the listed building is not prejudiced thereby preserving its special architectural and historic interest and in accordance with Policy ENV7 of the Northumberland Local Plan.

7. Stone cornice

Prior to the partial demolition of the north east gable wall of the school hall, large scale drawings of the new stone cornice in 1:20 scale and sections 1:5 scale shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the

approved detail.

Reason: To preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

8. Demolition by hand

The partial demolition of the north east gable wall of the former school hall hereby authorised shall be carried out by hand (or by hand-held tools) only.

Reason: To ensure the integrity of the listed building is not prejudiced thereby preserving its special architectural and historic interest and in accordance with Policy ENV7 of the Northumberland Local Plan.

9. Stone arch

The stone archway attached to the gable end wall of the listed building shall be retained and relocated to the resident's garden.

Reason: To preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

10. Stonework

Prior to the commencement of stonework, a detailed method statement identifying the extent of repair and replacement, including details of proposed natural stone type, sizes, colour, pointing mortar mix, joint thickness and finish profile, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details. For the avoidance of doubt, the use of Lithomex, or other lime based restoration mortars, is not approved and shall not be used.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

11. Repointing

Prior to repointing works being undertaken to any elevation, a method statement, including lime mortar specification, shall be submitted to and approved in writing by the Local Planning Authority. A 1sqm sample panel showing the proposed repointing shall then be prepared in situ for the written approval of the Local Planning Authority. Repointing shall then be carried out in the manner shown on the approved sample panel and in accordance with the approved scheme.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

12. Roof slates

Replacement slates shall be indigenous natural slate matching the dimensions, colour and texture of the slates on the existing building and shall remain as such unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

13. Rooflights

The rooflights hereby approved shall be of 'conservation' design, metal framed with structural glass and central vertical glazing bar and shall be installed flush to the roof and shall thereafter be so retained. Any subsequent replacement rooflight shall be to the same specification and design.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

14. Roofing material

Prior to the construction of the flat roofed single storey extension, specification details of the roofing material and method of connection with the listed building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the extension shall be constructed in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

15. Metal windows

Prior to installation of the lancet windows in the school hall, large scale drawings in 1:20 scale and sections 1:5 scale, including details of the metal and finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be constructed in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

16. Services

Prior to installation of any new services, detailed service plans shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved details.

Reason: To preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

17. Rainwater goods and pipes

New rainwater goods and soil pipes shall be of cast iron construction, painted black painted and fixed directly to the walls without fascia boards. Prior to installation, specification details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development and to preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

18. Cornices

Prior to installation, large scale drawings in 1:20 scale and sections 1:5 scale of new cornices to match the profiles of existing cornices, and details of material and finish shall be submitted to and approved in writing with the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved details.

To preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

19. Internal joinery

Prior to removal of window panelling, shutters and surrounds, a method statement for their removal and refixing in front of insulation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved details.

Reason: To preserve the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

20. Staircase

Prior to installation, large scale drawings in 1:20 scale and sections 1:5 scale of the new timber handrail, posts and spindles, and details of materials and finish shall be submitted to and approved in writing with the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved details.

To preserve and enhance the special architectural and historic interest of the listed building and in accordance with Policy ENV7 of the Northumberland Local Plan.

21. Boundary treatments

Prior to installation, full details of the new railings and stone pillars to the front of the listed building, including large scale drawings, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the works shall be implemented in accordance with the approved details.

Reason: To preserve the setting of the listed building and the character and appearance of the conservation area and in accordance with Policy ENV7 and ENV 9 of the Northumberland Local Plan

22. Landscape and Ecological Management Plan (LEMP)

Notwithstanding the approved plans a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed including bird and bat boxes, native to Northumberland trees, shrubs and other habitats.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Reason: to conserve and enhance the natural environment in accordance with the NPPF.

23. Bat Mitigation

The development hereby approved shall be carried out in accordance with the following method statement

A toolbox talk will be undertaken before works commence. All contractors will be informed of the potential presence of bats and will be made aware of the actions they are required to take if bats are found at any time during works on site. The contact numbers for the ecologist, Natural England (0845 6014523) and the Bat Advice Line (0345 1300228) will be left with the contractors on site.

The ecologist will be on site when the roof of the school hall is stripped. The roof covering will be removed under ecological supervision. The removal of ridge tiles, hip ridges, slates and verges will be undertaken carefully by hand,

being aware that a bat may be roosting underneath. The ridge tiles/slates will be lifted directly up and will not be slid along the roof line to avoid any harm to any bats that may be roosting under the slates. The slates will be removed by hand, and turned over before they are slid down the roof slope. Any lead flashing or mortar fillets which need to be removed will be removed under ecological supervision. Any bat access points identified will be noted and reinstated when the roof covering is replaced.

Works to remove the wooden window frames will be undertaken by hand, with care, being aware that a bat may be roosting around the wooden frames

Works to repair the movement cracks will only be undertaken if the full extent of the crevice can be seen either by torch light or with an endoscope.

Any essential pointing/mortaring will only be undertaken if the full extent of the crevice can be seen either by torch light or with an endoscope. Any non-essential pointing will not be undertaken.

All structural work will be undertaken by hand, being aware that bats may be present on wall tops, within walls and between loose stones.

Any timber treatments used in the development work will be preparations approved for use where bats may be present. Remedial timber treatments that are toxic to mammals will be avoided. Both pre-treated timbers and timber treatments will use chemicals classed as safe for use where bats may be present, see Timber treatment table 1 of the ecological survey report (Tina Wiffen 2021).

If roosting bats become evident during work, the ecologist will be contacted immediately. Work will stop in the vicinity of the bat and if applicable the cavity the bat is within will be covered over for the safety of the animal. The ecologist will attend site as quickly as possible to assess the situation and move the bat to safety. The bat will be carefully caught by hand or with a static hand net and will be placed in a bat tank and kept in the dark in a quiet place until it can be released at dusk near to where it was found.

All contractors shall be made aware of the potential presence of bats, of their legal protection and the requirement to contact the ecologist and Natural England if they are found during works.

If bats are found during the works, work should cease immediately in that area and the ecological consultant should be consulted for further advice. This contact number should be left with the contractors on site.

Reason: To protect bats and their roosts (whether occupied or not) which are strictly protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017

24. Nesting Birds

Notwithstanding the approved plans, work shall not be carried out during the breeding season, unless a checking survey is carried out within 5 days of the start of the works. If active nests are encountered during the check (including

nest building) then works shall cease in that area until the young birds have fledged.

Reason: To avoid harm to breeding birds which are protected under the Wildlife and Countryside Act 1981 (as amended)

Background Papers: Planning application file(s) 21/02293/LBC

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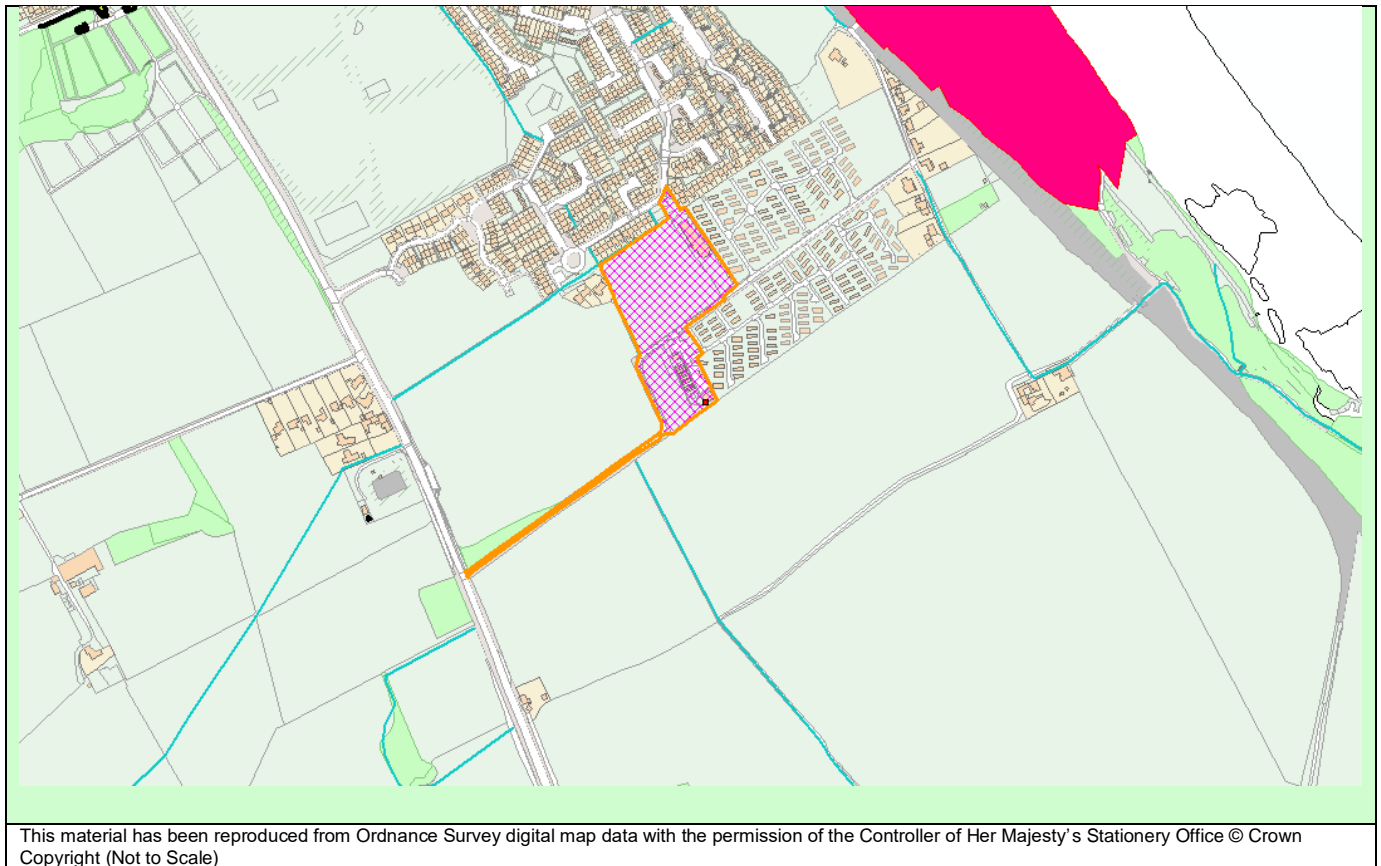
Northumberland

County Council

North Northumberland Local Area Council Planning Committee 22nd December 2022

Application No:	21/04037/FUL		
Proposal:	Removal of existing reception building and associated structures; erection of new reception building with associated parking landscaping and infrastructure; relocated/enlarged play area; siting of up to 23 static caravans with associated landscaping infrastructure; vehicular access routes and LPG compound; enlarged caravan display area.		
Site Address	Land At South West Of Elmbank Caravan Park, Cow Road, Spittal, Northumberland		
Applicant:	Elm Bank (Northumberland) Ltd Land At South West Of Elmbank Caravan Park, Cow Road, Spittal, Northumberland	Agent:	Martin Bonner The Lumen , St James Boulevard , Newcastle Helix , NE4 5BZ
Ward	Berwick East	Parish	Berwick-upon-Tweed
Valid Date:	13 October 2021	Expiry Date:	23 December 2022
Case Officer Details:	Name: Mr Tony Lowe Job Title: Senior Planning Officer Tel No: 07739979210 Email: tony.lowe@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



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1. Introduction

1.1 This application has been called to committee by a local ward member, as a controversial application.

2. Description of the Proposals

2.1 The applicant seeks full planning permission for the removal of an existing reception building and associated structures; erection of new reception building with associated parking, landscaping and infrastructure a relocated/enlarged play area; and the siting of up to 23 static caravans with associated landscaping infrastructure; vehicular access routes and LPG compound; enlarged caravan display area.

2.2 Elmbank Coastal Park is approximately 8 hectares and sits either side of Cow Road, to south of, but within the settlement boundary of Berwick-upon-Tweed. Bounded to the south by farmland, the north and east by residential development and the west by open land with Outline consent for residential development and public right of way. The Northern View a community run establishment offering bar, community facilities, function room etc. sits on the northern side of the site and separates parts of the parks to the north of Cow Road. The land form falls from the west to the east.

