

Public Document Pack



Northumberland County Council

Your ref:

Our ref:

Enquiries to: Rebecca Little

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Tel direct: 01670 622611

Date: Wednesday, 15 February 2023

Dear Sir or Madam,

Your attendance is requested at a meeting of the **NORTH NORTHUMBERLAND LOCAL AREA COUNCIL** to be held in **MAIN HALL - ST JAMES'S URC, POTTERGATE, ALNWICK, NE66 1JW** on **THURSDAY, 23 FEBRUARY 2023** at **2.00 PM**.

Yours faithfully

Dr Helen Paterson
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



Dr Helen Paterson, Chief Executive
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AGENDA

PART I

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

1. APOLOGIES FOR ABSENCE

2. 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.

- 3. LOCAL TRANSPORT PLAN PROGRAMME 2023-24** (Pages 1 - 16)
- This report sets out the details of the draft Local Transport Plan (LTP) programme for 2023-24 for consideration and comment by the Local Area Council, prior to final approval of the programme by the Executive Director responsible for Local Services in consultation with the Cabinet Member for Environment and Local Services.
- 4. DETERMINATION OF PLANNING APPLICATIONS** (Pages 17 - 20)
- 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. 21/04346/FUL** (Pages 21 - 40)
Replace Existing Building (3no Flats/14 No Bed Sits Space) With 3no Detached Houses With 18 Bed Spaces. On The Beach, Harbour Road, Beadnell, NE67 5AN
- 6. 22/03896/FUL** (Pages 41 - 60)
Conversion of existing garages to form 4 bungalows. Mouldshaugh Lane Garages, Mouldshaugh Lane, Felton, Northumberland
- 7. 21/03496/FUL** (Pages 61 - 90)
Proposed new detached dwelling. Westlea Bed And Breakfast , 29 Riverside Road, Alnmouth, NE66 2SD
- 8. 22/00494/FUL** (Pages 91 - 104)
Proposed change of use to dental clinic (E) and 2no residential apartments (C3). External changes including additional windows and roof lights. 90 - 92 Marygate, Berwick-Upon-Tweed, Northumberland, TD15 1BA
- 9. APPEALS UPDATE** (Pages 105 - 116)
- 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.

10. SECTION 106

(Pages
117 -
120)

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

11. DATE OF NEXT MEETING

The next meeting of the North Northumberland Local Area Council is scheduled for Thursday, 23 March 2023 at Meeting Room 1, Berwick Leisure Centre, Tweedmouth, Berwick-upon-Tweed, TD15 2AS

12. URGENT BUSINESS

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

IF YOU HAVE AN INTEREST AT THIS MEETING, PLEASE:

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

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

Registering Interests

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

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

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

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

Non participation in case of disclosable pecuniary interest

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

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

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

Disclosure of Other Registerable Interests

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

Disclosure of Non-Registerable Interests

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

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

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

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

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

COMMITTEE: NORTH NORTHUMBERLAND LOCAL AREA COUNCIL

DATE: 23 FEBRUARY 2023

LOCAL TRANSPORT PLAN PROGRAMME 2023-24

Cabinet Member: John Riddle, Cabinet Member for Environment and Local Services

Report of the Interim Executive Director: Rob Murfin, Interim Executive Director of Planning and Local Services

Purpose of report

This report sets out the details of the draft Local Transport Plan (LTP) programme for 2023-24 for consideration and comment by the Local Area Council, prior to final approval of the programme by the Executive Director responsible for Local Services in consultation with the Cabinet Member for Environment and Local Services.

Recommendations

Members of the Local Area Council are asked to comment on the proposals, so that their comments can be considered in the finalisation of the LTP programme for 2023-24.

Link to Corporate Plan

This report is relevant to the following key themes in the Corporate Plan for 2021-2024:

- Enjoying, Connecting - We will maintain, protect and enhance the environment, prioritising our commitments on Climate Change. We will deliver high-quality services in all our communities and secure investment in housing and transport across the County.

Key issues

1. The Local Transport Plan grant allocation is determined for the Council by the Department of Transport (DfT). The DfT have yet to confirm the capital allocations for 2023/24 and beyond. Subsequently, at this stage an indicative settlement of £23,488,124 has been assumed, based on the LTP allocation received from the DfT at the start of 2022/23.
2. A sum of £62,500 of the overall allocation will be retained by the North East Joint Transport Committee to cover central transport costs of the Joint Transport

Committee. A £23,425,624 Council Local Transport Plan programme has therefore been developed for 2023-24, consisting of improvements and maintenance schemes to address four key areas: Sustainable Transport; Safety; Roads; and Bridges, Structures & Landslips.

3. Appendix A to D sets out the details of the recommended LTP Programme for 2023-24.
4. The final LTP programme will need to be reviewed and refined as appropriate to reflect the actual level of funding received from DfT and following consideration of feedback from the LACs, before being finalised in late February 2022.

Background

LTP PROGRAMME 2023 - 24

5. The draft LTP programme 2023/24 is based on an indicative settlement from DfT of £23,488,124, which reflects the LTP allocation received from the DfT at the start of 2022/23 and is the expected allocation for 23/24. This is made up of an indicative allocation of £21,780,000 for maintenance and £1,708,124 for integrated transport improvements. A sum of £62,500 of the integrated transport allocation will be retained by the North East Joint Transport Committee to cover central transport costs of the Joint Transport Committee, leaving a funding allocation for the Council's 2022/23 LTP programme of £23,425,624.
6. As in recent years, the highway maintenance element of the settlement is expected to include a contribution from the Highway Maintenance Incentive fund initiative. The capital funding from this element assumes that the Council retains the highest possible band 3 status and receives the maximum available funding. Confirmation of the funding settlement from the DfT is expected by the end of March 2023.
7. The £23,425,624 Local Transport Plan programme developed for 2023-24 consists of improvements and maintenance schemes to address four key areas: Sustainable Transport; Safety; Roads; and Bridges, Structures & Landslips, the details of the 2023/24 LTP programme are set out in Appendix A to D.
8. The summary of proposed expenditure in 2023-24 across scheme types is as follows:

Appendix	Scheme Type	Proposed Expenditure
A	Sustainable Transport	£2,085,000
B	Safety	£2,032,000
C	Roads	£16,102,624
D	Bridges, Structures and Landslips	£3,206,000
	Total Programme	£23,425,624

9. The LTP programme has been developed following a comprehensive review of the needs for the maintenance of the highway asset, identified road safety issues and potential improvement of the highway and transport network. Requests for

- improvements and maintenance received from the local community over time are recorded in the Directory of Requests database. County Council Members and Town and Parish Councils were provided with details of requests made from their own areas throughout the previous year and they are asked to take these into account when considering any priorities they submit for the programme.
10. Priorities for the 2023-24 programme were invited from County Council Members and Town and Parish Councils during early summer 2022 and those put forward have been assessed against criteria from the Local Transport Plan and Transport Asset Management Plan (TAMP). These are then combined with consideration of road safety improvement needs, based on accident statistics and other data sources, and the asset management needs of the overall highway network, based on inspections, condition data and the network hierarchy, to determine an overall programme of capital investment.
 11. It should be noted that in some cases the budget allocations contained in the Appendices to this report are estimates only. At this stage it is the issue or problem that has been prioritised for inclusion in the programme and the design process will provide options for finding a solution. The assessment of options takes account of a number of factors including value for money and affordability. Costs will be firmed up as the proposals proceed through the design process.
 12. It should also be noted that any schemes from the 2022-23 programme which are not completed by the end of the financial year will continue to be implemented in 2023-24 and are not detailed in this report.
 13. A brief description of the types of highways and transport issues addressed by the LTP programme is set out below.
 14. Priority for Integrated Transport is given to schemes that contribute to the achievements of LTP objectives. The objectives reflect local needs and are related to national transport goals. These goals are:
 - a. to support economic growth;
 - b. to reduce carbon emissions;
 - c. to promote equality of opportunity;
 - d. to contribute to better safety, security and health; and,
 - e. to improve the quality of life and a healthy natural environment.
 15. The improvement part of the programme is aimed at creating improvements for all types of users of the highway network. The allocations are split between different types of proposals aimed at making improvements for sustainable transport, as well as improvements for road users. The improvements are designed to make the highway environment more attractive to the range of users, address areas of congestion and meet new and increased demands.
 16. The Highway Capital Maintenance programme is split between different types of proposals aimed at maintaining the highway infrastructure by achieving objectives set out in the Council's Transport Asset Management Plan (TAMP). Funds are allocated across the programme by applying a scoring process that has been developed following asset management principles in order to deliver the TAMP objectives.
 17. The majority of the highway maintenance programme is aimed at addressing the structural decline of our roads as they form the largest part of our highway assets. We also take account of the needs of the other asset groups such as footways and

cycleways, drainage, structures and traffic management assets. A risk-based approach is used to determine priorities for maintenance and is based on priorities at a strategic level, transport network level and asset maintenance level.

18. It should be noted that proposed expenditure for Maintenance within the programme is £20,863,624 and for Integrated Transport is £2,562,000. These are generally in line with the expected allocations, but with Integrated Transport slightly exceeding the allocation and Maintenance expenditure set to balance this.

Sustainable Transport

19. The £2,085,000 allocation for sustainable transport is split across 'Improvements' and 'Maintenance' activities. Improvements for sustainable transport are already a significant feature within the LTP programme. This year the draft LTP for 2023-24 has a specific allocation of £880,000 for sustainable transport improvements as set out in Appendix A attached to this report. This allocation includes £480,000 for the permanent pedestrianisation of Narrowgate, Alnwick to create a more pedestrian friendly environment. The allocation also contains £400,000 for other sustainable transport improvements such as new footways, crossings, street lighting for pedestrians and public transport improvements.
20. In addition, the sustainable transport allocation includes £1,205,000 for maintaining existing footpaths (rights of way), footways (along the side of the road) and cycleways (either part of the road or adjacent to it).
21. Alongside these specific allocations, it should be noted that much of the Safety element of the programme in Appendix B will also contribute to ensuring that the highway environment is improved in a way that will encourage more walking and cycling, for example, speed reduction, road safety improvements and safety outside schools, which will support cycling and walking by creating a safer environment for cyclists and pedestrians.
22. It should be noted that a number of County Councillors and Town and Parish Councils put forward priorities for the introduction of new cycleways and footways which when assessed were considered to be beyond the funding scope that would be available through the LTP capital programme. The details of these potential cycleways and footways have been captured separately and recorded so that they can also be considered should any other appropriate sources of external funding or bidding opportunities for such schemes become available.
23. The details of the draft LTP Sustainable Transport Programme of £2,085,000 for 2023-24 is set out in Appendix A, attached to this report.