2.3 Submitted details indicate that the site is licensed for 278 pitches with 182 currently in place and that a community consultation took place prior to the submission of the application and included an information leaflet to neighbouring residents and a letter to local Town and County Councillors.

2.4 The application site consists of 2 plots, both within the existing park:

Area A, with existing access, measuring approximately 0.7 hectares to the south of Cow Road - proposal includes reception area, play area and caravan display, and is already in operation;

Area B, to the north of Cow Road, approximately 1.9 hectares - proposal includes new barrier access from Cow Road, 23 static pitches, car parking and internal 'loop road' and LPG enclosure;

3. Planning History

Reference Number: N/84/B/0278/P

Description: Additional recreational areas, car parks, mixed basic & mains serviced caravan pitches. (Renewal of 80/B/18)

Status: PER

Reference Number: N/78/B/0336/P

Description: Provision of projecting illuminated sign

Status: REF

Reference Number: N/80/B/163

Description: Outline - Construction of a new Community Centre and conversion of existing within main building into a lounge

Status: PER

Reference Number: N/90/B/0048/P

Description: Alterations and extension to provide sun lounge and extra toilets

Status: PER

Reference Number: 18/02935/FUL

Description: REMOVE SINGLE STOREY EXTENSION AND REPLACE WITH A TWO STOREY EXTENSION

Status: PER

Reference Number: N/77/B/193

Description: Erection of Community Centre and Social Club

Status: PER

Reference Number: N/90/B/0467/P

Description: Kitchen extension.

Status: PER

Reference Number: N/84/B/0278/P

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Reference Number: N/90/B/0048/P

Description: Alterations and extension to provide sun lounge and extra toilets

Status: PER

Reference Number: N/77/B/193

Description: Erection of Community Centre and Social Club

Status: PER

Reference Number: N/90/B/0467/P

Description: Kitchen extension.

Status: PER

Reference Number: N/83/B/50

Description: Change of use from holiday static caravan to residential.

Status: PER

Reference Number: N/02/B/0032

Description: Erection of a bungalow with office/store, for the site manager.

Status: PER

Reference Number: N/83/B/50

Description: Change of use from holiday static caravan to residential.

Status: PER

Reference Number: N/06/B/0924

Description: Proposed workshop, tool and vehicle store.

Status: PER

4. Consultee Responses

County Ecologist	No objection, subject to a financial contribution to the CMS and conditions set out in the report
Public Protection	No objection, subject to conditions set out in the report
Berwick-upon-Tweed Town Council	Members expressed concerns and would request more information on the following issues: Pollution levels within the required drainage system, Foul drainage, Views effected from within and adjacent to the site due to layout, Over capacity of access when vehicle turning right into the site, Adequacy of the amount of passing places located near to the site, Reassurance that extra demands on the surrounding road system has been taken into account by the Highways Authority, Lack of information regarding access for cyclists and pedestrians, Land management and horticultural practices both on-site and neighbouring properties.
Climate Change Team	No response received.
Natural England	No objection
Lead Local Flood Authority (LLFA)	No objection, subject to conditions set put in the report
Countryside/ Rights Of Way	No objection to the proposed development on the condition that Public Footpath No 26 is protected throughout
Public Protection	No objection, subject to conditions
Northumbrian Water Ltd	No objection raised. Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have the following comments to make: Northumbrian Water actively promotes sustainable surface water management across the region. The developer should

	<p>develop their surface water drainage solution by working through the following, listed in order of priority:</p> <p>Discharge into ground (infiltration) Discharge to a surface water body Discharge to a surface water sewer, highway drain, or another drainage system As a last resort, discharge to a combined sewer</p> <p>If sewer is the only feasible option the developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. We recommend this is done by submitting a pre planning enquiry directly to us. Full details and guidance can be found at https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx or telephone 0191 419 6559.</p> <p>I trust this information is helpful to you, if you should require any further information please do not hesitate to contact me.</p>
Fire & Rescue Service	No objection
Architectural Liaison Officer - Police	<p>No objection raised but the following comments provided:</p> <p>We do not recommend the use of bollard lighting as the main source of lights, we feel that bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result it may cause an increased fear of crime, therefore it should be avoided.</p> <p>We would recommend the lighting scheme is re-considered with lighting columns included within the design, this could fall within the E2 Rural, Low District Brightness (village of relatively dark, outer suburban locations) guidance, which would reduce lux levels but also offer a level of being able feel safe under good lighting conditions.</p>
Northumbria Ambulance Service	No response received.
Environment Agency	No response received.
The Coal Authority	The Coal Authority has no objection to the proposed development. However further consideration of ground conditions / foundation designs will be required as part of the applicant's subsequent building regulation application.
Tourism, Leisure & Culture	No response received.
Highways	No objections subject to conditions set out in the report

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	31
Number of Objections	19
Number of Support	0
Number of General Comments	2

Notices

Stat Pub & PROW 21st October 2021

Berwick Advertiser 21st October 2021

Summary of Responses:

19 letters of objection and 2 other letters of representation have been received. The reasons for objection include:

Impact on residential amenity;
Impact on Highways - volume of traffic and safety;
Impact on drainage - foul and surface;
LPG Storage safety;
Impact on light;
Neighbouring properties devalued;
Impact on the AONB;
Erection of a fence surrounding Area B;
Increased noise;

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=R0VEW6QSJVV00>

6. Planning Policy

6.1 Development Plan Policy

STP 1 - Spatial strategy (Strategic Policy)

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

STP 3 - Principles of sustainable development (Strategic Policy)

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

STP 5 - Health and wellbeing (Strategic Policy)

ECN 15 - Tourism and visitor development

QOP 1 - Design principles (Strategic Policy)

QOP 2 - Good design and amenity

QOP 6 - Delivering well-designed places

QOP 3 - Public realm design principles

QOP 4 - Landscaping and trees

QOP 5 - Sustainable design and construction

TRA 1 - Promoting sustainable connections (Strategic Policy)

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 2 - Biodiversity and geodiversity

ENV 3 - Landscape

ENV 4 - Tranquillity, dark skies and a sense of rurality

WAT 2 - Water supply and sewerage

WAT 3 - Flooding

POL 1 - Unstable and contaminated land

POL 2 - Pollution and air, soil and water quality

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

6.3 Neighbourhood Planning Policy

Whilst Berwick-upon-Tweed Town Council applied to Northumberland County Council to designate the civil parish of Berwick-upon-Tweed as a neighbourhood area, there are no adopted policies available at this time

6.4 Other Documents/Strategies

NDG - National Design Guide (2019)

PPG - Planning Practice Guidance (2021, as updated)

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). 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 Paragraph 48 of the NPPF states that weight may also be given to the policies in emerging plans, depending on the stage of preparation of the plan, the extent to which emerging policy aligns with the NPPF and the extent of unresolved objections to the emerging plan. While emerging Neighbourhood Plans can be material and an application to designate the civil parish of Berwick-upon-Tweed as a neighbourhood area has been submitted, a draft plan has yet to be prepared and published, as such no weight can be given at this early stage.

7.4 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,
Impact on Landscape,
Amenity,
Highways,
Ecology,
Water Management,
Climate Change,
Other Matters, and
Procedural Matters.

Principle

7.5 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. Part 1a places Berwick as a main town that "will be the main focus for employment, housing, retail and services". As stated, the whole site falls within the town's defined settlement boundary.

7.6 Policy ECN 1 lists the key mechanisms through which the Local Plan will achieve its ambitions jobs-led growth objective, it lists the key mechanisms through which the Local Plan will achieve its ambitions jobs-led growth objective. One of these is to support and promote tourism and the visitor economy.

7.7 Policy ECN 15 relates to tourism and visitor development. This policy seeks, within constraints, to facilitate development that helps promote Northumberland as a destination for tourists and visitors, while recognising the need to sustain and conserve the environment and local communities.

7.8 Whilst many of Northumberland's attractions are located in the countryside and along the coast, part 2(a) of ECN 15, takes a sustainable planning approach and clarifies that Main Towns and Service Centres should be prioritised for the development of significant new tourist facilities and accommodation. The more rural areas of the county do contain some quite sizeable caravan sites, but many of the popular areas are reaching saturation levels and it is considered prudent to seek to locate the expansion of sites within, or adjacent to these larger settlements where essential services and facilities are close at hand. It deals more specifically with caravans and camping in part 2(f) of Policy ECN 15, which states:

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

7.9 The principle of development in policy terms is supported by the policies in the development plan, subject to matters such as drainage, highways and visual impact being adequately addressed.

Impact on Landscape

7.10 The application site comprises part of an open field (now fenced) that is within the existing park curtilage/ land use. Set on a sloping site the proposed development will be 'framed' by existing residential development to the north and east and by an area with extant Outline consent for residential development, to the west. The proposed development will be viewed in this context.

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, contributing positively to built and natural features and not cause unacceptable harm to amenity.

7.12 Policy ENV 3 also states that proposals affecting the character of the landscape will be expected to conserve and enhance important elements of that character. It goes on to say that where it is considered that landscape character may be adversely affected, or aspects of this character that warrant protection would be degraded as a result of a proposed development, then the weight given to the harm caused will be in accordance with the importance of the designation.

7.13 Whilst the site may be quite exposed, it is acknowledged that this may be regarded as a more acceptable location than many other open landscapes within the area and one that could take some pressure away from the most popular areas (e.g. more rural along the coast), while still being in easy reach of many tourist attractions. Viewed in the context of the site the proposed pitches would sit relatively discreetly.

7.14 The site is located within the existing caravan park, which itself is within the settlement boundary of Berwick-upon-Tweed. Detailed landscaping plans have been submitted and a number of objections, due to perceived impacts on the surroundings have been received. However, given the context of the site, including its

surroundings the proposed landscaping plans are considered adequate and the visual impacts acceptable.

7.15 On the basis of the above, the visual impact of the proposed development on the landscape is acceptable. The proposal will be viewed in the context of the existing landscape and development. Therefore, the proposals are acceptable in accordance with NLP policies ENV 3 and QOP 1 and the provisions of 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 The site is located on a former coal mining area. The proposal has been examined by the Coal Authority, who have no objection and Public Protection officers who have no objection subject to conditions which include conditions regarding noise, potential coal mining legacy issues and pollution.

7.19 In the context of current policy, due to the site location and proposed layout of the development, there would not be any substantive impacts on residential amenity resulting from the proposals in terms of loss of light, outlook, overbearing, privacy or noise, subject to condition. Separation distances between the proposed new pitches and existing dwellings are acceptable and sufficient amenity space is provided within the development for the use of future occupiers. The proposal is in accordance with Policy QOP 2 of the NLP and with the NPPF in this respect.

7.20 The storage of LPG is a fairly standard practice for this type of development and its safety is governed by existing Regulation/ Health and Safety requirements. It is not considered to pose a risk to local residents when managed under this regime. Subject to conditions the proposal is considered acceptable and is accord with local plan policy POL 1 and 2 and the provisions of the NPPF.

Highways

7.21 Policy TRA 1 of the NLP promotes sustainable connections and states that the transport implications of development must be addressed as part of any planning application. Policy TRA 2 seeks to ensure that all development will minimise any adverse impacts upon the highway network. Policy TRA 4 sets out requirements for parking provision in new development.

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 Paragraph 112 goes on to say that within this context, applications for development should:

- give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus

or other public transport services, and appropriate facilities that encourage public transport use;

- address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

7.24 The proposal has been robustly examined by the Highway Development Management Team (HDM), through several rounds of consultation and with further information supplied, by the applicant, during the application process. HDM have no objection to the proposal subject to conditions. These conditions have been examined and given the context of the site, are considered reasonable.

7.25 Subject to the imposition of the highway conditions on any grant of consent, it is considered that there would be no grounds to refuse the application in relation to highway safety or convenience and the proposal would accord with NLP policies TRA 1 and 2 and the provisions of the NPPF.

Ecology

7.26 Policy ENV 2 of the Local Plan relates to ecology and seeks to ensure that development proposals will minimise their impact upon and secure net gains for biodiversity.

7.27 Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural environment based on detailed principles.

7.28 The site is close to international protections along the coast. Part 4 of Policy ENV 2 deals with the Coastal Mitigation requirements, associated with development proposals falling within 0-7km and 7-10km distances from the coast. Protected species legislation operates independently of the planning system and planning consent does not override this legislation; therefore, it is the applicant's and relevant contractor's responsibility to have regard to the recommendations for best practice during construction and the requirement for additional bird nesting boxes.

7.29 Initial concerns regarding the impact on increased nutrient levels in the protected sites along the coast, 'Nutrient Neutrality', were later identified to be unfounded, due to the direction of surface water outfall, which does not directly enter protected sites.

7.30 The County Ecologist has responded to consultation raising no objections, subject to conditions, securing mitigation including the provision of nest boxes and adherence to the approved landscaping plans. In addition, the applicant has agreed to a financial contribution to the Coastal Mitigation Service of £7,949.49. On this basis the proposals are acceptable and in accordance with Policy ENV 2 or the NPPF in this respect.

Water Management

7.31 Policy WAT 3 of the NLP relates to flooding and states that development proposals will be required to demonstrate how they will minimise flood risk to people, property and infrastructure from all potential sources. Policy WAT 4 relates to Sustainable Drainage Systems and states that water sensitive urban design, including Sustainable Drainage Systems (SuDS) will be incorporated into developments whenever necessary, in order to separate, minimise and control surface water run-off, in accordance with national standards and any future local guidance.

7.32 Paragraph 167 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

7.33 Originally intended that Area B would drain through neighbouring Northern View however, following the submission of amended information the drainage will now be taken south through the caravan park and then north to drainage within the to public sewer system. Concerns were raised by neighbours regarding the foul sewage rising to the highway through manholes on Cow Road, however, following a site visit it was identified that these manholes lay out with the applicant's control, within the Highway. Responsibility for clearance/ unblocking of the manhole rests with the Highway Authority.

7.34 The proposal has been robustly examined by the Lead Local flood Authority (LLFA), through several rounds of consultation and with further information supplied, by the applicant, during the application process. The LLFA have no objection to the proposal subject to conditions. These conditions have been examined and given the context of the site, are considered reasonable. Subject to these conditions the proposals are acceptable in accordance with Policies WAT 3 and WAT 4 of the NLP and the NPPF.

Climate Change

7.35 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.

7.36 Policy QOP 1 of the NLP sets out a number of design principles stating that proposals will be supported where, amongst other criteria buildings are functional for future uses, incorporates green infrastructure, mitigates climate change and ensures the longevity of the buildings and spaces.

7.37 Policy QOP 5 relates to sustainable design and construction and states that 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.

7.38 The documents which accompany the application do not provide any information with respect to sustainable design and construction. It is therefore appropriate to attach a condition to any granting of permission in order to ensure that the proposal will be constructed in accordance the requirements of Local Plan Policies QOP 1 and QOP 5.

Other Matters

7.39 A number of concerns have been raised by objectors and by Berwick Town Council. Issues such as the impact on house prices are not pertinent to planning; other concerns, such as impact on highways, ecology and drainage have been addressed in the report.

Procedural Matters

Equality Duty

7.40 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

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

Human Rights Act Implications

7.42 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.

7.43 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.

7.44 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 main planning considerations in assessing this application have been set out and considered above stating accordance with relevant Development Plan Policy. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

8.2 The concerns raised in respect of drainage, highway safety, landscape and ecology etc. have been taken into account and addressed in the assessment as appropriate.

8.3 The application has addressed the main planning considerations and on balance the proposal is acceptable, it would therefore be unreasonable to withhold planning permission.

9. Recommendation

9.1 That this application be GRANTED permission subject to the following conditions and a legal obligation for a financial contribution of £7,949.49 to the Coastal Mitigation service:

Conditions

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and documents. The approved plans and documents for this development are:

Documents:

Application Form

EXTERNAL LIGHTING ASSESSMENT, Elm Bank Coastal Park, Prepared for: Elm Bank (Northumberland) Ltd. Date: September 2021, Revision D;

ELM BANK, SPITALL, BERWICK-UPON-TWEED, Elm Bank (Northumberland) Ltd, SUPPORTING DESIGN & ACCESS STATEMENT, September 2021, 2696-3.01 (wildblood macDonald);

Elm Bank Coastal Park, Arboricultural Impact Assessment, Ref: ARB/CP/2630, dated July 2022 (elliottconsultancy ltd)

Proposed Development at Elm Bank Coastal Park, Cow Road, Spittal, Berwick-upon-Tweed Supplementary Transport Note No 2, dated October 2022 (local transport projects)

Elm Bank Coastal Park Flood Risk & Drainage Assessment dated 28 July 2022 Rev Final Ref: GFG-JBAU-XX-00-RP-HM-0001-A4-C06-Elm_Bank_FRA_and_DA Produced By JBA

Drawings:

Drawing number (PL) 01, Rev B, Location Plan
Drawing number (PL) 05100, Rev C, Site Plan Area B proposed;
Drawing number (PL) 08 Rev A102, Detailed Section study;
Drawing number (PL) 07, Rev A, Proposed site sections area B;
Drawing number 0001 Rev C02, Site A Drainage Schematic;
Drawing number 0002, Rev C01, Site B Drainage Schematic;
Drawing number 0003, Rev C01, Site B Surface Water Drainage Schematic;
Drawing number 0004, Rev C01, Site B Foul Water Drainage Schematic;
Drawing number 0005, Rev C01, Whole Site Drainage Schematic;
Drawing number 0006, Rev C01, Site B Hardstanding Areas;
Drawing number LTP/4406/P1/01.01 Roadmarkings;
Drawing number LTP/4406/V1/01.01 Proposed Accesses Visibility Splays104;
Drawing number N1084-ONE-ZZ-XX-DR-L-0001, Rev 04, Landscape Masterplan
Drawing number N1084-ONE-ZZ-XX-DR-L-0201, Rev P05, Planting Plan Sheet 1 of 2;
Drawing number N1084-ONE-ZZ-XX-DR-L-0202, Rev P05, Planting Plan Sheet 2 of 2;
Drawing number 0002 Ref C01 Elm Bank Coastal Park Site B Drainage Schematic Ref: GFG-JBAU-XX-XX-DR-C-0002- dated 28/07/22 produced by JBA
Drawing number 001 Ref C02 Elm Bank Coastal Park Site A Drainage Schematic Ref GFG-JBAU-XX-XX-DR-C-0001-A4-C01dated 28/07/2022 Produced by JBA
Drawing number 2696 PL10 E Reception Plan and Elevations;
Drawing number d 2696 PL12 Rev E, Site Layout A and B Proposed;

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

03. The development shall not be occupied until details of the external lighting of the building(s) and external area(s) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is occupied and retained as such thereafter.

Reason: In the interests of amenity and highway safety, in accordance with the National Planning Policy Framework and Policy TRA1 of the Northumberland Local Plan.

04. The reception building shall not be occupied until the car parking area indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays/ has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA4 of the Northumberland Local Plan.

05. The development shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan.

06. Notwithstanding the submitted plans, the development shall not be occupied until full details of all proposed highway works (i.e. pedestrian footpath upgraded to a crossing, to access the reception building opposite, signage, road markings), have been submitted to and approved in writing by the Local Planning Authority. The building(s) shall not be occupied until the highway works have been constructed in accordance with the approved plans

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan.

07. The reception building shall not be occupied until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before the development is occupied. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety and sustainable development, in accordance with the National Planning Policy Framework and Policy TRA1 of the Northumberland Local Plan.

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

Reason: In order to prevent surface water run-off in the interests of highway safety the amenity of the area and to protect the integrity of the highway in accordance with the National Planning Policy Framework.

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

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

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

10. No external refuse or refuse containers shall be stored outside of the approved refuse storage area except on the day of refuse collection.

Reason: In the interests of the amenity of the surrounding area and highway safety, in accordance with the National Planning Policy Framework and Policies TRA1 and TRA2 of the Northumberland Local Plan.

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

Monday to Friday - 08:00 to 18:00

Saturday - 08:00 to 13:00

With no deliveries or collections on a Sunday or Bank Holiday, unless agreed in writing with the LPA. "Deliveries to" includes the arrival onsite of Caravan units.

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

12. The hereby approved reception building must not be constructed above damp proof course level until Parts A and B of this condition are fully satisfied.

a) A site investigation (Phase 2) shall be carried out to fully and effectively characterise the nature and extent of any ground gas (land contamination) risk to human health. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.

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

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

13. The development of the reception building hereby permitted shall not be constructed above damp proof course level until two full copies of a full closure (Verification Report) report shall be submitted to and approved by the Local Planning Authority. The report shall provide verification that the required works regarding ground gas (land contamination) risk to human health have been carried out in accordance with the approved Method Statement(s). The results of the verification assessment shall be included in the closure report to demonstrate that the required remediation has been fully met in accordance with current guidance.

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

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

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

15. During the demolition and construction period, there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside the hours: Monday to Friday - 0800 to 1800, Saturday 0800 to 1300.

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

16. No Caravan may be erected or brought to the hereby approved development until a scheme to deal with any contamination of land or pollution of controlled waters has been undertaken by a competent and qualified consultant then submitted to and approved in writing by the Local Planning Authority and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing:

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

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

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

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF

18. Prior to first occupation or use of the new reception building, a minimum of two integrated bird box and/or bat boxes must have been constructed within the

fabric of the building at least 2m above ground level, following best practice guidance.

Reason: To conserve and enhance local biodiversity in line with the NPPF and Local Plan Policy ENV2.

19. No vegetation clearance shall be undertaken between 1st March and 31st August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

Reason: To avoid harm to nesting birds, all species and their nests which are protected when in use under the Wildlife and Countryside Act 1981 as amended.

20. The landscaping of the site shall be carried out in accordance with the approved plans within the first planting season following commencement of development, or within such other time as may be approved with the Local Planning Authority in writing beforehand. The landscaped areas shall be maintained to ensure establishment of the approved scheme, including watering, weeding and the replacement of any plants which fail within a period up to 5 years from the completion of the development.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion, and in accordance with the provisions of Local Plan Policy ENV 2 and ENV 3

21. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer, or a suitably qualified professional must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include: * As built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc); * Construction details (component drawings, materials, vegetation); * Health and Safety file; and * Details of ownership organisation/adoption details.

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

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

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

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

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

24. Notwithstanding the details submitted with the application, prior to the construction of the reception building above damp-proof course level, a scheme to demonstrate how the development will minimise resource use, mitigate climate change and ensure proposals are adaptable to a changing climate to achieve sustainable design and construction in the design of the development shall be submitted to and approved in writing by the Local Planning Authority. The development and measures shall thereafter be implemented in accordance with the approved details, including prior to the dwellings being brought into use where relevant, and shall be retained thereafter.

Reason: To achieve a sustainable form of development, and in the interests of the satisfactory appearance of the development upon completion, the character and appearance of the site and surrounding environment and the amenity of surrounding residents, in accordance with Policy QOP 5 of the Northumberland Local Plan and the National Planning Policy Framework.

25. The development shall be implemented and occupied in accordance with the following:

- (i) The caravans are occupied for holiday purposes only;
- (ii) The caravans shall not be occupied as a person's sole, or main place of residence;
- (iii) The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority. The register shall be collected by the caravan site licence holder or his/her nominated person.

Reason: To encourage tourism by ensuring that the caravans are used for holiday accommodation only and to prevent their use as full-time permanent residential use, in a location where such development would be inappropriate, in accordance with Local plan policy ECN 15.

26. No more than 23 caravans shall be on the application site the subject of this application at any one time.

Reason: To ensure that the use remains compatible with the surrounding environment and to ensure that the effects of any additional development upon the environment can be fully considered, in accordance with local plan policy ECN 15

27. For the avoidance of doubt any "caravan" located on the site is defined as any structure that complies with the definition of a caravan as set out in the Caravan Sites and Control of Development Act 1960, as amended by the Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravans) (Amendment) (England) Order 2006, or any order revoking and re-enacting those orders with or without modification.

Reason: In the interests of the character and appearance of the area.