Safety

24. An allocation of £2,032,000 has been made to improve safety on the highway network. Details of the programme are set out in Appendix B attached to this report.
25. £950,000 is aimed at reducing the number and severity of road traffic casualties, through a programme of local safety schemes. Funding available for safety improvements to High Risk Sites will be at an increased level of £600,000 compared

to £220,000 in 2017-18. It also includes allocations of £250,000 for Rural Road Safety Improvements and £50,000 for Urban Road Safety Improvements.

26. £732,000 has been allocated to improve traffic management and traffic calming measures. Much of this funding will also create safer conditions where road safety concerns have been identified which will in turn encourage more walking and cycling. Specific funding continues to be allocated to improve road safety around schools. The programme of introduction of 20mph speed limits outside schools is now reaching it's conclusion and an allocation of £125,000 has been made for completion of any remaining schemes in 2023/24. An allocation of £75,000 has also been made for other school safety measures such as introduction of school streets schemes. These schemes at schools continue to address safety concerns and should encourage more children and their parents and carers to walk or cycle to school.
27. A £350,000 allocation has been included to continue with the general refurbishment and renewal of existing signage and the replenishment of existing road markings. Both of these activities seek to improve the general safety for the highway user.

Roads

28. This section of the programme is the largest part of the programme with an allocation of £16,102,624 for maintenance of existing roads, including drainage, traffic lights, street lighting and car park maintenance.
29. The programme is guided by the principles of effective asset management and is made up of £7,438,624 for named carriageway repair and drainage schemes (of which £2,540,624 is on major roads and the resilient road network, £4,498,000 on other local roads and £400,000 on approaches to those level crossings set to be modified as part of the Northumberland Line project); £4,109,000 for surface dressing; £400,000 for micro surfacing; and finally £4,155,000 of general refurbishment which includes drainage, traffic signals, street lighting column replacement and car parks as well as preparatory work for the next year's surface dressing programme.
30. The works on approaches to the Northumberland Line level crossings are areas where carriageway is in relatively poor condition and works are proposed to be carried out before the line is in increased use for passenger train operation.
31. It should be noted that a significant allocation of funding for C class and unclassified (U class) roads has been made within the named carriageway repair schemes, surface dressing and micro surfacing programmes, deliberately targeted towards the continued effort with improving their condition.
32. The details of the draft Roads Programme for 2023-24 is set out in Appendix C attached to this report.

Bridges, Structures and Landslips

33. An allocation of £2,611,000 has been made for bridge maintenance. Again, effective asset management is the main driver. This includes a programme that also addresses

the maintenance backlog by providing bridge strengthening to a number of bridges as this continues to remain a key objective.

34. There is also an allocation of £595,000 for addressing landslips to enable stabilisation work as a cost-effective approach to prevent the deterioration and potential loss of use of the network at critical locations throughout the County.
35. The details of the Bridges, Structures and Landslips Programme of £3,206,000 for 2023-24 is set out in Appendix D, attached to this report.

Next Steps

36. Following consideration by Local Area Councils at their meetings in February, any comments received will be considered and the final 2023-24 programmes for the Local Transport Plan will be prepared for consideration and approval by the Portfolio Holder for Environment and Local Services and the Executive Director responsible for Local Services.
37. Following agreement of the final programme, all County Council members and Town and Parish Councils who put forward priorities for the LTP programme will then be provided with further information regarding the outcome of the assessment of their submission and whether it has been possible to include their priority schemes within the programme this year.
38. It should also be noted that it is intended to undertake a review of the process for developing future years LTP programmes during 2023/24, in particular to consider moving away from an annual process to a multi-year LTP programme that better aligns with the MTFP period. The LACs will be consulted on any proposed changes as part of the LTP review process.

Implications

Policy	The proposed programmes are consistent with existing policies
Finance and value for money	The LTP Programme allocations are within the expected budget available for 2023-24. The £23,488,124 quoted in this report is an indicative figure and confirmation of the final allocation is awaited from DfT and is expected before March 2023. Should the allocation vary from that expected the programme will be amended in the final decision report.
Legal	The LTP is delivered by the County Council using its powers and in fulfilment of its statutory duties as a Highways Authority, primarily under the provisions of the Highways Act 1980
Procurement	Not applicable
Human Resources	None
Property	None

<p>Equalities (Impact Assessment attached)</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/></p>	<p>As a key issue for Northumberland, the needs of those that are socially excluded have been taken into account in the development of this programme.</p>
<p>Risk Assessment</p>	<p>The programme has been developed to minimise risks to the travelling public.</p> <p>Risks to the delivery of any individual scheme within the programme will be considered during scheme development. By managing risk at scheme level risk to delivery of the programme will be controlled.</p>
<p>Crime & Disorder</p>	<p>The implications of Section 17, Crime and Disorder Act 1998 have been considered whilst developing this proposal, there are no perceived adverse effects.</p>
<p>Customer Consideration</p>	<p>The delivery of the programme will improve the highways and transport network in Northumberland for the benefit of the travelling public.</p>
<p>Carbon reduction</p>	<p>Schemes to encourage sustainable transport, as well as road safety and those which aim to reduce congestion will encourage modal shift and reduce overall carbon levels making a positive contribution to the achievement of the Council's Climate Change targets</p>
<p>Health and Wellbeing</p>	<p>Schemes to encourage more active travel through improved infrastructure for sustainable transport, road safety measures and improvement to the condition of footways and roads all act to improve the overall health and wellbeing of our communities.</p>
<p>Wards</p>	<p>All</p>

Background papers:

N/A

Report sign off.

Authors must ensure that officers and members have agreed the content of the report:

	Full Name of Officer
Monitoring Officer/Legal	NM
Executive Director of Finance & S151 Officer	JW
Relevant Executive Director	RM
Acting Chief Executive	RF

Portfolio Holder(s)	JR
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Author and Contact Details

Dale Rumney, Principal Programme Officer.

Email dale.rumney@northumberland.gov.uk

Appendices

Appendices A to D – LTP Programme 2023-24

		Appendix A
Local Transport Plan Programme 2023-24		
Sustainable Transport	£2,085,000	
Improvements for Sustainable Transport		
Location	Proposed Improvement	Budget Allocation
Narrowgate	Pedestrianisation scheme. Includes works to improve the Fenkle St/Market St junction	£480,000
Blanchland	village centre public realm improvements phase 2, including sign rationalisation and measures to manage parking.	£50,000
Newbiggin Road, Ashington	Convert existing zebra crossing to raised zebra.	£35,000
Various, including Seaton Sluice, Ponteland, Hipsburn and Scremerston	Bus stop accessibility improvements.	£45,000
Mill Lane, Seghill	Hardstanding/footway at crossing point where footpath joins road carriageway	£10,000
Weavers Way, Alnwick	Footway in grass verge between Taylor Drive and bus stop in Weavers Way	£22,000
Various including Tweedmouth, Alnmouth, Beadnell, Humshaugh	Dropped kerbs	£60,000
Hadrian Court, Humshaugh	Replace steps with ramp phase 1	£5,000
A695 Farnley	New footway in grass verge	£75,000
Fenwick village to A1 bus stop	New street lighting on pedestrian route between the village and bus stop.	£22,000
Kirkwhelpington to A696 bus stop	New street lighting on pedestrian route between the village and bus stop.	£10,000
A697 Powburn	Extend system of streetlighting northwards to include Hedgeley.	£22,000
Woodbine Street bus stop, Amble	Kerb build-out to allow pedestrians direct access to bus services.	£10,000
Various including A190 Seaton Sluice, Beaumont St Hexham, Clayport Bank Alnwick	Pedestrian crossings phase 1	£34,000
sub total		£880,000
Maintenance of Footpaths, Footways and Cycleways		
Rights of Way		
Reference	Proposed Improvement	Budget Estimate
Allendale FP 26	Bank stabilisation, culvert, surface & steps	£40,000
Bedlington (riverside FP)	Revetment/stabilisation and route reconstruction	£85,000
Amble FP 16	Drainage and surfacing	£80,000
Blyth FP 107	Erosion protection/stabilisation works	£20,000
Blyth / Wansbeck FP & BW	FP & BR surface improvements	£20,000
Alnmouth (England Coast Path)	Surface improvements - feasibility and design	£10,000
Bellingham FP 16	Surface improvements	£10,000
Various	ROW signage works	£15,000
Various	ROW surface construction works	£50,000
Various	ROW structure installation	£45,000
Various	ROW accessibility improvements	£20,000
NNPA	Various ROW works in National Park	£10,000
Total		£405,000
Footway Maintenance		
Road No	Location	Budget Estimate
U3149	Magdalene Fields, Warkworth Phase 2	£90,000
U6111	Lancaster Park, Morpeth (Phase)	£80,000
U8289	Leazes Park, Hexham (Phase)	£60,000
C410	Newsham Road, Blyth (Phase)	£70,000
U113	Dean Drive, Tweedmouth Phase 2	£70,000
U9131	Valerian/Marius Avenue, Heddon on the Wall	£70,000

U9548	Harwood Close, Cramlington	£60,000	
U3124	The Cordwainers, Alnwick	£30,000	
B1331	Stead Lane, Bedlington	£70,000	
	Total	£600,000	
	General Cycleway and Footway Refurbishment Work	£200,000	
A countywide programme of sites selected on a priority basis.			
	Improvements for Sustainable Transport Total	£2,085,000	

Local Transport Plan Programme 2023-24			Appendix B
Safety		£2,032,000	
Local Safety Schemes			
Location	Issue	Potential Solution	Budget Allocation
Various countywide	High Risk and Route Action Sites	Various road safety improvements	£600,000
Various countywide, (including Bondgate Within Alnwick, A192 Holywell)	Urban road safety issues	Various road safety improvements	£50,000
Various countywide, (including Clifton Lane, Nunwick Hall, Chollerford, Matfen, Chathill, Mitford, Branxton, Berrington, Allenheads, High Buston, Ogle, Swinhoe crossroads, Furnace Road Bedlington, Sundaysight corner Greenhaugh)	Rural road safety issues	Various road safety improvements	£250,000
Various countywide	Urgent safety measures	Various road safety improvements	£50,000
		Sub Total	£950,000
Traffic Calming			
Location	Issue	Potential Solution	Budget Allocation
Bamburgh	Traffic speeds	Various traffic calming measures	£150,000
Horsley	Traffic speeds	Various traffic calming measures	
Wall	Traffic speeds	Various traffic calming measures	
		Sub Total	£150,000
Traffic Management			
Location	Issue	Potential Solution	Budget Allocation
Various countywide	Various traffic management issues	Traffic Regulation Orders	£250,000
Hampeth	Traffic speeds	30mph speed limit	£46,000
Foxton	Traffic speeds	40mph speed limit	£8,000
A192 Hepscott to Nedderton	Traffic speeds	50mph speed limit	£18,000
Fenwick nr Stamfordham	Traffic speeds	30mph speed limit	£20,000
B1331 Nedderton to Bedlington	Traffic speeds	50mph speed limit	£10,000
Etal	Traffic speeds	30mph speed limit	£18,000
Thrum Mill Rothbury	Traffic speeds	40mph speed limit	£12,000
Schools countywide	Safety outside schools	20mph speed limits	£125,000
Countywide 'School Streets' schemes, (including St Wilfrids School Blyth, Holywell school)	Safety outside schools	Various school safety measures	£75,000
		Sub Total	£582,000
General Traffic Sign/Road Markings Refurbishment			£350,000
A countywide programme of sites selected on a priority basis.			
		Safety Total	£2,032,000