Background Papers: Planning application file(s) 21/04037/FUL

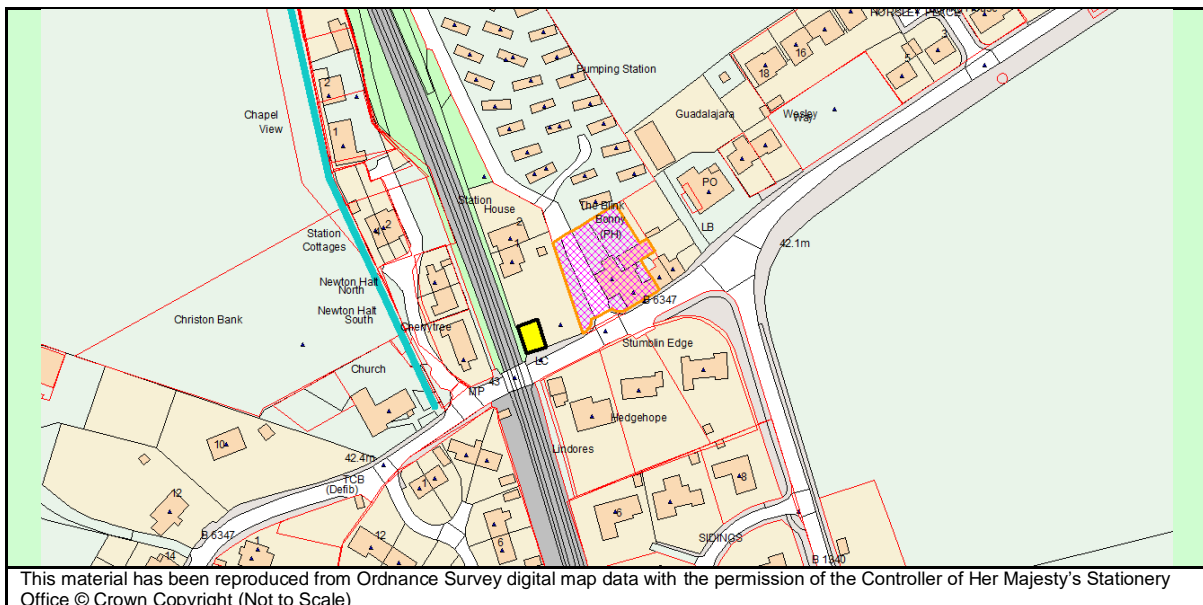


Northumberland County Council

DELEGATED REPORT

Application No:	22/02795/FUL		
Proposal:	Demolish conservatory to the side and outbuildings to the rear; construct new rear extension.		
Site Address	The Blink Bonny Hotel, Christon Bank, Alnwick, Northumberland NE66 3ES		
Applicant/ Agent	Mr. Jonathan Barber The Blink Bonny Hotel, Christon Bank, Northumberland, Christon Bank NE66 3ES		
Ward	Longhoughton	Parish	Embleton
Valid Date	22 August 2022	Expiry Date	27 January 2023
Case Officer Details	Name: Mr. Ben MacFarlane Job Title: Planning Officer Tel No: 07814075197 Email: Ben.MacFarlane@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 a comment made in support of the application

received by Embleton Parish Council. This is at odds with the officer recommendation that this application be refused.

1.2 The application has been reviewed by the Committee Chairs and the Director of Planning who requested a committee decision for the reason that the proposal does raise issues of strategic, wider community or significant County Council Interest.

2. Description of the Proposals

2.1 The application seeks planning permission for the construction of a new rear extension to The Blink Bonny in Christon Bank.

2.2 This new extension would replace an existing conservatory on the side of the building and other outbuildings to the rear. The proposed extension would largely consist of an L-shaped two-storey element extending to the rear. A single storey porch would project beyond the western elevation of this new extension. A single storey L-shaped extension would then project beyond the southern elevation of this new extension, projecting back towards the existing building. There would then also be an infill single-storey flat roof extension immediately to the rear of the existing building, featuring a lantern rooflight.

2.3 The application site, The Blink Bonny, is a modest pub located centrally in the settlement of Christon Bank, on the east side of the east coast mainline railway. The application site is adjacent to residential dwellings and sits in front of a caravan park. The application site also affects the setting of a Grade II listed building; a former railway goods shed immediately to the west of the site.

2.4 Site constraints include:

Coal Advice Area – Low Risk
Coastal Mitigation Zone 1
Impact Risk Zone SSSI
Affects the setting of a Listed Building

3. Planning History

Reference Number: 15/01225/FUL

Description: Proposed construction of annexed accommodation to serve the Blink Bonny Hotel

Status: PER

Reference Number: 22/02538/FUL

Description: Demolition of conservatory, construction of new rear extension to increase the size of the public house and provide tourist accommodation

Status: APPRET

Reference Number: A/ENQ/2010/0306

Description: Telecommunications

Status: REPLY

Reference Number: A/ENQ/2008/0317

Description: Creation 15nos rooms

Status: REPLY

Reference Number: A/2004/0362

Description: Erection of garden room and new parking area (resubmission A/2003/0729)

Status: PER

Reference Number: A/ENQ/2005/0501

Description: Future development

Status: REPLY

Reference Number: A/2003/0729

Description: Provision of new kitchen and disabled toilet

Status: PER

4. Consultee Responses

Highways	Imposition and implementation of condition(s) required to ensure acceptability.
Embleton Parish Council	Support this application.
County Ecologist	No objection subject to conditions. A contribution to the Coastal Mitigation Service is required.
Natural England	No response received.
Fire & Rescue Service	No objection.
Architectural Liaison Officer - Police	No objection.
Tourism, Leisure & Culture	No response received.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	15
Number of Objections	0
Number of Support	0
Number of General Comments	0

Notices

Site Notice - Affecting Listed Building, 6th September 2022

Press Notice - Northumberland Gazette 1st September 2022

Summary of Responses:

None Received.

6. Planning Policy

4.1 Development Plan Policy

STP 1 - Spatial strategy (Strategic Policy)

STP 5 - Health and wellbeing (Strategic Policy)

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

ECN 12 - A strategy for rural economic growth (Strategic Policy)

ECN 13 - Meeting rural employment needs (Strategic Policy)

ECN 15 - Tourism and visitor development

QOP 1 - Design principles (Strategic Policy)

QOP 2 - Good design and amenity

TRA 1 - Promoting sustainable connections (Strategic Policy)

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 2 - Biodiversity and geodiversity

ENV 7 – Historic environment and heritage assets

4.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

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

Wildlife and Countryside Act 1981 (as amended)

Conservation of Habitats and Species Regulations 2017 (as amended)

Planning (Listed Buildings and Conservation Areas) Act 1990

Highways Act 1980

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, 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 (NLP) (2022). The National Planning Policy Framework (NPPF) (2021) and National Planning Practice Guidance (NPPG) are material considerations in determining this application.

Principle of the development

Design and visual impact

Impact on amenity

Health and wellbeing

Economic growth and tourism

Effects of development on transport network

Biodiversity and geodiversity

Historic environment and heritage assets

Principle of the development

7.2 This application proposes to significantly enlarge The Blink Bonny Hotel in Christon Bank, so it may expand its offering into visitor accommodation and provision of food. This is considered to be sustainable development which would enhance the vitality of Christon Bank as a community and would support economic growth, both locally and county-wide. The principle of development is therefore acceptable and in accordance with Policy STP 1 of the Northumberland Local Plan and the NPPF.

Design and visual amenity

7.3 The design of the proposed development is considered to be unacceptable. Aesthetically, the design is acceptable in principle; reclaimed stone, slate and timber windows are proposed to be used in construction. The new windows and doors would be positioned in a manner which respects the fenestration patterns of the existing building and a dual-pitched roof would be used to match the existing.

7.4 The Blink Bonny is a modestly scaled pub, sitting on the end of a terrace row. Unsympathetic development has previously been permitted to the rear and has degraded the visual amenity of the host property. The replacement of the conservatory and outbuildings to the rear is encouraged in principle; but any extension to an existing building must be subservient and subordinate to its host dwelling in its scale and massing, so that it may be easily read and understood as an extension.

7.5 The proposed rear extension would be almost 4 times the length of the original host building and would extend beyond both of its side elevations. It would not be stepped down from the existing roof ridge, nor stepped back from the existing side walls. This, taken together with most of the proposed enlargement being two storey, results in an extension which is neither subservient nor subordinate to the host dwelling which it seeks to extend. Policy QOP 1 of the Northumberland Local Plan has particular regard to building heights, built form, scale and massing and requires that proposals make a positive contribution to local character and distinctiveness. It is considered that the proposals do not achieve this; the extension would dwarf the host property, thereby significantly detracting from its character and distinctiveness.

7.6 The proposals are, by virtue of their excessive scale and massing, unacceptable with respect to their design. Paragraph 134 of the NPPF states that “*development*

that is not well designed should be refused, especially where it fails to reflect local design policies". The proposals are not considered to be well designed and do not accord with design policies held within local policy. The proposals are therefore unacceptable in this respect and are not in accordance with Policy QOP 1 of the Northumberland Local Plan nor the NPPF.

Impact on amenity

7.7 The proposed development has been assessed and is not considered to have a significant impact on amenity. The proposals are therefore considered acceptable in this respect, in accordance with Policy QOP 2 of the Northumberland Local Plan and the NPPF.

Health and wellbeing

7.8 The local fire and rescue and police services have been consulted on this application and offer no objection to the proposals. The proposals are considered to promote and support the health and wellbeing of its local community, residents, workers and visitors and are therefore acceptable in this respect, in accordance with Policy STP 5 of the Northumberland Local Plan.

Economic growth and tourism

7.9 Policy ECN 1 of the Northumberland Local Plan seeks to deliver economic growth, while safeguarding the environment and community well-being. This policy requires proposals to support existing businesses, to assist the regeneration of existing areas through employment-related measures, to support rural enterprise and to support and promote tourism and the visitor economy. Policy ECN 12 seeks to encourage the growth of the rural economy through facilitating the growth and up-scaling of businesses in rural locations while safeguarding rural communities and traditional businesses upon which the rural economy depends.

7.10 Policy ECN 13 lends support to rural development that will generate employment opportunities proportionate to the rural location. Meanwhile, Policy ECN 15 of the Northumberland Local Plan expects planning decisions to facilitate the potential for Northumberland to be a destination for visits, holidays, tourism, events, weddings, out of season offer and food and drink.

7.11 The Blink Bonny Hotel currently does not serve food and does not accommodate guests. The proposals would provide extra dining space and rooms which would allow for the premises to operate fully as a hotel and restaurant, as well as a pub serving drinks. This would certainly facilitate extra jobs and employment opportunities, whilst also offering accommodation for visitors and would attract more tourists to Northumberland.

7.12 Importantly, the works would also safeguard The Blink Bonny, which holds much communal value to residents of Christon Bank as it is the only local service open in the settlement. Seeing investment in this local institution would safeguard it from vacancy or demolition in the future. The proposals are therefore acceptable in this respect, are in accordance with, and are lent support by, Policies ECN 1, ECN 12, ECN 13 and ECN 15 of the Northumberland Local Plan.

Effects of development on transport network

7.13 Highways Development Management have been consulted on this application and are of the stance that the proposals can be made acceptable through the imposition and implementation of conditions. When assessing this application, the Highway Authority checks that the proposal will not result in an adverse impact on the safety of all users of the highway, the highway network or highway assets.

7.14 Highways have reviewed the proposals as acceptable in highway and policy terms. The imposition of conditions and informatives will address any concerns with the proposed development and will be attached to any grant of permission. The proposals are therefore acceptable in this respect, in accordance with Policies TRA 1, TRA 2 and TRA 4 of the Northumberland Local Plan.

Biodiversity and geodiversity

7.15 This application has been submitted with an Ecological Impact Assessment which has included a bat risk assessment and a single activity survey. The County Ecologist was consulted on this application and has no objection subject to conditions; the proposals may impact on protected or notable species, designated nature conservation sites or priority habitat in the absence of mitigation, which is proposed in the ecological report.

7.16 This mitigation should be secured by condition. The development should provide a net gain for biodiversity which can be achieved through the provision of three bird boxes, also secured by condition. A contribution to the Coastal Mitigation Service is also required. The proposals are considered to be acceptable in this respect, in accordance with Policy ENV 2 of the Northumberland Local Plan.

Historic environment and heritage assets

7.17 The application site affects the setting of a Grade II listed building; a former railway goods shed immediately to the west of the site. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local 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.

7.18 While the proposals would impact the setting of this designated heritage asset, by obscuring its gable end from current view to the east from the B1340 approach into Christon Bank, it is not considered that the proposals would present any harm to the setting of this listed building. There is a clear and expansive physical delineation between The Blink Bonny and the Grade II listed building, and the proposals would not detract from its historic or architectural interest. The proposals are therefore acceptable in this respect, in accordance with Policy ENV 7 of the Northumberland Local Plan.

Equality Duty

7.19 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact

on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

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

Human Rights Act Implications

7.21 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.22 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.23 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision-making process as a whole, which includes the right of review by the High Court, complied with Article 6

8. Conclusion

8.1 The main planning considerations in determining this application have been set out and considered above, stating accordance with the relevant Development Plan Policy. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the NLP and the NPPF on the matters of relevance in this case.

8.2 While the proposals accord with and are even lent support by many policies of the local development plan, the proposed extension is entirely unacceptable in terms of its design; in particular its scale and massing. This is an on-balance decision, and amendments to the design to offset this major concern have not been forthcoming. Paragraph 134 of the NPPF states that "*development that is not well designed should be refused, especially where it fails to reflect local design policies*". Therefore, it is recommended that this application be refused planning permission.

9. Recommendation

That this application be REFUSED planning permission for the following reason(s):

Conditions/Reason

01. By virtue of its design, scale and massing, the proposed development is considered to significantly detract from the character and distinctiveness of the existing building. The proposals are not therefore considered to be acceptable and are not in accordance with Policy QOP 1 of the Northumberland Local Plan, nor the NPPF.

Background Papers: Planning application file(s) 22/02795/FUL

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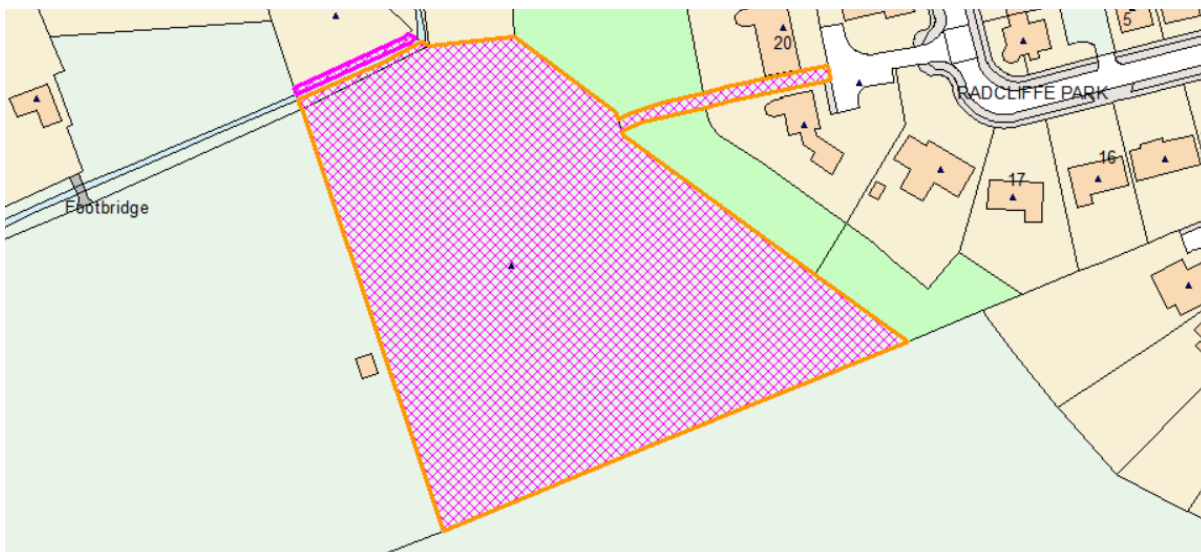


Northumberland County Council

NORTH NORTHUMBERLAND LOCAL AREA PLANNING COMMITTEE 22nd December 2022

Application No:	22/00666/FUL		
Proposal:	New detached house for permanent residence		
Site Address	Land West Of Radcliffe Park , Radcliffe Park, Bamburgh, NE69 7AN		
Applicant:	Mr & Mrs Cole Maplebeck Lodge, Maplebeck, Newark, NG22 0BS	Agent:	Jane Darcy Fleetham Mill, West Fleetham, Chathill, NE67 5JS
Ward	Bamburgh	Parish	Bamburgh
Valid Date:	23 February 2022	Expiry Date:	20 April 2022
Case Officer Details:	Name: Miss Claire Simm Job Title: Planning Officer Tel No: 07592272955 Email: Claire.Simm@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 as it is Officer recommendation to refuse the application contrary to the views of the Parish Council.

1.2 The application was referred to the North Northumberland Local Area Council in October but was deferred to allow the applicant to provide additional ecology information.

2. Description of the proposals

2.1 Planning permission is sought for the erection of a new house for permanent residence at Land West of Radcliffe Park, Radcliffe Way Bamburgh. The proposal is for a two-storey stone build 3 bedroom dwelling constructed of stone with a pitched slate roof. The dwelling is linked to the one and half storey double garage and office via a single storey link. The application has been amended to address issues raised in relation to protected species in the near vicinity of the site.

2.2 The site is on the southwest fringe of the village and is bordered by 20th century housing to the north and east, and agricultural land to the south and west. It is 0.9 hectares and comprises grassland used a paddock.

3. Planning History

None relevant

4. Consultee Responses

County Archaeologist	No objection
Building Conservation	The development would not result in any harm to the setting of any heritage assets however the scheme does not comply with policy QOP1 as the scheme does not respond positively to, established character, where possible reinforcing local distinctiveness through the quality of its design and the use of materials.
Public Protection	No objection subject to conditions relating to 1) Noisy Working Hours, 2) Construction Delivery/Collection Hours 3) External Hours
Bamburgh Parish Council	Bamburgh Parish Council support the application as the proposal complies with the NNCNP as the property will be for a single principal residence. NNCNP policy 9 section 4.54 demonstrates the plans flexibility and states, "The settlement boundaries are not intended to stifle development that could still make a positive contribution to sustainable communities in the neighbourhood Area" The proposal would not set a general precedent for development outside the settlement boundary.
Northumberland Coast AONB	The AONB Partnership is supportive of the planning application.
Highways	Object to the scheme as the proposed development is located in an unsustainable location reliant on a private car which does not provide a genuine choice of transport modes.
County Ecologist	No objection subject to conditions and contribution of £615 towards coastal mitigation.
Lead Local Flood Authority (LLFA)	No objection to the scheme. It should be noted that the applicant/new homeowner will be responsible for the scheme
North Sunderland And Seahouses PC	No response received.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	10
Number of Objections	5
Number of Support	4
Number of General Comments	2

Notices

General site notice, 30th March 2022

No Press Notice Required.

Summary of Responses:

5 letters of objection have been received; the main concerns raised are:

- the site is located outside the settlement boundary
- the access is unsuitable
- impact on residential amenity in particular the height of the building
- concerns over the design being a sharp contrast to the existing houses
- siting of the property in the middle of the field
- impact on the protected species on site

4 letters of support have been received stating:

- the proposal is in keeping with the surroundings
- it will provide a permanent residence which should be encouraged
- The proposal seeks to address the access constraints raised in the Bamburgh Settlement boundary background papers by limiting the site to one dwelling.

2 Neutral comments have been received commenting:

- Could the solar panels be re located?
- Requesting further information in relation to the home office
- Allowing development outside the settlement boundary could set a dangerous precedent

The above is a summary of the comments. The full written text is available on our website at:

<http://publicaccess.northumberland.gov.uk/onlineapplications//applicationDetails.do?activeTab=summary&keyVal=R7P51ZQSMNX00>

6. Planning Policy

6.1 Development Plan Policy

STP 1 - Spatial strategy (Strategic Policy)

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

STP 3 - Principles of sustainable development (Strategic Policy)

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

HOU 3 - Housing requirements for neighbourhood areas (Strategic Policy)

HOU 5 - Housing types and mix

HOU 9 - Residential development management

QOP 1 - Design principles (Strategic Policy)

QOP 2 - Good design and amenity

QOP 4 - Landscaping and trees

QOP 5 - Sustainable design and construction

TRA 1 - Promoting sustainable connections (Strategic Policy)

TRA 2 - The effects of development on the transport network

TRA 4 - Parking provision in new development

ICT 2 - New developments

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

ENV 2 - Biodiversity and geodiversity

ENV 3 - Landscape

ENV 4 - Tranquillity, dark skies and a sense of rurality

ENV 5 - Northumberland Coast Area of Outstanding Natural Beauty

ENV 7 - Historic environment and heritage assets

WAT 3 - Flooding

WAT 4 - Sustainable Drainage Systems

POL 1 - Unstable and contaminated land

INF 6 - Planning obligations

North Northumberland Coast Neighbourhood Plan (NNCNP) - 2018

Policy 1 – Sustainable Development

Policy 2 – Landscape and Seascapes

Policy 3- Habitats and Species

Policy 5 – Design in new development

Policy 9 – Sustainable development outside the settlement boundaries

Policy 11- Bamburgh Conservation Area

Policy 13 Non-Designated Heritage Assets

Policy 14 – Principal Residence Housing

Policy 24 – Broadband Infrastructure

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 Guidance

Northumberland Coast AONB Management Plan 2020-2024

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises of the Northumberland Local Plan (NLP) (2022). The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 The proposal has been examined against national and local planning policy and the main issues in the consideration of this application are;

- Principle of Development
- Visual impact
- Highway Safety
- Amenity
- AONB
- Conservation
- Ecology
- Archaeology
- Climate Change
- Broadband

Principle of Development

7.3 The National Planning Policy Framework (NPPF) states that development proposals that accord with the development plan should be approved without delay, unless material considerations indicate otherwise. This forms the basis of the NPPF'S presumption in favour of sustainable development. Applications for new

development should be considered in the context of this presumption in favour of sustainable development. This is also reflected in Policy STP 2 of the Northumberland Local Plan (NLP)

7.4 The application has been considered against the relevant sections within the Northumberland Local Plan and National Planning Policy Framework (NPPF) and it is considered that the development does not accord with local policies and the NPPF on the matters of relevance in this case.

7.5 Policy STP 1 of the Northumberland Local Plan (NLP) sets the spatial strategy for Northumberland and directs development towards established settlements. Bamburgh is listed as a Small Village which will support a proportionate level of development. Policy STP 1 also states that sustainable development will be supported within settlement boundaries defined on the NLP policies map or in neighbourhood plans. The North Northumberland Coast Neighbourhood Plan (NNCNP) defines a settlement boundary for Bamburgh and the proposal site sits outside of the settlement boundary.

7.6 As a result, the proposal must be considered to be development in the open countryside. Criterion g, Policy STP 1, provides a number of situations where development in the open countryside can be supported, including if the proposal provides for residential development in accordance with either Policy HOU 7 or Policy HOU 8 of the NLP. However, Policy HOU 7 relates to exception sites for affordable housing which is not applicable to this proposal, whilst Policy HOU 8 covers isolated housing in the countryside. Given the location of the proposal directly adjacent to the built-form of Bamburgh, it cannot be considered in an isolated location. Therefore, the proposal meets none of the exceptions listed where development in the open countryside can be supported.

7.7 Policy STP 1 also states that forms of development in the open countryside will be permitted if they are supported in a made neighbourhood plan. Policy 1 of the NNCNP states that subject to compliance with Policy 3 and having regard to other material planning considerations, small-scale development will be supported which provides new Principal Residence dwellings. However, Policy 8 then applies a settlement boundary around Bamburgh. Policy 9 lists forms of development outside of these boundaries that will be supported. In terms of residential development, this is limited to single dwelling Principal Residences in a list of distinct hamlets that are separate from Bamburgh.

7.8 As the proposal sits outside of the settlement boundary for Bamburgh and does not meet any of the exceptions listed in either the NLP or NNCNP, the principle of the development is unacceptable and cannot be supported.

Visual Impact

7.9 The site is to be accessed from Radcliffe Park. Radcliffe Park is a modern development, comprising of a variety of different house types. Although the homes vary from detached brick two storey dwelling and stone bungalows, there is a strong building form to the development and a consistency in plot size. Policy QOP1(b) states that development proposals should create or contribute a strong sense of place and integrate the built form of the development with the site overall, and the wider local area having particular regard to...i) the form scale and massing, prevailing around the site and iv) the pattern of any neighbouring or local regular plot and building widths. The policy goes on to state that development should d) respect

and enhance the natural, developed and historic environment, including heritage, environmental and ecological assets, and any significant views or landscape setting.

7.10 Policy 5 of the North Northumberland Coast Neighbourhood Plan (NNCNP) states all new development in the neighbourhood area should incorporate high quality design and demonstrate how a) the local context and character is respected in terms of scale, density, height, massing, layout, materials, hard and soft landscaping.