Local Transport Plan Programme 2023-24
Roads £16,102,624

Major Road & Resilient Network Maintenance Schemes

Road No	Location	Description	Budget Estimate
A6079	Acomb Village Phase 1	Carriageway Repairs	£270,000
A1068	Hipsburn Rbt to Wooden Farm	Carriageway Repairs	£250,000
A196	North Seaton Road, Ashington	Carriageway Repairs	£160,000
A1167	Billendean Roundabout, Tweedmouth	Carriageway Repairs	£100,000
A192	Hartford Bank, Cramlington	Carriageway Repairs	£200,000
A686	Esp Hill, Haydon Bridge Phase 2	Carriageway Repairs	£220,000
B6344	Weldon Bridge Interchange	Carriageway Repairs	£130,000
C172	Greenside Bank, Flotterton Phase 2	Carriageway Repairs	£160,000
A696	Ponteland Road, Ponteland	Carriageway Repairs	£120,000
B1340	Alnwick Garden entrance to Denwick Bridge	Carriageway Repairs	£190,000
A6079	Chollerton Viaduct to B6318 xroads	Carriageway Repairs	£140,000
A686	Cupola to Bearsbridge (Tarry Back)	Carriageway Repairs	£190,000
A1068	Scotland Gate, Choppington	Carriageway Repairs	£160,000
A1147	Moorland Crossroads, Bedlington Station	Carriageway Repairs	£80,624
A190	Avenue Road, Seaton Sluice	Carriageway Repairs	£170,000
Major Road & Resilient Network Maintenance Schemes Total			£2,540,624

Northumberland Line - Approaches to Level Crossings

A190	Station Road, Seghill	Carriageway Repairs	£45,000
U9706	New Hartley Level Crossing	Carriageway Repairs	£45,000
B1523	Plessey Road, Newsham	Carriageway Repairs	£125,000
C403	Wansbeck Terrace, West Sleekburn	Carriageway Repairs	£145,000
A196	North Seaton railway crossing (north side of Black Close Bank)	Footway Repairs	£40,000
Northumberland Line - Approaches to Level Crossings Schemes Total			£400,000

Other Local Roads Maintenance Schemes

Other Local Roads Maintenance Schemes - North Northumberland

Road No	Location	Description	Budget Estimate
B6345	Swarland Mill to Longframlington Ph 2	Carriageway Repairs	£150,000
B6352	Thornington Farm	Carriageway Repairs	£175,000
B6353	Lowick (East of Silos)	Carriageway Repairs	£180,000
C176	Netherton Burnfoot	Carriageway Repairs	£160,000
U113	Dean Drive, Tweedmouth Phase 2	Carriageway Repairs	£170,000
U114	Highcliffe, Spittal	Carriageway Repairs	£100,000
C136	The Lee to B6342 junct. Phase 3	Carriageway Repairs	£93,000
B1338 U3026	Shepherds Hill/The Wynd, Alnmouth	Carriageway Repairs	£170,000
U4060	Hillside Road, Rothbury	Carriageway Repairs	£90,000
Sub Total			£1,288,000

Other Local Roads Maintenance Schemes - Ashington and Blyth

Road No	Location	Description	Budget Estimate
U6533	Burnside, North Seaton	Carriageway Repairs	£110,000
U9511	Bondicar Terrace, Blyth Phase 1	Carriageway Repairs	£160,000
C399	Station Road, Ashington Phase 2	Carriageway Repairs	£175,000
U9503	Maddison Street, Blyth	Carriageway Repairs	£70,000
U6518	North View / Matfen Terrace, Newbiggin	Carriageway Repairs	£90,000
U9724	Percy Street, Blyth	Carriageway Repairs	£50,000
Sub Total			£655,000

Other Local Roads Maintenance Schemes - Cramlington, Bedlington and Seaton Valley

Road No	Location	Description	Budget Estimate
B1319	Low Main Place / Station Road, Cramlington Village Phase 2	Carriageway Repairs	£140,000
C420	Northumbrian Road, Cramlington (Burnside section)	Carriageway Repairs	£200,000
B1505	Village road to Clifton Road, Cramlington	Carriageway Repairs	£180,000
Sub Total			£520,000

Other Local Roads Maintenance Schemes - Tynedale

Road No	Location	Treatment	Budget Estimate
B6320	Bellingham to Hareshaw junct. Phase 3	Carriageway Repairs	£190,000
C242	Ferry Road, Hexham	Carriageway Repairs	£270,000
C254	Ovingham to Wylam	Carriageway Repairs	£80,000
C322	Fellhouse Fell Phase 2	Carriageway Repairs	£110,000
U8282	Fairview, Prudhoe	Carriageway Repairs	£90,000
U8280	Umfraville Dene Road / Broomhill Road, West Wylam	Carriageway Repairs	£140,000
C256	Oatens Bank	Carriageway Repairs	£120,000
B6309	Apperley Dene	Carriageway Repairs	£80,000
C294	Thornley Gate	Carriageway Repairs	£90,000
Sub Total			£1,170,000

Other Local Roads Maintenance Schemes - Castle Morpeth

Road No	Location	Treatment	Budget Estimate
C144	East Benridge to West Benridge	Carriageway Repairs	£205,000
C121	C125 junct. to North Linton Farm Phase 2	Carriageway Repairs	£140,000
C187	Harwood Phase 4	Carriageway Repairs	£170,000
C129	A1 junct. to Tritlington Phase 2	Carriageway Repairs	£150,000
U6109	St Marks Street / Hollon Street, Morpeth	Carriageway Repairs	£120,000
C134	Bywell Phase 1	Carriageway Repairs	£80,000
Sub Total			£865,000
Other Local Roads Maintenance Schemes - Total			£4,498,000

Surface Dressing Programme

Major Road & Resilient Network - Countywide

Road Number	Location	Description	Budget Allocation
A1068	Hawkhill Bridge to Lesbury	Surface Dressing	£146,000
B6318	Low Teppermoor to Carraw Farm	Surface Dressing	£212,000
B6344	Knocklaw to Black Burn Bridge, Rothbury	Surface Dressing	£94,000
B6318	Harlow Hill West	Surface Dressing	£83,000
A68	Carterway Head to Snods Edge	Surface Dressing	£196,000
A1068	Fisher Lane, Cramlington (northbound)	Surface Dressing	£122,000
B6343	Mitford to Dyke Neuk	Surface Dressing	£250,000
B6341	Flotterton to Hepple	Surface Dressing	£125,000
B6318	Wall Fell to Codlaw Hill	Surface Dressing	£107,000
B1340	Denwick Bridge to Denwick Village	Surface Dressing	£88,000
A696	Mirlaw Ho to West Shaftoe	Surface Dressing	£81,000
A696	B6309 Junct to Harnham	Surface Dressing	£123,000
A68	Bennettsfield, North of Otterburn	Surface Dressing	£127,000
Sub Total			£1,754,000

Other Local Roads - North Northumberland

Road Number	Location	Description	Budget Allocation
C33	Pawston to Scottish Border	Surface Dressing	£171,000
B1339	Embleton Mill	Surface Dressing	£114,000
C51	North Middleton Junction to Cheviot Street, Wooler	Surface Dressing	£117,000
C60	Cragmill Road, Belford (East of A1)	Surface Dressing	£22,000
C80	Lesbury to Foxton	Surface Dressing	£79,000
C105	Guiden Road, South of Warkworth	Surface Dressing	£106,000
B6346	A697 jct. to New Bewick Farm	Surface Dressing	£181,000
C111	North of Felton	Surface Dressing	£114,000
Sub Total			£904,000

Other Local Roads - Castle Morpeth

Road Number	Location	Description	Budget Allocation
C144	Netherwitton to Folly House	Surface Dressing	£114,000
C133	North Highmoor to West Moor (A697 - A1)	Surface Dressing	£206,000
B6342	Ewesley Fell	Surface Dressing	£77,000
B6309	Stamfordham to Kiln House	Surface Dressing	£125,000
Sub Total			£522,000

Other Local Roads - Tynedale

Road Number	Location	Description	Budget Allocation
U7070	Haltwhistle to Melkridge	Surface Dressing	£136,000
C216	Chollerton to Wark Bridge Ph 2	Surface Dressing	£250,000
C322	Plenmeller Common	Surface Dressing	£293,000
C327	Lambley to Craigs Bank	Surface Dressing	£194,000
Sub Total			£873,000

Other Local Roads - Ashington and Blyth

Road Number	Location	Description	Budget Allocation
U6575	Boiler Road, Ashington	Surface Dressing	£56,000
Sub Total			£56,000

Surface Dressing Programme Total	£4,109,000
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Micro Surfacing Programme

Other Local Roads - North Northumberland

Road Number	Location	Description	Budget Allocation
U3136	Links Avenue, Amble	Micro Surfacing	£40,000
U103	Magdalene Drive / Bede Avenue, Berwick	Micro Surfacing	£45,000
Sub Total			£85,000

Other Local Roads - Castle Morpeth

Road Number	Location	Description	Budget Allocation
U6064	Coquet Drive, Ellington	Micro Surfacing	£40,000
U6057	River View, Lynemouth	Micro Surfacing	£50,000
Sub Total			£90,000

Other Local Roads - Ashington and Blyth

Road Number	Location	Description	Budget Allocation
U9524	Heron Close, Blyth	Micro Surfacing	£40,000
U9524	Fulmar Drive, Blyth	Micro Surfacing	£45,000
Sub Total			£85,000

Other Local Roads - Cramlington, Bedlington and Seaton Valley

Road Number	Location	Description	Budget Allocation
U6551	Poplar Grove / Trevelyan Avenue, Bedlington Phase 2	Micro Surfacing	£40,000
U9544	Chesterhill, Cramlington	Micro Surfacing	£50,000
Sub Total			£90,000

Other Local Roads - Tynedale

Road Number	Location	Description	Budget Allocation
U8285	South Road, Prudhoe	Micro Surfacing	£50,000
Sub Total			£50,000

Micro Surfacing Programme Total	£400,000
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General Refurbishment Countywide**General Carriageway Refurbishment**

A countywide programme of sites selected on a priority basis.

£2,000,000**Surface Dressing & Micro surfacing Pre Patching**

Preparation of sites included in the programme

£200,000**Retexturing Refurbishment**

A countywide programme of sites selected on a priority basis.

£30,000**General Structures Refurbishment**

A countywide programme of sites selected on a priority basis.

£450,000**General Drainage Refurbishment**

A countywide programme of sites selected on a priority basis.

£805,000**General Car Park Refurbishment**

A countywide programme of sites selected on a priority basis.

£100,000**Traffic Signal Refurbishment**

A countywide programme of sites selected on a priority basis.

£100,000**Street Lighting Column Replacement**

A countywide programme of sites selected on a priority basis.

£100,000**Concrete Road Refurbishment**

A countywide programme of sites selected on a priority basis.

£40,000**Highway Maintenance Assessment and Advance Design**£330,000

General Refurbishment Countywide Total	£4,155,000
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			APPENDIX D
Local Transport Plan Programme 2023-24			
Bridges, Structures and Landslips		£3,206,000	
Bridges and Structures			
Road Number	Location	Description	Budget Estimate
	Various	Structural Assessments	£120,000
	Various	Interim Measures Inspections	£38,000
	Various	Principal Inspections	£163,000
	Various	Advance Preparation - Advance design of future schemes	£300,000
	Various	Steel Bridge Painting	£100,000
C358	Ogle North	Strengthening of masonry arches extended with RC slabs	£170,000
C205	Middleburn	Strengthening of RC slab	£130,000
U4093	Harwood Village	Refurbishment	£130,000
U6008	Earsdon Mill	Strengthening of steel trough deck	£150,000
C82	Dubbs Burn	Strengthening of brick arch	£90,000
C180	Swindon Kennels	Replacement of existing bridge deck	£430,000
C198	Tarset Tyne	Joint replacement and waterproofing	£310,000
C61	Spindlestone	Replacement of existing RC bridge deck	£350,000
U4012	Alnham East	Replacement of concrete slab	£130,000
		Bridges and Structures Total	£2,611,000
Landslip Management			
Road Number	Location	Description	Budget Estimate
B6344	B6344 Crag End Anchors	Anchor Replacement	£50,000
B6353	Lowick to Fenwick	Verge Erosion Repair	£210,000
B6341	Midrig	Drainage Improvement and Embankment Repairs	£90,000
C269	Chathill Crossing	Landslip Repair	£100,000
C43	Harehope to Old Bewick	Carriageway Edge Failure Repair	£25,000
	Various	Advance preparation	£120,000
		Landslip Management Total	£595,000
TOTAL			£3,206,000

Summary		
Local Transport Plan Programme 2023-24		
Appendix A	Sustainable Transport	£2,085,000
	Improvements for Sustainable Transport	£880,000
	Maintenance of Footpaths, Footways and Cycleways	£1,205,000
Appendix B	Safety	£2,032,000
	Safety Improvement Schemes for All Users	£1,682,000
	Maintenance of Signs and Lines	£350,000
Appendix C	Roads	£16,102,624
	Major Road & Resilient Network Maintenance Schemes	£2,540,624
	Northumberland Line - Approaches to Level Crossings	£400,000
	Other Local Roads Maintenance Schemes	£4,498,000
	Surface Dressing Programme	£4,109,000
	Micro Surfacing Programme	£400,000
	General/Structural Refurbishment Work	£4,155,000
Appendix D	Bridges, Structures and Landslips	£3,206,000
	Bridges and Structures	£2,611,000
	Landslips	£595,000
	LTP Programme Total	£23,425,624
	<i>LTP - Maintenance Block Allocation</i>	<i>£21,780,000</i>
	<i>LTP - Integrated Transport Block Allocation</i>	<i>£1,708,124</i>
	<i>Less NECA Contribution</i>	<i>-£62,500</i>
	Total	£23,425,624
	Balance	£0



Northumberland County Council

NORTH NORTHUMBERLAND LOCAL AREA COUNCIL

23 FEBRUARY 2023

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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Rob.Murfin@northumberland.gov.uk

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.

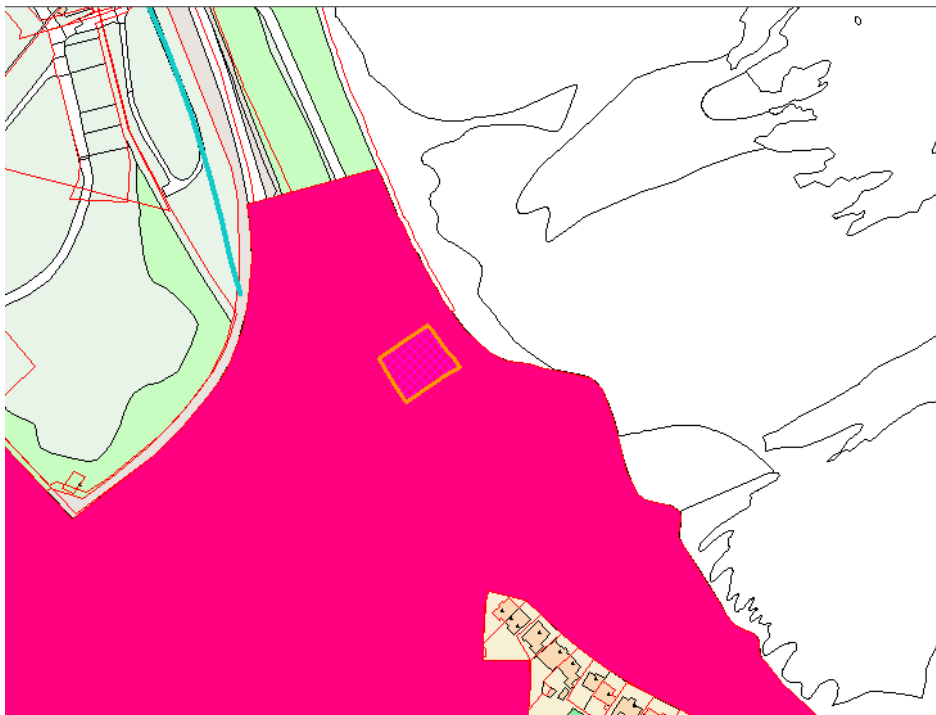


Northumberland County Council

North Northumberland Local Area Committee

Application No:	21/04346/FUL		
Proposal:	Replace existing building (3no flats/14 no bed sits space) with 3no detached houses with 18 bed spaces.		
Site Address	On The Beach, Harbour Road, Beadnell, NE67 5AN		
Applicant:	Mr and Mrs A & H Sundin On The Beach, Harbour Road, Beadnell, NE67 5AN,	Agent:	George Innes 19 Clayton Road, Jesmond, Newcastle upon Tyne, NE2 2QY
Ward	Bamburgh	Parish	Beadnell
Valid Date:	8 November 2021	Expiry Date:	11 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 a s106A agreement for a £10,000 commuted sum to be paid to NCC (Northumberland County Council). This will contribute towards a future coastal erosion protection scheme protecting the existing properties (including this development) in this area.



1. Introduction

1.1 The proposal is suitable for determination by the North Northumberland Area Planning Committee by virtue of the volume of public interest.

2. Description

2.1 The site occupies a cliff top position on Harbour Road opposite the village green. It extends from the public highway to the west to the cliff top to the east. It is within a ribbon of long-established development. Historically the site was occupied by the Links Garage but in 1988 planning permission was granted to replace this with a workshop, sales area, filling station and bus park [N/88/B/0079].

2.2 In 2001 the garage was converted into a restaurant and takeaway [N/01/B/0553] and then in 2006 change of use consent was granted to convert the restaurant into two houses [N/06/0764]. In 2009 a retrospective permission was granted to regularise what is described as a summer house south of the main building [N/09/0270].

2.3 In 2007 the bus park, directly south, was sold off and developed with a 4-bedroom house and garden. The building which occupies the site retains its commercial character in terms of its scale and configuration. It is a large two storey building with a wide span and shallow pitched roof.

2.4 The application is for the redevelopment of the existing former garage building, currently used for three holiday flats, into three detached properties for the same purpose offering the same level of accommodation. Works will also include site remediation and coastal defence works.

3. Planning History

Reference Number: 16/03649/FUL

Description: Proposed Dormer Extensions & 2No. Juliet Balconies

Status: WDN

Reference Number: 17/03213/FUL

Description: Proposed dormer extension

Status: PER

Reference Number: N/88/B/0079/P

Description: Proposed replacement of existing garage to provide workshop, sales and service area, filling station and bus park

Status: PER

Reference Number: N/80/B/0010/P

Description: Proposed replacement of existing garage to provide filling station, Bus Depot & sales & repair area.

Status: PER

Reference Number: 20/01647/FUL

Description: Demolition of 3 no. apartments, associated car parking, and owners chalet. Replacement with 4 no. dwelling houses (Class C3 use class order). (Revised description 16th July 2020).

Status: WDN

Reference Number: N/80/B/10

Description: Proposed replacement of existing garage to provide filling station, bus depot and sales and repair area

Status: PER

Reference Number: N/76/B/165

Description: Levelling of land, erection of Diesel Pump and erection of Maintenance Ramp

Status: PER

Reference Number: N/09/B/0324

Description: Installation of balcony & replacement of existing sheeted roof with slates (retrospective).

Status: PER

Reference Number: N/09/B/0270

Description: Erection of a single storey day room/summerhouse.

Status: PER

Reference Number: N/07/B/0669

Description: (retrospective) erection of sign.

Status: REF

Reference Number: N/06/B/0764

Description: Change of use from restaurant (a3) to 2 no holiday dwellings (c3).

Status: PER

Reference Number: N/01/B/0554

Description: Conversion/extension of former garage building, to provide restaurant/take away premises.

Status: PER

4. Consultee Responses

Royal Society Of Protection Of Birds	No response received.
Northumberland Coast AONB (Areas of Outstanding Natural Beauty)	At present, to make the development safe new coastal defences need to be constructed as part of this development. New defences to make a development safe is against the guidance of the Planning Practice Guidance. Therefore, we object to this development in principle on coastal erosion grounds.
Beadnell Parish Council	The PC has submitted several comments with their objection: <ul style="list-style-type: none">• Query over the number of bed spaces• Houses should be principle residence• Foul sewerage• Coastal erosion• An HRA (Habitats Regulation Appraisal) is required as per Policy 3 of the NHP• Proposal is overdevelopment and the height should be to fit in with the surrounding units• Land contamination• Climate change concerns• Access, and• Parking
North Sunderland and Seahouses PC	No response received.