7.11 The scale of the main house is considered acceptable; however, it is linked to the one and half storey garage with a single storey extension which incorporates a boot room, utility and extension to the family room. It is considered that the overall width of the proposed dwelling, which is slightly over 31m is not in keeping with the scale and character of the neighbouring development. Furthermore, it is considered that the density of the development is inappropriate. The single dwelling is sited in the centre of a large plot and would be incongruous having regard to the strong building form of the neighbouring development. As the existing settlement is characterised by open countryside approach, it is considered that this proposal would erode this, leading to urbanising effects in the open countryside.

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 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.

7.14 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 a 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, the NNCNP, National Design Guide or Paragraphs 126 and 127 of the NPPF.

Area of Natural Beauty

7.15 The Northumberland Coast AONB has commented on the application and supports the application stating the development responds well to the design criteria set out in the AONB Design Guide for the Built Environment and is in accordance with the relevant objectives and policies contained within the Northumberland Coast AONB Management Plan 2020-2024.

Conservation

7.16 The Council's Conservation Officer was consulted on the proposal, as, although the site is not within the setting of any heritage assets nor within the Conservation Area, the entire village is within the wider setting of Bamburgh Castle. It has been assessed that the proposal would not impact on the setting of any heritage assets and thus the proposal does not conflict with policy ENV7 of the NLP, however, the Conservation Officer has commented on the scale and design of the scheme stating the development does not relate to the built form in the locality and is therefore contrary to Policy QOP1(b) of the NLP.

Archaeology

7.17 Following advice from the Council's Archaeologist a trial trenching report was submitted in July 2022. Considering the results of the archaeological assessment and in the absence of any significant recorded archaeological remains, the risk of the proposed development damaging or disturbing significant unrecorded archaeological remains is considered low. Therefore, there are no objections to the proposal on archaeological grounds.

Ecology

7.18 Policy ENV 2 of the Northumberland Local Plan seeks to ensure that proposals will not have an adverse impact on Biodiversity and Geodiversity. The policy 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.

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

7.20 Information had been received regarding protected species within the immediate area of the site. Further ecology statements have been provided by the applicant and amended plans have been submitted, changing the location of the package treatment plant and creating a new 450mm square opening in the boundary wall to provide an additional point of access to the adjacent field. The Council's Ecologist has reviewed the revised information and raises no objections to the amended development subject to conditions and a contribution of £615 towards the coastal mitigation service which would 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 conditions, the development would be in accordance with the NLP and NPPF. However, whilst 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.

Highways

7.21 Policy TRA 1 of the NLP promotes sustainable connections and states that the transport implications of development must be addressed as part of any planning application. Policy TRA 2 seeks to ensure that all development will minimise any

adverse impacts upon the highway network. Policy TRA 4 sets out requirements for parking provision in new development.

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 Paragraph 112 goes on to say that within this context, applications for development should:

- give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

7.24 The Local Highway Authority responded to consultation stating the technical aspects of the proposal, such as access and parking etc. was acceptable, however it was also noted that the proposed development location is not considered to be a sustainable location for the purposes of the NPPF or Policy TRA 1 of the Local Plan and that this would represent an objection position to the proposals from the Highway Authority. It is recognised by the Highways Authority however, that the Planning Authority need to balance this against other material considerations Whilst noting the concerns of the Highway Authority with respect to connectivity, it is considered the proposals are acceptable in highways safety terms.

Residential Amenity

7.25 Policy QOP 2 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. Given the development will be located over 60m away from the neighbouring properties to the northeast, it is considered that the proposal will not result in an unacceptable loss of light, overshadowing or visual intrusion to neighbouring occupiers. The development therefore complies with Policy QOP2 of the Northumberland Local Plan and the NPPF and Policy 5 of the NNCNP.

Principal Occupancy

7.26 Policy 14 of the NNCNP 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.

7.27 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. 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. 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. It is therefore considered that subject to the completion of a S106, the development would be in accordance with the Policy 14 of the NNCNP. 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

7.28 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.

7.29 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.

7.30 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.

7.31 The supporting documents which accompany the application do not provide any information with respect to sustainable design and construction. Should 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

7.32 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.

7.33 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

7.34 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

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

Human Rights Act Implications

7.36 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.

7.37 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.

7.38 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 main planning considerations in determining this application have been set out and considered above and assessed against the relevant Development Plan Policies and the National Planning Policy Framework (NPPF). It is considered that the application proposes an inappropriate form of development in the Open Countryside and the proposal would be located in an unsustainable location with poor access to services or facilities. The development does not integrate well with

the wider local area and the proposal would represent harm to the visual amenity of the area.

8.2 As the application is to be recommended for refusal, contributions to the local authority's coastal mitigation service have not been sought, nor has a legal agreement been signed ensuring the development will remain as a principle residence. This will form an additional refusal reason upon the file.

9. Recommendation

That this application be REFUSED permission subject to the following:

Conditions/Reason

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 North Northumberland Coast 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 Policy 9 of the North Northumberland Coast Neighbourhood Plan.

02. 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, Policy 5 of the North Northumberland Coast Neighbourhood 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 14 of the North Northumberland Coast Neighbourhood Plan.

Background Papers: Planning application file(s) 22/00666/FUL

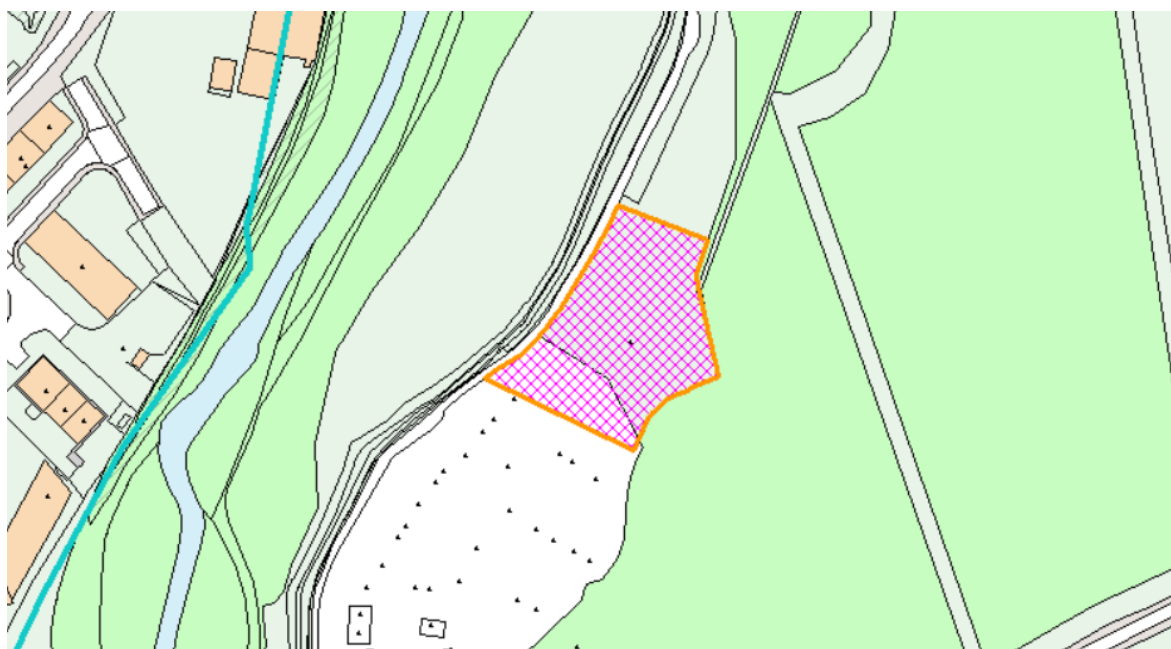


Northumberland
County Council

North Northumberland Local Area Committee 22 December 2022

Application No:	21/03911/FUL		
Proposal:	Construction of 12 new Dwellings		
Site Address	Land Northeast Of 49 Hedgehope Drive, Hedgehope Drive, Kingsmead, Wooler Northumberland		
Applicant:	Mr. Neil Turnbull Advance Northumberland, Wansbeck Workspace, Rotary Parkway, Ashington NE63 8QZ United Kingdom	Agent:	Nathan Darby 1 St. Wilfred's Road, Corbridge, Corbridge, NE45 5DE United Kingdom
Ward	Wooler	Parish	Wooler
Valid Date:	21 October 2021	Expiry Date:	31 August 2022
Case Officer Details:	Name: Mr David Love Job Title: Specialist Senior Officer Tel No: 07517553360 Email: David.love@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission subject to conditions and delegated authority over the section 106 agreement to secure planning obligations towards health (£8,700) and open space (£24,548.50) provision.



1. Introduction

1.1 The applicant is Ascent Homes, an arm of Advance Northumberland, itself a regeneration company owned by Northumberland County Council; as such, under

the provisions of the Council's current Scheme of Delegation the item is referred to committee for consideration.

2. Description of the Proposals

2.1 The application seeks to provide phase two of the wider Kingsmead development with twelve affordable homes. There is a range of house types on offer most of which are two storeys, but the proposal includes:

- 2 x 2-bed semi
- 2 x 3 bed detached
- 3 x 3 bed bungalow
- 4 x 3 bed semi
- 1 x 4 bed detached

2.2 Materials are to be the same as those in phase one allowing for character continuity. This extends to surfaces, boundary treatments and landscaping.

2.3 It is intended to provide SuDS and connection to the Northumbrian Water Limited network.

2.4 The 0.6515ha application site (0.56ha according to the Design & Access Statement) is previously undeveloped 'greenfield' land located immediately to the north of the Kingsmead residential development along Hedgehope Drive, north of Weetwood Road on the north-eastern edge of Wooler. It is bounded by woodland to the east, with the Wooler Water River running a short distance away to the west (which is a designated SSSI) – the Environment Agency's flood risk mapping shows this site to be largely within flood zone 2.

3. Planning History

Reference Number: N/89/B/383

Description: Outline - Proposed housing development

Status: PER

Reference Number: 13/01665/OUT

Description: Outline permission for residential development and 12 no. self-catering lodges (all matters to be reserved)

Status: PER

Reference Number: 16/01238/ELEGDO

Description: Relocation and installation of terminal poles and realignment of overhead line

Status: NOOBJ

Reference Number: 17/02233/OUT

Description: Resubmission of application 13/01665/OUT. Outline permission for residential development and 12 no. self-catering holiday chalets (all matters to be reserved).

Status: APPRET

Reference Number: 18/03177/REM

Description:

Status: PER

4. Consultee Responses

Natural England	The site is located c.100m from Wooler Water which is designated as part of the Till Catchment Site of Special Scientific Interest (SSSI) and River Tweed Special Area of Conservation (SAC), and there is a tributary stream immediately adjacent to the planning application site.
Wooler Parish Council	Concerns over road safety and lack of affordable provision within this development
County Ecologist	No Objection - The proposed development will not impact on protected or notable species, designated nature conservation sites or priority habitat. In accordance with planning policy the development should provide a net gain for biodiversity which can be achieved through the provision of an integrated bird and bat boxes, secured through a planning condition.
Highways	No objection subject to conditions.
Lead Local Flood Authority (LLFA)	No objection subject to conditions.
Education - Schools	No objection and no requirement for a planning obligation.
NHS Northeast & Cumbria ICB	No objection but a request for a planning obligation totalling £8,700.