Building Conservation	We are supportive of the demolition of the existing building and redevelopment of the application site to enhance the character and appearance of Beadnell Conservation Area. However, we consider the proposed 3no. dwellings to be overdevelopment of the site within a conservation area, and contrary to its adopted management policies. Furthermore, the height and uniformity of the dwellings do not respond to local character as required by the NPPF. As such, the proposed dwellings do not meet the statutory test to preserve or enhance the conservation area and therefore we recommend refusal at this stage.
Lead Local Flood Authority (LLFA)	No objection subject to conditions and a £10,000 contribution towards coastal erosion defence works.
County Ecologist	The site is within the Coastal Change Management Area and were development to be consented there may be a future need for seaward defences which would impact upon the distribution of habitats and species which are interest features or underpinning features of the designated sites. The boundary protection (dog fencing) and CEMP are acceptable, and I do note the restrictions to noisy works during the overwintering period. No objection subject to conditions.
Natural England	No objection.
Public Protection	No objections subject to conditions.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	16
Number of Objections	26
Number of Support	10
Number of General Comments	0

Notices

Affecting Conservation, 1st December 2021

Northumberland Gazette 18th November 2021

Summary of Responses:

There have been 27 objections. These can be summarised as per below:

- Two of these units should be for permanent residence as per policy 14 of the Neighbourhood Plan,
- Concerns over parking, coastal erosion, and the access

- The design is not suitable in a gateway location to the village and conservation area
- Concerns over the chimneys and effects on climate change
- The site is outside the settlement boundary
- Adverse impact on the AONB
- The site is within the Coastal Change Management Area (CCMA) wherein the Shoreline Management Plan does not support new development in this area
- The site has land contamination
- The information on bed spaces is contradictory
- The street scene would be dominated by parking and bins
- The design is excessive in terms of mass and scale and should only cover the same footprint as the current building
- There is no biodiversity net gain
- Concerns over light pollution from the roof lights

There have also been ten submissions in support of the proposal

- The proposal is a significant improvement over the current building which is an eyesore and poor representation for the gateway to the village

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=R23LIFQSKG100>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan 2016 - 2032

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

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

HOU 10 - Second and holiday homes

QOP 1 - Design principles (Strategic Policy)

QOP 2 - Good design and amenity

QOP 5 - Sustainable design and construction

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 5 - Northumberland Coast Area of Outstanding Natural Beauty

ENV 7 - Historic environment and heritage assets

ENV 9 - Conservation Areas

WAT 3 - Flooding

WAT 5 - Coastal erosion and coastal change management

POL 1 - Unstable and contaminated land

INF 6 - Planning obligations

Policy 1: Sustainable Development
Policy 2: Landscape and Seascapes
Policy 3: Habitats and Species
Policy 4: Coastal Management and the Coastal Strip
Policy 5: Design in New Development
Policy 9: Sustainable Development Outside the Settlement Boundaries
Policy 14: Principal Residence Housing

6.2 National Planning Policy

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

6.3 Other Documents/Strategies

Northumberland Coast AONB Management Plan 2020 - 2024

- Policy 3.1 The setting of the AONB and important views into it and from it are recognised and protected.
- Policy 3.2 The erosion of rural character through cumulative urbanising influences is halted and where possible, reversed.
- Policy 3.3 Development on the currently undeveloped coastal slope will be opposed. The use of private sea defences to make a development safe within its planned lifetime will not be supported and will be regarded as evidence of the fundamental unsuitability of that site to accommodate such development
- Policy 3.5 High quality of design and landscaping in new buildings, conversions, alterations and maintenance work will be sought through advocacy of the AONB Design Guide for the Built Environment.
- Policy 4.2 All development proposals will be assessed concerning their impact on the tranquillity of the AONB.
- Policy 4.4 All development proposals will be assessed concerning their impact on the dark skies of the AONB.
- Policy 5.2 Support and promote sustainable tourism initiatives that contribute towards the special qualities of the AONB.

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises the Northumberland Local Plan 2016 – 2032 and North Northumberland Coast Neighbourhood Plan 2017. The site is within the Northumberland Coast AONB and the Management Plan 2020 - 2024 is also relevant. National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

- Principle of development including Principal Residence
- Design
- Impact on Conservation Area

- AONB
- Ecology
- Coastal Erosion
- Highways
- Broadband Connectivity
- Contaminated Land
- Other Matters

Principle of Development

7.2 The proposal is located on the edge of the settlement of Beadnell which is classed as a Small Village as per Appendix A of the Northumberland Local Plan. Policy STP 1 sets out the spatial strategy wherein subsection (d) states:

“In order to support the social and economic vitality of rural areas and recognising that development in one village can support services and facilities in other nearby villages, Small Villages listed in Appendix A will support a proportionate level of development subject to Green Belt policy considerations where relevant.”

7.3 In this instance there is no Green Belt policy consideration. Therefore, it must be considered whether the proposal provides for a proportionate level of development. The application seeks to replace an existing holiday let facility of three flats of 18 bed spaces with three houses offering the same bed space provision. The proposal seeks to redesign the site and not change or intensify the use. In this regard the principle of redevelopment is acceptable and consistent with STP 1.

7.4 Given the nature of the development is for a holiday let facility it falls to consider policy ECN 15 (Tourism and visitor development) Subsection ‘c’ seeks to promote those developments that are small scale and form part of a recognised village or hamlet.

7.5 With the reference to association with the village and small-scale development we must turn to the Neighbourhood Plan which sets out the definition of small scale in the glossary as the total floor space to be built is less than 500m² or where the site area is less than 0.5ha. The site area is some 0.07ha and the proposed floor area is 465m². Therefore, the application can be considered small scale based on the above definition and that it does not seek to add a net gain of tourist units. The site is immediately adjacent to the settlement boundary on the end of a row of houses and can be considered to relate well to the existing village. The proposal is consistent with the provisions of policy ECN 15.

7.6 The Parish Council has objected to the proposal on several grounds including that the proposal should be for permanent dwellings. Given the current use of the building is for holiday lets it would not be reasonable of the planning authority to impose this requirement on the applicant. Given the scope of the application there is no requirement to assess it against the Neighbourhood Plan requirements for permanent residential dwellings, i.e. there is no change from the established use and there is no net gain to the number of properties.

7.7 Policy 21 (New Tourist and Community Facilities) of the NP states that *“Proposals to provide small-scale new or improved community and/or visitor facilities will be supported.”* The policy then lists seven specific proposals that it will support but this should not be taken as exhaustive. The application seeks to improve upon the existing visitor facility and meets the requirements of this policy.

7.8 Furthermore, the site can be considered Previously Developed Land (PDL) as per the definition within the NPPF. Paragraph 85 states that *“the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”* This wording is like that across the Local and Neighbourhood Plans and the proposal meets with this requirement.

7.9 In this instance the current building is used for holiday lets and the applicant seeks to redevelop the site for the same level of offering and no intensification of use. The application is considered consistent with the Local Plan, Neighbourhood Plan and NPPF.

Design

7.10 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 the 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 to development which reflects government guidance on design; and/or outstanding or innovative designs which promote elevated 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

7.11 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.

7.12 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.

7.13 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.

7.14 Although the AONB Partnership objected to the application it is worth noting that they support the proposal from a design perspective:

“The reduction of the scale of the development from plans previously submitted is welcomed and the overall design will improve the character and appearance of the site.”

7.15 This should be caveated that concern has been raised with respect to roof lights.

7.16 The current building offers a single large mass and retains the feel and appearance of a commercial building harking back to its former use as a garage. It is of poor appearance and design offering little to the setting of the residential gateway to the village or conservation area. The design solution seeks to create three separate blocks akin to a modern terrace. The edge of the conservation area is of inadequate quality and indistinct from many other non-historic coastal settings. In this regard the design solution will be a significant uplift and present a modern gateway development to the village before progressing into the more historic elements of the conservation area.

7.17 The supporting documents which accompany the application do not provide any information with respect to sustainable design and construction. Regardless the proposal will offer a more energy efficient solution than the current building. 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.

Impact on Conservation Area

7.18 The National Planning Policy Framework (NPPF) is a material planning consideration in the assessment of an application. Section 16 pertains to conserving and enhancing the historic environment. Paragraph 197 states that local planning authorities should consider several criteria the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraphs 199-202 introduce the concept that harm can be caused by development that affects the setting and significance of heritage assets. The degrees of harm are defined as 'total loss', 'substantial harm', or 'less than substantial harm' and introduces the need to balance any harm against the benefits of the development.

7.19 The Built Heritage Officer raised concerns with respect to the design of the proposals including:

“we consider the proposed 3no. detached houses to be overdevelopment of the site which has since the post war period comprised only one building and an ancillary building of a small and subservient scale. The footprint of the proposed dwellings would increase the floor space considerably.”

7.20 The Conservation Area Character Appraisal (CACA) recommends that:

“New development should respond to the intrinsic character of Beadnell rather than importing external styles, for example, “New England” style.”

7.21 The proposed materials are textured pebble render and white clap board, with timber horizontal cladding, glazed apexes to the eastern elevations, frameless glass balconies and clay pan tiled roofs. There are references to the local architectural vernacular of traditional and 20th century housing in Beadnell and the distinctly contemporary design would contribute to the strong architectural pedigrees identified in the CACA.

7.22 Further comment adds:

“However, the proposed dwellings are almost identical which is a departure from the individuality of the speculative and bespoke holiday homes along Harbour Road. A scheme that reflected the eclecticism of this later development would better reflect local character.

We are supportive of the demolition of the existing building and redevelopment of the application site to enhance the character and appearance of Beadnell Conservation Area.”

7.23 In summary the Conservation Officer considers the proposal to be overdevelopment and has concerns over the uniformity of the buildings. To address the latter the applicant amended the design proposals to add some variety, but this concern remains.

7.24 The concerns of the Conservation Officer are noted but the planning balance must consider the harm of the proposal against the conservation area and the existing built environs. Equally, officers must also consider the improvement to the site over the existing former Links Garage building. Although it is acknowledged that the proposed uniformity of the dwellings does not reflect the wider character the uplift in design of the site is significant and outweighs any potential harm.

7.25 With respect to the overdevelopment case the proposal does increase the overall floor space of the current situation. However, this is reasonable in the context of the holiday lets and the uplift of the design quality.

7.26 In this regard the proposal is consistent with policies QOP 1 and QOP 2.

AONB

7.27 Paragraph 176 of the NPPF advises that *"great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status protection in relation to these issues...The scale and extent of development within all these designated areas should be limited"*.

7.28 Policy 2 of the North Northumberland Coast Neighbourhood Plan relates to landscapes and seascapes and requires planning proposals to respect the landscape and seascapes of the area. Policy 2 states *"great weight will be given to the conservation of these local landscapes, the Heritage Coast, and the scenic beauty of the coast including views into and out of the Northumberland Coast AONB within the Plan area"*.