5. Public Responses

Neighbour Notification

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

Notices

General site notice, 8th December 2022

Summary of Responses:

None

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan 2016 - 2036

STP 1 - Spatial strategy (Strategic Policy)

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

STP 3 - Principles of sustainable development (Strategic Policy)

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

STP 5 - Health and wellbeing (Strategic Policy)

STP 6 – Green Infrastructure (Strategic Policy)

HOU 2 - Provision of new residential development (Strategic Policy)

HOU 3 - Housing requirements for neighbourhood areas (Strategic Policy)
HOU 5 - Housing types and mix
HOU 6 - Affordable housing provision (Strategic Policy)
HOU 7 – Exception Sites
HOU 9 – Residential Development Management
HOU 11 – Homes for Older and Vulnerable People (Strategic Policy)
QOP 1 - Design principles (Strategic Policy)
QOP 2 - Good design and amenity
QOP 3 - Public realm design principles
QOP 4 - Landscaping and trees
QOP 5 - Sustainable design and construction
QOP 6 - Delivering well-designed places
TRA 1 - Promoting sustainable connections (Strategic Policy)
TRA 2 - The effects of development on the transport network
TRA 4 - Parking provision in new development
ICT 2 – New Developments
ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)
ENV 2 - Biodiversity and geodiversity
ENV 3 - Landscape
WAT 3 - Flooding
WAT 4 - Sustainable Drainage Systems
POL 3 – Best and more versatile agricultural land
INF 1 – Delivering development related infrastructure (Strategic Policy)
INF 5 – Open space and facilities for sport and recreation
INF 6 – Planning obligations

Wooler Neighbourhood Plan

Wooler NP Policy 1: Discharge in the Rivers Till and Tweed
Wooler NP Policy 4: Housing development in the Plan area
Wooler NP Policy 5: New housing development - design principles
Wooler NP Policy 6: Rural Exception and Entry-level Exception affordable housing
Wooler NP Policy 8: Housing development in outlying settlements
Wooler NP Policy 19: Development on the western and south-western edges of Wooler town

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)
NPPG - National Planning Practice Guidance (2021, as updated)
NDG - National Design Guide (2019)
NMDC - National Model Design Code (2021)

7. Appraisal

7.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) states that development proposals that accord with the development plan should be approved without delay unless material considerations indicate otherwise. This forms the basis of the NPPF's presumption in favour of sustainable development. Applications for new development should be considered in the context of this presumption in favour of sustainable development

unless policies indicate otherwise or, the adverse impacts significantly and demonstrably outweigh the benefits.

7.2 The proposal has been examined against national and local planning policy and the main issues in the consideration of this application are;

- Principle of development
- Housing policy
- Access
- Design/ external appearance
- Layout/ scale
- Water Management
- Ecology / Landscaping

Principle of Development

7.3 NLP (Northumberland Local Plan) Policy STP1 identifies Wooler as one of the county's second-tier Service Centres, which will accommodate employment, housing and services that maintains and strengthens its role. However, at the request of the local parish neighbourhood plan group, no settlement boundary is defined for Wooler in either the NLP or the WNP (Wooler Neighbourhood Plan).

7.4 The site is therefore not within the settlement boundary or indeed "zoned for potential residential development" in the development plan, as is erroneously claimed in the agent's Design & Access Statement, albeit it is recognised that it falls within the extent of the original outline application for residential development that primarily covers the adjacent Kingsmead estate.

7.5 Criterion 1e of Policy STP1 advises that, in such circumstances where there is no settlement boundary, sustainable development will be supported within or immediately adjacent to the built-up form of the settlement, subject to the development being:

- i. Commensurate with the size of the settlement; and
- ii. Reflects the role and function of the settlement; and
- iii. Does not adversely impact upon the character and appearance of the settlement; and
- iv. Does not adversely impact upon the setting of the settlement or the surrounding countryside.

7.6 In this case, the site is not immediately adjacent to the existing built-up form of the settlement, although it is immediately adjacent to a development site that is under construction for residential development and that would, once completed, establish a new extent to the built-up form of the settlement in this area. In accordance with criterion (e) the development site will be immediately adjacent the current works which will establish a new edge to the settlement. As this is labelled phase two of the wider Kingsmead development of which the first phase is well under way and partially completed, both phases will share the infrastructure and they are by the same developer then it is reasonable to assume that phase two will only commence once phase one has been completed. The proposal is consistent with the above policy criteria.

7.7 The Wooler Neighbourhood Plan Policy 4 only supports small-scale 'windfall' housing schemes of up to 9 dwellings on the built-up edge of Wooler town where the site is accessible and well-related to existing residential development. The proposed

major development of 12 dwellings would clearly be contrary to this policy. However, NPPF paragraph thirty tells us that when policies of the Local Plan and Neighbourhood Plan are in conflict then preference should be made to whichever is the more recent policy. In this instance that would be the Local Plan.

Housing

7.8 Further to Policy HOU2, Policy HOU3 provides distributed minimum housing requirements for designated neighbourhood planning areas, with Wooler required to deliver a minimum 170 net additional dwellings over the plan period 2016-2036. Monitoring shows that Wooler parish had seen 66 completions during the first 6 years of the plan period, with outstanding permissions for a further 113 dwellings (including on the Kingsmead site). There are therefore already sufficient permissions in place to ensure delivery of the minimum requirement, so as there is not a pressing need to permit more housing in the parish. This places greater impetus on any further applications for additional housing to need to be in full accordance with policy.

7.9 In terms of NLP Policy HOU5 and local housing needs, the WNP summarises the key findings of the Wooler Housing Needs Survey and Assessment, particularly a need for more affordable homes and smaller 1 and 2-bedroom properties suitable for older people to downsize (as furthered through WNP Policy 7), but also 2 and 3-bed dwellings for young families. This is consistent with the findings of the countywide SHMA (Strategic Housing Market Assessment). The proposed development would provide a mix of 2, 3 and 4-bedroom houses and bungalows, so would broadly be in accordance with identified local needs.

7.10 With regard to affordable housing, the Policies Map shows this area of Wooler to be within a medium value area for which a minimum 15% affordable housing would normally be required by NLP Policy HOU6 (i.e., 2 of the proposed 12 dwellings, rounded up from 1.8), as is also sought by WNP Policy 4 in line with the general ethos of the NPPF. However, due to viability considerations (which are not considered in the neighbourhood plans preparation process) NLP Policy HOU6 goes on to provide for developments of 10-29 dwellings in low and medium value areas to be exempted from providing any affordable housing. Thus, in terms of the latest adopted development plan position, while the provision of affordable housing is encouraged and sought wherever possible, there is no policy requirement for this development of 12 dwellings to provide any proportion as affordable housing.

7.11 The Design & Access Statement promotes the accessibility of the development for the benefit of older people and parents with small children, and states that the *“dwellings proposed offer generously proportioned accommodation to provide greater future flexibility and a means to accommodate change during the life span of the building.”* This is considered the bare minimum to meet the requirement of criterion 1e of Policy HOU11 for all applications to demonstrate that development proposals meet the space and accessibility needs of older and vulnerable people, as well as supporting the principles of 'active ageing'. No reference is given to the Policy HOU11 (part 2) requirement for a proportion of the homes (20% of market housing and 50% of affordable housing) to meet or exceed the enhanced M4(2) accessibility and adaptability standard of the Building Regulations¹ - i.e., at least 3 of the 12 dwellings (rounded up from 2.4) would need to be designed and built to the M4(2) standard. This can be secured via a condition.

7.12 In summary the proposal meets the requirements of strategic and housing policies. Therefore, the principle of 12 units in this location for the house types presented is considered acceptable.

Access

7.13 The site is accessed off Weetwood Road and through phase 1 of the Kingsmead proposals. The site layout provides for an adequate degree of parking and HDM (Highways Development Management) has confirmed the layout is safe and suitable for this scale of development. It is noted that additional pressures will be placed on the narrow bridge crossing into Wooler, however, it is not for this application to resolve this issue. It is suggested that the PC contact the council's Highways team to discuss potential traffic management measures at this pinch point.

7.14 There are no objections from the council's HDM team subject to conditions and the proposal is consistent with policies TRA 1, TRA 2 and TRA 4.

Design / External Appearance

7.15 Design considers the appearance of the development independently and as part of the immediate street scene. The appraisal of Landscape considers the physical mass and character impact of a development proposal. The criteria of NLP policy QOP 1 includes the requirement for all development to accord with their surroundings in terms of scale, density, height, massing layout, materials, and landscaping. Policy QOP2 requires a high standard of amenity for current and future users of a development. QOP5 seeks to ensure sustainable design and construction, include passive design measures to respond existing and anticipated climatic conditions and improve the efficiency of heating and cooling etc. QOP6 seeks to ensure well designed places.

7.16 WNP policies 3 (design) and 19 (landscaping) seek to ensure high quality design in development and the protection and enhancement of the landscape, respectively.

7.17 Paragraph 124 of the NPPF states '*The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*' Para 127 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or, change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7.18 The proposal utilises a small pallet of external materials, creating a homogenous design theme providing access to and from Weetwood Road, through phase 1 and within the estate road design. Viewed in the context of its surroundings the proposed development would be of a contemporary design but would remain in accord with the visual amenity of the area and nearby dwellings and would not be detrimental to the 'street scene' local landscape. It would provide a design that makes maximum use of the site and its constraints, respecting the context of its setting.

7.19 Overall, the design of the development is considered appropriate for the site and will provide the type of housing provision, that will benefit the local area. The proposal will accord with NLP policies QOP 1, QOP 2 and QOP 6, the WNP policies 3 and 19 and the provisions and intentions of the NPPF.

Layout / Scale

7.20 Policies QOP 1 and QOP 2 of the NLP permits development that accords with its surroundings by virtue of its scale, density, height, massing, layout, materials, hard and soft landscaping including indigenous species, means of enclosure and access. Paragraph 127 of the NPPF includes that planning decisions should ensure that developments have a satisfactory layout are sympathetic to local character including built form and landscape setting.

7.21 WNP policy 5 (Housing Development), requires that the type and size of housing should reflect the identified local need for smaller homes of 1-, 2- and 3-bedrooms including bungalows. This is reflected in NLP policy HOU 9.

7.22 Following the submission of revised drawings, the proposal provides for a layout that will sit well within the context of the site, ensuring safe access and egress from the site and within it, as well as a suitable level of amenity space for future users of the dwellings. Both the scale and layout are in general accord with the original Outline consent.

7.23 The proposed layout and scale, including the proposed height of the dwellings are considered to sit well within the context of the site. The proposal will accord with NLP policies QOP 1, QOP 2 and QOP 5 and the provisions and intentions of the NPPF.

Water Management

7.24 Paragraph 94 of the NPPF states that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change, and water supply demand considerations. NLP policies WAT 2, WAT 3 and WAT 4 seek to ensure appropriate water supply and sewerage; demonstrate how they will minimise flood risk; and provide water sensitive design including SuDs, respectively.

7.25 The site is located within Flood Zone 2 and has been subject to a full and robust assessment by the LLFA, the EA (Environment Agency) and NWL, over an extended period, using both publicly accessible data and the most recent, yet unpublished data for the site. A Drainage Strategy has been submitted with the application, which includes a Suds scheme. Whilst there will be on site impacts of the development and potential off-site impacts in terms of water displacement, following the submission of further information, there are no objections, subject to conditions. Therefore, subject conditions, the proposal is considered to accord with the provisions and intentions of the NPPF and Local Plan policy WAT 2.

Ecology / Landscape

7.26 An Ecological Impact Assessment by George Dodds & Co dated June 2022 has been undertaken to support this application. This application is for a further 12 houses connected to the approved development 18/03177/REM (13/01665/OUT) which is currently under construction. The site was previously semi-improved pasture but has been used for material storage and is now a combination of bare ground with species typical of re-colonising disturbed ground and patches of original grassland. The habitats on site are of low ecological value and there was no evidence of use by protected or notable species.

7.27 Protected species legislation operates independently of the planning system and planning consent does not override this legislation; therefore, it is the applicant's and relevant contractor's responsibility to have regard to the recommendations for best practice during construction provided in Section 6.4 Mitigation Requirements of the ecology report.

7.28 To provide an enhancement for biodiversity within the design of the development in-built bird nest and bat roosting boxes should be provided in the new dwellings at a ratio of 1:1, which can be secured by planning condition.

7.29 The site is located c.100m from Wooler Water which is designated as part of the Till Catchment Site of Special Scientific Interest (SSSI) and River Tweed Special Area of Conservation (SAC) and there is a tributary stream immediately adjacent to the planning application site. European sites (SPA/SAC) are protected by the Conservation of Habitats and Species Regulations 2017 as amended (known as the Habitats Regulations). Due to the proximity and potential impact to internationally important sites, Northumberland County Council as a competent authority, must carry out an assessment under the Habitats Regulations, known as a habitats regulations assessment (HRA), to test if a project proposal (planning application) could significantly harm the designated features of a European site.

7.30 Similarly, in carrying out its duty under the Wildlife and Countryside Act 1981 (as amended) and in implementing paragraph 175 the National Planning Policy Framework (NPPF) and Part II of Circular 06/2005 the Local Planning Authority must consider if the proposed development would be likely to have an adverse effect on the SSSI. All SSSI are considered of National importance and the Government expects planning authorities to apply strict tests when determining a planning application affecting SSSIs (Sites of Special Scientific Interest), to ensure that they avoid or at least minimise adverse effects.