7.29 Policy 5 of the North Northumberland Coast Neighbourhood Plan relates to design in new development and sets out design criteria for all new development to meet. This policy indicates that development within the Northumberland Coast AONB, will also be expected to incorporate the principles contained in the Northumberland Coast AONB Design Guide.

7.30 The AONB Partnership object to the application. Of this there are several concerns. Design has been covered above and coastal erosion is addressed below. However, concerns remain with respect to light pollution from the volume of glazing and the potential impact on the night-time character of the wider area. The AONB

response asks that the applicant considers blinds and requests guests to use them. This has been relayed to the applicant, but internal light sources cannot be controlled by the planning authority.

7.31 Given there was no objection on design grounds and the LLFA has not objected on coastal erosion it is considered that the AONB concerns have been addressed.

Ecology

7.32 Near the site there are records of protected species, which are potentially a material consideration in a planning decision regarding the development of the site. There are several records of bats, including common and soprano pipistrelle, along Harbour Road. Birds commonly found nesting in residential properties such as house martin, swallow and house sparrow may also be present.

7.33 The impact on species is largely addressed by the report Ecological Appraisal and Bat Survey, On The Beach, Beadnell, (E3 Ecology, October 2021). An adequate level of ecological survey has taken place for protected species on the site given the risk assessed.

7.34 Recreational disturbance is not considered to be an issue in this case as the development represents no net increase in residential dwellings. However, there may be construction level impacts and in terms of noise, dust or pollution and occupation impacts from e.g., increased lighting on the site. A Construction Environmental Management Plan (CEMP) Construction Environmental Management Plan, On the Beach, Beadnell (E3 Ecology, June 2022) provides mitigation for those potential impacts.

7.35 Unimpeded access onto the foreshore, particularly by unsupervised off-lead dogs may also impact on feeding birds and as such secure fencing/gates are required. The unimpeded access of dogs and people onto the foreshore may also impact dune habitats through nutrient enrichment and trampling. I note the proposed Site Plan (DWG 1949_P_07 Rev C dated 16/06/2022) which shows dog-proof fencing along the boundary which will mitigate for this potential impact. This plan will be an approved document and there is no requirement for a separate condition, although it is requested that the fencing details be included in a landscaping plan.

7.36 The requirement for coastal defences has been considered by the County Ecologist. The change in coastal defences is not considered to be an increase in potential impacts on coastal sites above the current baseline. Officers can confirm that the LLFA and Ecology agree with the conclusion of the report that light touch coastal defences will not affect natural processes or ecology at this location.

7.37 It is noted that the Parish Council has requested a HRA be undertaken. This has been completed and signed off by Natural England. The proposal is consistent with the provisions of policies ENV 1 and ENV 2.

Coastal Erosion

7.38 It is recognised that the site lies within the coastal strip that would ordinarily not support development by virtue of coastal erosion and the need for defence works. Planning officers have relied upon the advice of the FCERM to conclude that the recommendation.

7.39 The FCERM team provides comment as both the LLFA and CPA. They have reviewed the application as the CPA. In summary, after discussions with the LPA and the use of the development they have no objection to the proposals. We ask that a £10,000 section 106 commuted sum is made to assist coastal protection works in the area. The applicant has agreed to the sum and there is no objection to the proposal on the grounds of coastal erosion and flood risk.

7.40 The shoreline management plan identifies the site to be within the 20-year SMP No Active Intervention coastal erosion line. Given the proximity to a coastal erosion line, the open coast and sea defences a coastal vulnerability assessment needs to be provided. A coastal vulnerability assessment from Royal Haskoning referenced PC2374-RHD-ZZ-XX-RP-Z-0001 has been submitted with the application. Reviewing this document FCERM are satisfied with its content. The conclusion of the coastal vulnerability assessment is:

“The principal aim of the National Planning Policy Framework and the Planning Policy Guidance on Flood Risk and Coastal Change is to reduce risk from coastal change by avoiding inappropriate development in vulnerable areas or adding to the impacts of physical changes to the coast.

In this context, the proposed development is not in an area identified as being vulnerable to erosion over the next 100 years (subject to the existing SMP policy being delivered) but the need for improved coastal defences will continue (although not exacerbate) existing impacts of physical changes to the coast by maintaining a fixed coastline position on an otherwise slowly eroding coastline.

However, it is envisaged that through use of suitable materials (e.g., locally won rock armour stone) and potentially by incorporating elements of environmental best practice (if proven to be effective at the site), a rock revetment coastal defence could be designed and delivered at On the Beach that protects the property through its lifetime whilst not compromising the character and landscape of the coast or adversely affecting the ecology or coastal processes. Such a structure can also relatively easily be removed at the end of the development’s life to restore natural conditions at the site.”

7.41 Paragraph 172 of NPPF states:

Development in a Coastal Change Management Area will be appropriate only where it is demonstrated that:

- a) it will be safe over its planned lifetime and not have an unacceptable impact on coastal change;*
- b) the character of the coast including designations is not compromised;*
- c) the development provides wider sustainability benefits; and*
- d) the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast.*

7.42 This is further supported by Planning Practice Guidance - Flood Risk and Coastal Change.

7.43 In this regard the proposal is consistent with the provisions of policies WAT 3 and WAT 5 of the Local Plan and NPPF.

Highways Matters

7.44 The council's Highways Development Management team were not consulted through the course of the application. The current parking and turning arrangements are such that there is no suitable turning facility within the site. The area is too small to allow suitable turning. Therefore, vehicles must reverse onto the informal section of road that runs parallel to the site. This arrangement is not changing. The site currently offers the provision of four informal car parking spaces, whereas the new arrangement will cater for six thus improving the situation. It should be noted that vehicles already park on the road or in the car park opposite the site. This will alleviate pressure and create an improved situation.

Broadband Connectivity

7.45 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.

7.46 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.

Contaminated Land

7.47 The site is recognised as having the potential for contamination and ground gases. The council's Environmental Protection team has responded raising no concerns but a series of conditions to address these issues. It should be noted that this represents a further benefit of the proposal in that it will remediate potentially contaminated land.

7.48 Given the comments from the EP (Environmental Protection) team the proposal, with conditions, is consistent with the provisions of the NPPF and policies POL 1 and POL 2 of the Local Plan.

Equality Duty

7.49 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

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

Human Rights Act Implications

7.51 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.

7.52 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.

7.53 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 proposal seeks to redevelop the former Links Garage building, currently used as three holiday flats offering a total of 18 beds, with three two storey houses with the same offering. The application offers the opportunity to improve the gateway to the village through a positive modern design over the existing building and remediating any contaminated land associated with the former garage use.

8.2 Section seven, above, sets out that objections from consultees have been addressed and that the planning balance comes down to the design of the proposal. Planning officers consider that the application presents a significant and positive uplift from the existing poor-quality building.

8.3 Considering the above the application is consistent with the provisions of the Local Plan, Neighbourhood Plan and NPPF.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

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

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

02. The development to which this permission relates shall be carried out in accordance with the approved plan(s) referenced:

Approved Plans
Proposed Site Plan 1949_P_07 Revision D

Proposed Ground Floor Plan 1949_P_08 Revision D
Proposed First Floor Plan 1949_P_09 Revision D
Proposed Roof Plan 1949_P_10 Revision C
Proposed Elevations 1949_P_11 Revision C
Proposed Elevations 1949_P_13 Revision B
Proposed Elevations 1949_P_14 Revision B

Approved Supporting Documents

Coastal vulnerability assessment from Royal Haskoning referenced PC2374-RHD-ZZ-XX-RP-Z-0001

Construction Environmental Management Plan, On the Beach, Beadnell, E3 Ecology, 6185, June 2022

Ecological Appraisal and Bat Survey, On the Beach, Beadnell, E3 Ecology, 6185, June 2022

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

Broadband Connection

03. 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 occupation of the development.

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.

Climate Change

04. 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.

External Materials

05. Prior to commencement of development samples of the materials to be used in the construction of the external surfaces of the holiday homes 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 Policies QOP 1 and QOP 2 of the Local Plan.

External Lighting

06. 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 ENV 4 and ENV 5 of the Local Plan.

Surface Water

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

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

Ecology

08. No development including site preparation, demolition and construction will take place unless in accordance with the recommendations of the report Ecological Appraisal and Bat Survey, On the Beach, Beadnell, (E3 Ecology, June 2022) including mitigation and enhancement measures and precautionary working methods.

Reason: to maintain the biodiversity value of the site in accordance with Policy ENV2 of the Northumberland Local Plan.

09. All development including site preparation, demolition and construction will take place in strict accordance with the details of the report Construction Environmental Management Plan, On The Beach, Beadnell (E3 Ecology, June 2022) including strict adherence to timing restrictions for noisy works during the period October-March inclusive, visual screening of the site from the beach and the avoidance of high intensity security lighting.

Reason: to maintain the biodiversity value of the site in accordance with Policy ENV2 of the Northumberland Local Plan.

10. Prior to the commencement of development, a plan for the landscape planting of the site shall be submitted for the written approval of the Local Planning Authority. The plan shall detail the species and number of trees, hedgerows, shrubs and use only Northumberland native species. Once approved the plan shall be implemented in full during the first planting season (November - March inclusive) following the commencement of development. The plan shall include details of dog-proof fencing and access gates to the beach from the properties, and prior to first occupation or use of the building a verification report and/or photographic evidence will be submitted to and approved by the LPA demonstrating that the fencing has been installed.

Reason: to maintain the biodiversity value of the site in accordance with Policy ENV2 of the Northumberland Local Plan.

11. Prior to construction above damp-proof course level, a scheme for the provision of an integrated bird box or bat box/roosting features at a ratio of at least one per dwelling shall be submitted to and agreed in writing by the local planning authority. The scheme shall detail the location, height, orientation, numbers and specification of the provision. The scheme will be fully implemented as approved. Prior to first occupation or use of the building a verification report and/or photographic evidence will be submitted to and approved by the LPA demonstrating that this work has been done.

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

Contaminated Land Assessment

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

a) A Phase 1 preliminary risk assessment carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The Phase 1 preliminary risk assessment shall include a desk study, site walkover and establish a 'conceptual site model' identifying all plausible pollutant linkages. Furthermore, the assessment shall set objectives for Phase 2 intrusive site investigation works/ quantitative risk assessment (or state if none required). The Phase 1 preliminary risk assessment shall be submitted to the Local Planning Authority without delay upon completion.

b) A Phase 2 intrusive site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/ or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. The site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.

c) A written remediation strategy detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted to 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 are minimised.