7.31 The site is separated from Wooler Water by the access road to the Wooler Sewage Treatment works, along which is an earth bunded sewage pipe. Standard best practice will be used during construction to avoid and mitigate potential pollution (e.g., Pollution Prevention Guidance for Businesses provided by DEFRA and the Environment Agency) and the development will be connected to mains sewer and therefore the risk of negative impacts to the aquatic environment and therefore the designated sites are extremely low.

7.32 The proposal is consistent with the provisions of policy ENV 1 of the Local Plan, NPPF and policy 1 of the Neighbourhood Plan.

Other Matters

Climate Change

7.33 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.

7.34 Local Plan Policy QOP1 sets out several 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.

7.35 Local Plan Policy QOP 5 relates to sustainable design and construction. 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.

7.36 The supporting documents which accompany the application do not provide any information with respect to sustainable design and construction. It is therefore appropriate to attach a condition to the permission to ensure that the proposal will be constructed in accordance the requirements of Local Plan Policies QOP1 and QOP5.

Broadband connectivity

7.37 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.

7.38 The current application does not state whether full-fibre broadband connections are proposed. It is 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

7.39 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

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

Human Rights Act Implications

7.41 The Human Rights Act requires the County Council to consider 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.

7.42 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.

7.43 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, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

8.1 The main planning considerations in determining this application have been set out and considered above stating accordance with relevant Development Plan policy. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case. The proposal is considered sustainable development in the context of the NPPF and will accord with the relevant development Plan policy.

9. Recommendation

That this application be GRANTED permission subject to conditions and delegated authority over the section 106 agreement to secure planning obligations towards health (£8,700) and open space (£24,548.50) provision.

Conditions/Reason

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

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

Location and Site Plans

Location Plan (Phase 2), L200 A

Phase 2 Proposed Coloured Site Plan L201 C

Approved Documents

FRA and Drainage Strategy, 22023-FRA-01 Rev A, Coast Consulting Engineers,
17th October 2022

EclA (Ecological Impact Assessment), George Dodds, June 2022

Highways

Section 278 Plan, D803 Rev 6

Swept Path Analysis 15 P2

Section 38 - Phase 2, 102 P4

Proposed Highway Details D701 Rev 4

Section 104 Plan D801 Rev 2

S38 Street Lighting Design SL/0962/01

S278 Street Light Design PLL/2020/321 Rev 0

House Types

House Type Peony Planning Elevation 10-02

House Type Peony Planning Plans 10-01

House Type Fairview Planning Elevations FAI-002 Rev B

House Type Fairview Planning Plans FAI-001 Rev B

House Type Holly Planning Elevations HOL-002 Rev E

House Type Holly Planning Plans FAI-001 Rev E

House Type Ivy Planning Elevations IVY-002 Rev D

House Type Ivy Planning Plans IVY-001 Rev E

House Type Maple MAP/125/SEM/003 P1

House Type Maple MPL/125/SEM/002 P1

Bungalow Jasmine Planning Plans and Elevations JAS 08

Bungalow Mulberry Planning Plans MUL-001

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

03. The development shall not be occupied until details of the external lighting of the building(s) and external area(s) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is occupied and retained as such thereafter.

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

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

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

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

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

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

06. Prior to commencement of development a scheme to dispose of surface water from the development shall be submitted to and approved by the Local Planning Authority. This scheme shall be in accordance with the 22023-FRA-01 Flood Risk Assessment & Drainage Strategy Rev A by Coast Consulting Engineers dated 17 October 2022 and shall thereafter be carried out in accordance with the agreed details.

REASON: To ensure the effective drainage of surface water from the development, not increasing the risk of flooding elsewhere.

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

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

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

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

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

09. External lighting

The development shall not be occupied until details of the external lighting of the building(s) and external area(s) have been submitted to and approved in writing by

the Local Planning Authority. The approved details shall be implemented before the development is occupied and retained as such thereafter.

Reason: In the interests of amenity and highway safety, in accordance with the National Planning Policy Framework and Policy TRA1 of the Northumberland Local Plan.

10. Details/ Samples of materials

Notwithstanding the details provided, prior to commencement of development samples of the materials to be used in the construction of the external surfaces of the adoptable highway elements shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, in accordance with the National Planning Policy Framework and Policy TRA1 of the Northumberland Local Plan.

11. Implementation of car parking area

Each dwelling shall not be occupied until the car parking area associated with each respective dwelling, as indicated on the approved plans, has been hard surfaced, sealed and marked out and implemented in accordance with the approved plans. Thereafter, the car parking area for each dwelling shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA4 of the Northumberland Local Plan.

12. Completion of highway works before occupation

Development shall not be occupied until details of the proposed highway works have been submitted to and approved in writing by the Local Planning Authority. The building(s) shall not be occupied until the highway works have been constructed in accordance with the approved plans.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan.

13. Implementation of cycle parking

Each dwelling shall not be occupied until the cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be always kept available for the parking of cycles.

Reason: In the interests of highway safety, residential amenity, and sustainable development, in accordance with the National Planning Policy Framework and Policy TRA1 of the Northumberland Local Plan.

14. Surface water drainage (Private Land)

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

Reason: To prevent surface water run-off in the interests of highway safety, the amenity of the area and to protect the integrity of the highway in accordance with the National Planning Policy Framework.

15. Details of Electric Vehicle Charging to be submitted
Prior to occupation details of Electric Vehicle Charging shall be submitted to and approved in writing by the Local Planning Authority. The approved electric vehicle charging points shall be implemented before the development is occupied.

Thereafter, the electric vehicle charging points shall be retained in accordance with the approved details and shall always be kept available for the parking of electrical vehicles.

Reason: In the interests of Sustainable Development, in accordance with the National Planning Policy Framework and Policy TRA1 of the Northumberland Local Plan.

16. Refuse - No external refuse outside of the premises
No external refuse or refuse containers shall be stored outside of the approved refuse storage area (within the curtilage of each property) except on the day of refuse collection.

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

17. Construction Method Statement (including Plan)
Development shall not commence until a Construction Method Statement, together with a supporting plan has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the demolition/ construction period. The Construction Method Statement and plan shall, where applicable, provide for:

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

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

18. Management and Maintenance of Estate Streets
No development above damp-proof course level shall commence until details of proposed arrangements for future management and maintenance of the proposed streets within the site have been submitted to and approved in writing by the Local Planning Authority. Following occupation of the first dwelling on the site, the streets shall be maintained in accordance with the approved management and maintenance details.

Reasons: To ensure estate streets serving the development are completed in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework and Policies TRA1 and TRA2 of the Northumberland Local Plan.

19. Submission of details of adoptable streets No works to the streets proposed for adoption shall commence until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to safeguard the amenities of the locality and users of the highway in accordance with the National Planning Policy Framework and Policies TRA1 and TRA2 of the Northumberland Local Plan.

20. Prior to the commencement of works above damp-proof course level the applicant shall provide a scheme for the provision of bird and bat boxes throughout the development to achieve biodiversity net gain for the prior approval of the planning authority. Once approved the development shall be undertaken as per these details.

Reason: In the interests of achieve biodiversity netgain as per the requirements of policy ENV 1 and NPPF.

Climate Change

21. Notwithstanding the details submitted with the application, prior to the construction of any dwelling above damp proof course level, a scheme to demonstrate how the development will minimise resource use, mitigate climate change and ensure proposals are adaptable to a changing climate to achieve sustainable design and construction in the design of the development shall be submitted to and approved in writing by the Local Planning Authority. The development and measures shall thereafter be implemented in accordance with the approved details, including prior to the dwellings being brought into use where relevant, and shall be retained thereafter.

Reason: To achieve a sustainable form of development, and in the interests of the satisfactory appearance of the development upon completion, the character and appearance of the site and surrounding environment and the amenity of surrounding residents, in accordance with Policy QOP 5 of the Northumberland Local Plan and the National Planning Policy Framework.

Broadband Connectivity

22. Prior to the occupation of the development, details confirming the installation of a full fibre broadband connection shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and made operational prior to the occupation of the development.

Where an alternative broadband connection is proposed, prior to the occupation of the development, sufficient justification for such an alternative shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and made operational prior to the development occupation.

Where no broadband connection is proposed, prior to the occupation of the development, sufficient justification for the lack of broadband provision shall be submitted to and approved in writing by the Local Planning Authority in order discharge this condition.

Reason: To ensure the development is served by high quality communications

infrastructure, in accordance with Policy ICT2 of the Northumberland Local Plan and Paragraph 114 of the National Planning Policy Framework.

Step Free Access

23. Prior to the commencement of works the applicant shall provide details for two of the units to meet or exceed the enhanced accessibility and adaptability housing standards in compliance with Requirement M4(2) of the Building Regulations, other any equivalent successor. Once submitted and approved by the planning authority the units subject of these requirements shall be developed as per the agreed details.

Reason: To ensure compliance with policy HOU 11 and that the development provides for those who are elderly and / or physically compromised.

Flood Risk

24. Prior to commencement of development a scheme to dispose of surface water from the development shall be submitted to and approved by the Local Planning Authority. This scheme shall be in accordance with the 22023-FRA-01 Flood Risk Assessment & Drainage Strategy Rev A by Coast Consulting Engineers dated 17 October 2022 and shall thereafter be carried out in accordance with the agreed details.

Reason: REASON To ensure the effective drainage of surface water from the development, not increasing the risk of flooding elsewhere.

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

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

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

This verification report shall include:

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

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

Informative

Section 38 Agreement and adoption of highways

You are advised to contact the Council's Highway Development Management team at highwaysplanning@northumberland.gov.uk concerning the need for a Section 38 Agreement of the Highway Act 1980 relating to the adoption of new highways.

Section 278 Agreement and works in adopted highway

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

Highway condition survey

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

Highway works under Section 278 Agreement

The following highway works will be agreed under the terms of Section 278 of the Highways Act 1980: full scheme of off siteworks as per 13/01665/OUT also under condition 7 of 18/03177/REM.

Reminder to not store building material or equipment on the highway

Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the StreetWorks team on 0345 600 6400 for Skips and Containers licences.

Technical Approval of Highway Structures

You should note that Technical Approval of Highways Structures is required. You should contact Highway Development Management at highwaysplanning@northumberland.gov.uk

Contact Local Highway Authority - Management and Maintenance of Estate Streets

The applicant is advised that to discharge condition HWD11 the Local Planning Authority requires a copy of a completed agreement between the applicant and the Local Highway Authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes. You can contact Highway Development Management at highwaysplanning@northumberland.gov.uk.

Contact Local Highway Authority - Submission of details of adoptable streets

The applicant is advised to obtain a technical approval for all estate street details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge condition HWD12 of this permission. You can contact the Highway Development Management at highwaysplanning@northumberland.gov.uk

Reminder to not deposit mud/ debris/rubbish on the highway

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

New Street Naming

You are advised that to ensure that all new properties and streets are registered with the emergency services, Land Registry, National Street Gazetteer and National Land and Property Gazetteer to enable them to be serviced and allow the occupants access to amenities including but not limited to; listing on the Electoral Register, delivery services, and a registered address on utility companies databases, details of

the name and numbering of any new house(s) and/or flats/flat conversion(s) on existing and/or newly constructed streets must be submitted to the Highway Authority.

Any new street(s) and property naming/numbering must be agreed in accordance with the Councils Street Naming and Property Numbering Policy and all address allocations can only be issued under the Town Improvement Clauses Act 1847 (Section 64 & 65) and the Public Health Act 1925 (Section 17, 18 & 19).

LLFA

Any areas of hardstanding areas (car parks, driveways etc.) within the development shall be constructed of a permeable surface so flood risk is not increased elsewhere. There are three main types of solution to creating a permeable surface:

- Using gravel or a mainly green, vegetated area.
- Directing water from an impermeable surface to a border rain garden or soakaway.
- Using permeable block paving, porous asphalt/concrete.

Further information can be found here -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/paving_frontgardens.pdf

In addition, the development should explore disconnecting any gutter down pipes into rainwater harvesting units and water butts, with overflow into rainwater garden/pond thus providing a resource as well as amenity value and improving water quality.

Background Papers: Planning application file(s) 21/03911/FUL

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