Contaminated Land Verification Report

13. Prior to the development being brought into use or continuing in use the applicant shall submit a verification report to the Local Planning Authority for its written approval. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved remediation strategy. Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

[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 are minimised.

Contamination not Previously Discovered - Watching Brief

14. If during development contamination not previously considered is identified, then an additional written remediation strategy regarding this material (prepared by a competent person) shall be submitted to and approved in writing by the Local Planning Authority.

No building shall be occupied until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out.

[Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition].

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

Reason: To ensure that risks from land contamination are minimised.

Ground Gas Protection

15. No foundation works shall be commenced until a report detailing the proposed protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the standard required in BS8485:2015+A1:2019 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), or to a minimum of Characteristic Situation 2 level of protection, has been submitted to and approved in writing by the Local Planning Authority.

The report shall specify to the Local Planning Authority's satisfaction how the annulus of service ducts will be sealed to prevent gas ingress into the living space of the dwelling.

The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases)

Reason: In order to prevent any accumulation of ground gas, which may be prejudicial to the health & amenity.

Verification of Ground Gas Protection

16. No building shall be brought into use or occupied until the applicant has submitted a verification report to the approved methodology in Condition 15. The verification report shall be approved in writing by the LPA.

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

Construction Noise

17. No external site machinery or plant shall be operated, no works of demolition or construction carried out and no deliveries received or dispatched from the site, except between the hours of:

- 0800 to 1800 on Monday to Friday and
- 0800 to 1300 on Saturday.

No development shall take place on Sundays, Public or Bank Holidays unless agreed in writing with the Local Planning Authority.

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

Dust from Construction

18. No development shall commence, including any works of demolition, until a dust management plan has been submitted and approved in writing by the Local Planning Authority.

The agreed plan shall be implemented for the duration of the site works and shall include measures for the control and reduction of dust emissions associated with demolition, earthworks, construction and track out, dealing with complaints of dust and arrangements for monitoring air quality during construction. The development shall be carried out in accordance with the agreed plan and shall not be altered without the prior written approval of the local planning authority.

Reason: To ensure a commensurate level of protection against dust.

19. The accommodation subject to this permission shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up to date register of all lettings that should be made available for inspection by an authorised officer of the Council at all reasonable times unless otherwise agreed in writing by the Local Planning Authority.

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

Informative

LLFA

Any areas within the front garden of 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 driveway:

- 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 or concrete.

If gravel drives are proposed, please speak to Northumberland County Council Highways team over their suitability.

Further information can be found here -
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/paringfrontgardens.pdf

In addition, the development should explore looking at and installing rainwater harvesting units and water butts.

Public Protection

1. 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.

2. The granting of planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of part III of the Environmental Protection Act 1990 be received.

Date of Report:

Authorised by:

Date:

Background Papers: Planning application file(s) 21/04346/FUL

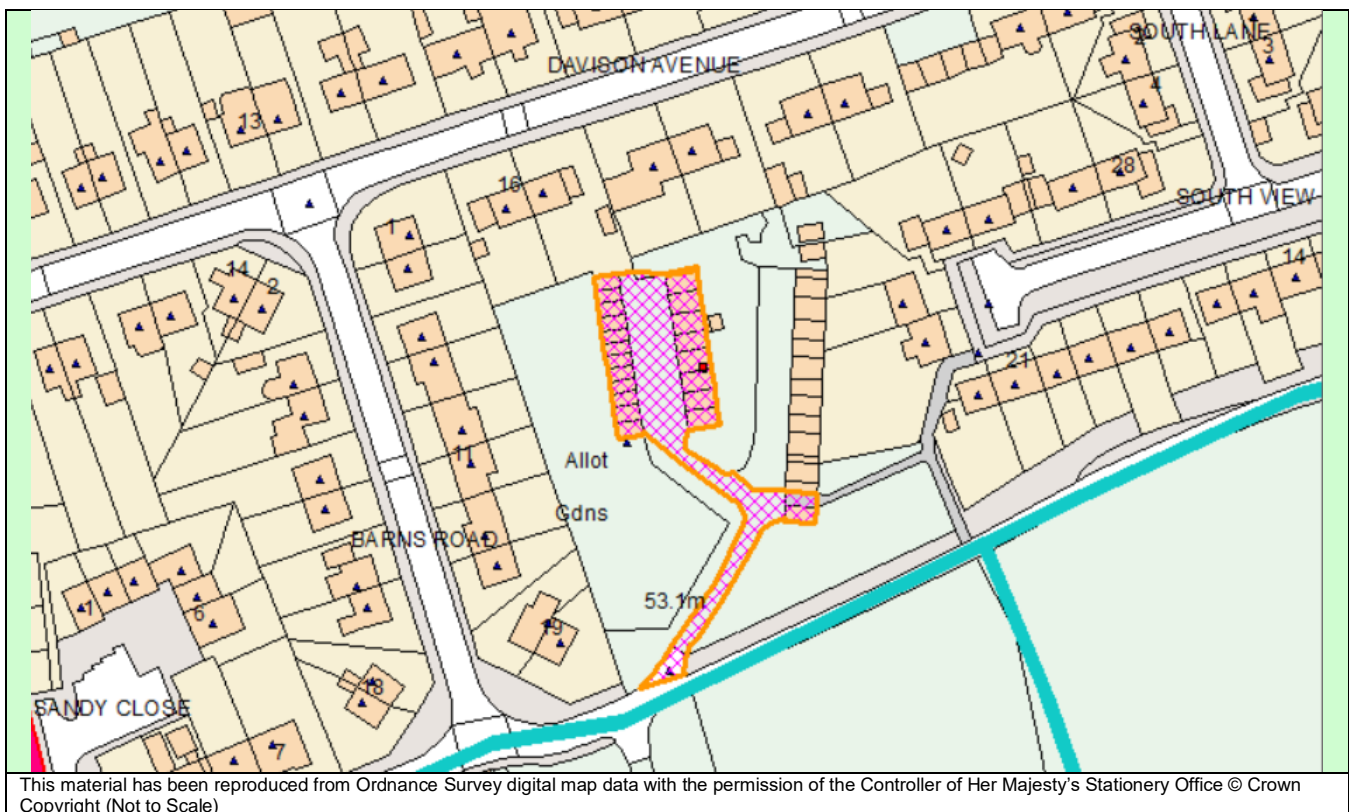


Northumberland County Council

North Northumberland Local Area Council Planning Committee 23 February 2023

Application No:	22/03896/FUL		
Proposal:	Conversion of existing garages to form 4 bungalows.		
Site Address	Mouldshaugh Lane Garages, Mouldshaugh Lane, Felton, Northumberland		
Applicant:	Mrs Saynor County Hall, Morpeth, NE61 2EF,	Agent:	Mr Edwards 5 Brewhouse Bank, North Shields, North Tyneside, NE301LL
Ward	Shilbottle	Parish	Felton
Valid Date:	9 November 2022	Expiry Date:	4 January 2023
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



1. Introduction

1.1 This application falls to be determined by the North Northumberland Local Area Council Planning Committee due to the application site being on NCC land and the application having been submitted on behalf of NCC Property Services. In addition, objections have been received from the Parish Council and neighbours raising concerns including the impact of the proposals upon access, parking 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 permission for the conversion of 2no existing council owned garage blocks to form 4no bungalows on land at Mouldshaugh Lane, Felton.

2.2 The proposed bungalows would be created using the retained outer walls of the garage blocks with new front walls and roofs being added using modular construction techniques. They would have a footprint of approximately 65sqm and a maximum height of approximately 4.5 metres. Internally they would comprise entrance hall, 2no bedrooms, wet room and open plan kitchen/living area. The existing area of hardstanding between the garages would become a communal garden with parking provided immediately to the south of the bungalows and visitor parking alongside a widened access road.

2.3 The application site is located within the settlement of Felton to the south of residential properties on Davison Avenue. The site is accessed from Mouldshaugh Lane to the south and is bound by residential development, with allotment gardens (designated as protected open space) to the west. The garages are currently leased out to members of the public.

3. Planning History

Reference Number: 22/02971/FUL

Description: Refurbishment of existing garages to form 4No. 2 Bedroom bungalows.

Status: APPRET

Reference Number: 22/03796/FUL

Description: Conversion of existing garages to form 4 bungalows

Status: APPRET

4. Consultee Responses

Felton Parish Council	Felton Parish Council objects to the proposed conversion of the Mouldshaugh Lane Garages into four residential units on the following grounds. 1. Loss of Valued Facilities 2. Health and Wellbeing 3. Access
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Countryside/ Rights Of Way	No objection to the proposed development provided that Public Footpath No 6 is protected throughout.
County Ecologist	No objection subject to conditions. Although the application is located within 10km of the coast, as it only involves the creation of four residential units, a contribution to the Coastal Mitigation Service (CMS) is not required.
Highways	Insufficient information has been provided at this time to make a suitable and substantive response within the defined consultation period.
Highways (2)	Following HDM's previous response further information has been supplied. Upon assessment of the submitted drawings and note, it can be seen that the applicant has looked to address concerns regarding the road width. The applicant has provided an updated drawing showing a bank of visitor parking along the main stretch of the access road leading to the development site. HDM have considered this proposal and require amendments in order to ensure sufficient manoeuvrability of vehicles and no potential for compromising the use and integrity of the proposed passing place. HDM would note that as the parking is banked together and the passing place is incorporated and designed to look the same, there would be no protection for this aspect to be used as intended, with the potential for the passing place to be used for parking. Therefore, it is considered proposals for parking spaces on this access route is not appropriate.
Highways (3)	Following HDM's previous comments further amendments have been supplied. The proposed layout has been changed to remove the vp bays from the access road and a statement submitted to justify why the proposed parking does not meet the requirements set out in Policy TRA 4 of the NLP. The site will have a total of 5no. car parking spaces which is considered acceptable, given the scale of the proposals, together with the justification provided. This will provide 1no. space per dwelling plus a visitor parking bay. Conditions and informatives are recommended.
Public Protection	No objection subject to conditions to protect public health and prevent loss of amenity.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	18
Number of Objections	6
Number of Support	0
Number of General Comments	2

Notices

Site Notice - Public Right of Way, 30th November 2022

Press Notice - Northumberland Gazette 17th November 2022

Summary of Responses:

6no letters of objection and 2no representations from neighbours have been received, summarised as follows,

Inaccuracies in submitted application documents

Garages are currently well used

Need for new "council" houses questioned

Amenity issues for existing and future residents

Access and parking issues

Inadequate parking provision and reduction of available spaces in garages will impact negatively on parking which is already a problem in the village

Whilst some of the garages may not currently be used for the parking of car, their removal prevents any future use.

Benefits do not outweigh impacts to community

Impacts upon nearby school especially at pick up/drop off times

The termination of current tenancy agreements for the existing garages will have a considerable impact on the amenities and social life of a significant group of pensioners who live close by and rent both garages and allotments

How will the remaining garages be allocated?

The single detached garage on the south eastern edge of the proposed development does not need to be demolished.

the benefit of four new bungalow units needs to be offset by the loss of sixteen valuable parking spaces in a known problem parking area

The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=RK0732QSKJS00>

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 3 - Housing requirements for neighbourhood areas (Strategic Policy)

HOU 6 - Affordable housing provision (Strategic Policy)

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

WAT 2 - Water supply and sewerage

WAT 3 - Flooding

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

NDG - National Design Guide (2019)

PPG - Planning Practice Guidance (2021, as updated)

NMDC - National Model Design Code (2021)

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,
Highways,
Ecology,
Environmental Protection,
Water Management,
Sustainable Construction,
ICT Infrastructure,
Other Matters, 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 Felton as a "Service Village" which will provide for a proportionate level of housing and be the focus for investment in rural areas, to support the provision and retention of local retail, services and facilities.

7.5 Policy HOU 2 supports 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.

7.6 This mirrors the support given in paragraph 119 of the NPPF to promoting the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 120 goes on to give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. It also promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure).

7.7 On the basis of the above the conversion of the garages to form domestic accommodation, which would meet an identified need within a recognised settlement, is acceptable.

Housing Need

7.8 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.

7.9 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.

7.10 The proposed development would provide for 4no dwellings, all of which would be for social, affordable or intermediate rent. It is also intended that all the properties would meet Approved document M4 section 2 and would therefore provide high quality affordable and accessible accommodation for which there is a demonstrable need. Demand for accessible bungalows in rural areas of Northumberland is very high and development sites are few and far between in these areas, including Felton.

7.11 The applicant also notes that NCC needs to maximise the use of their land assets ahead of buying new land for development (and in any event there is no suitable land within Felton available to purchase to meet the identified need). Using garage sites that are located within current council residential areas enables residents to move to smaller more accessible accommodation whilst also remaining within their well-established community and support networks. It is intended that priority will be given to residents within the local parish and then secondary priority will be given to residents of the surrounding areas.

Design & Impact on Character of Area

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

7.13 Policy QOP 2 goes on to say that the physical presence and design of development proposals should preserve the character of the area and not have a visually obtrusive or overbearing impact on neighbouring uses, while outlook from habitable areas of the development should not be oppressive and the best outcomes for outlook are achieved wherever possible.

7.14 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.

7.15 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.

7.16 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.

7.17 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.

7.18 The scale, massing, materials, and design features proposed have a traditional emphasis and would be laid out in a parallel layout, dictated by the site layout and reuse of the existing structures. As such the proposal accords with Policy QOP 1 b. which requires new development to integrate built form with the site overall and the wider local area.

7.19 The introduction of residential dwellings into an area hitherto used as garages would change the character of the site however this would not be to the detriment of the wider area and would potentially improve the visual amenity of the site.

Amenity

7.20 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.

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

7.22 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. Due to the nature of the proposals the front elevations of the bungalows would be closer than may ordinarily be accepted, however they would be handed to reduce the potential for direct overlooking and the landscaping of the communal garden will help in this respect. As such there are no significant concerns regarding privacy or overlooking.

7.23 The comments from neighbours raising concerns about the impacts of the proposals on the amenity of surrounding property owners and of those who currently rent garages are noted, however, there are no substantial concerns in respect of overlooking, overbearing, or loss of privacy and the applicant has confirmed that a number of the garages are currently vacant, whilst others are not used for their intended purpose. The proposal is therefore in accordance with Policy QOP 2 of the NLP and the NPPF in this respect.

Highways

7.24 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.

7.25 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.

7.26 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.

7.27 The Local Highway Authority responded to initial consultation raising concerns about access and parking and requested additional information. Following receipt of additional information, including revised site plans and justification for the level of

parking to be provided, 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

7.28 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.

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

7.30 The County Ecologist has responded to consultation noting that there are local records of bats, red squirrel, brown hare, and hedgehog. No objections are raised subject to conditions in respect of protected species and biodiversity enhancement. It is noted that the application site is located within 10km of the coast, however as the proposals only involve the creation of four residential units, a contribution to the Coastal Mitigation Service (CMS) is not required.

Environmental Protection

7.31 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.

7.32 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.

7.33 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.

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

Water Management

7.35 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. Policy WAT 5 sets out requirements for development sites located within Coastal Change Management Areas.

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

7.37 The applicant has indicated that the site is not within an area at risk of flooding and that both foul and surface water drainage will be dealt with by way of existing mains sewer infrastructure. On this basis the proposals are acceptable in accordance with the NLP and NPPF.

Sustainable Construction

7.38 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.

7.39 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.

7.40 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.

7.41 The applicant confirms that the proposed bungalows would be constructed by a modular building company which specialises in using the existing brick skins of empty garage units to create modern one and two bed bungalows. This model offers a delivery solution that can employ zero carbon technologies, produce very energy efficient homes to ease fuel poverty and is delivered within a very quick build time. It is therefore accepted that the proposed dwellings will be constructed in accordance the requirements of Local Plan Policies QOP 1 and QOP 5.

ICT

7.42 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.

7.43 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.

7.44 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.

Other Matters

7.45 The comments received from the Parish Council and neighbours are noted and have been addressed and/or taken into consideration in the assessment of the application as appropriate.

Procedural Matters

Equality Duty

7.46 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

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

Human Rights Act Implications

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

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

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

8. Conclusion

8.1 The 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 Whilst noting the concerns raised by neighbours, the principle of the proposal is acceptable and the conversion of the garages to high quality accessible bungalows would provide for an identified need within the area whilst not having a significant detrimental impact upon neighbouring amenity or highway interests.

8.3 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/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. Approved Plans

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

1. Drawing No 21035-EARCH-EX-ST-01-A-0010-P03 - Location Plan
2. Drawing No 21035-EARCH-DR-ST-01-A-0500 P17 - Proposed Site Plan
3. Drawing No 21035-EARCH-EX-ST-01-A-0120-P02 - Proposed Floor Plans
4. Drawing No 21035-EARCH-PL-EL-01-A-0300 P02 - Proposed Elevations
5. Drawing No 21035-EARCH-PL-RF-01-A-0201-P01 - Proposed Roof Plans

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

03. Construction Method Statement (including Plan) - PRE-COMMENCEMENT

Development shall not commence until a Construction Method Statement, together with a supporting plan has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement and plan shall, where applicable, provide for: i. details of temporary traffic management measures, temporary access, routes and vehicles; ii. vehicle cleaning facilities; iii. the parking of vehicles of site operatives and visitors; iv. the loading and unloading of plant and materials; v. storage of plant and materials used in constructing the development

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

04. Details of car parking to be submitted

No dwelling shall be occupied until details of the car parking area with spaces measuring 2.5 x 5m 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.

05. 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.

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.

06. Means of vehicular access road to be widened

The development shall not be occupied until the existing access road has been widened, repaired and resurfaced in accordance with the approved plans and NCC Highway Constructional Specifications, together with the provision of a passing place and suitable signage, road markings and all other associated works. Thereafter, the access shall be retained accordingly.

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

07. 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

street 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 street 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.

08. 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: 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. 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 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.

10. Refuse - No external refuse outside of the premises

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. Contaminated Land Assessment - PRE-COMMENCEMENT

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

a) A Phase 2 intrusive site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/ or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately

assessed taking into account the sites existing status and proposed new use. The site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.

b) A written remediation strategy detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted to 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 are minimised.

12. Contaminated Land Verification Report

Prior to the development being brought into use or continuing in use the applicant shall submit a verification report to the Local Planning Authority for its written approval. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved remediation strategy. Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

[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 are minimised.

13. Contamination not Previously Discovered - Watching Brief

If during development contamination not previously considered is identified, then an additional written remediation strategy regarding this material (prepared by a competent person) shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out.

[Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition].

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

Reason: To ensure that risks from land contamination are minimised.

14. Ground Gas Protection

No foundation works shall be commenced until a report detailing the proposed protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the standard required in BS8485:2015+A1:2019 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), or to a minimum of Characteristic Situation 2 level of protection, has been submitted to and approved in writing by the Local Planning Authority.

The report shall specify to the Local Planning Authority's satisfaction how the annulus of service ducts will be sealed to prevent gas ingress into the living space of the dwelling.

The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases)

Reason: In order to prevent any accumulation of ground gas, which may be prejudicial to the health & amenity.

15. Verification of Ground Gas Protection

No building shall be brought into use or occupied until a verification report to the approved methodology in Condition 6 has been submitted to and approved in writing by the Local Planning Authority.

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

16. Validation and Verification of the Sealing of Service Duct Annulus

Prior to first occupation of any habitable dwelling, a statement providing evidence of how the service ducts were sealed shall be submitted to and approved in writing by the Local Planning Authority.

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

17. Ecology Mitigation

No development shall take place other than in accordance with the Precautionary Working Method Statement detailed in Appendix VII of the Ecological Impact Assessment - Bats and Birds, Garages at Mouldshaugh Lane, Felton, NE65 9NJ, Tyne Ecology, 3rd October 2022' including;

- Prior to any works starting, all contractors being made aware by a tool box talk by the project ecologist of the risk of bats and birds in the building, of the locations where bats and birds could be present, of their legally protected status, of the working methods, and the appropriate course of action to be taken if bats or birds are found in an unexpected location.
- Timber fascias at the eaves must be removed by hand under the direct supervision of the project ecologist who will check for bats immediately prior to removal.
- The wall cavity will be checked by the project ecologist immediately after removal of the roof.
- Should nesting birds be found, nests must be protected from disturbance until young have fledged.
- If bats or signs of bats are found, then work must stop, and the project ecologist contacted for advice.

- Works should avoid the bird nesting season unless a suitably experienced ecologist has confirmed that no nesting birds are present immediately prior to the works commencing.

Reason: To maintain and protect the local biodiversity in accordance with the requirements of Local Plan policy and ENV2 and the NPPF

18. Biodiversity Enhancement

To ensure there is a net gain in ecological value, a minimum of one bat box and one bird box shall be built into the converted building following best practice. Prior to first occupation of the building a verification report and/or photographic evidence shall be submitted to and approved in writing by the Local Planning Authority demonstrating that this work has been done.

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

19. ICT

Prior to the occupation of the development, details confirming the installation of a full fibre broadband connection to each property 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 occupation of the development.

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.

Informatives

1. Noisy Working

During the construction period, there should be no noisy activity, i.e. audible at the site boundary outside the following times,

Monday - Friday - 0800-1800

Saturday - 0800-1300

Sundays or Bank Holidays - None.

Any repeatedly noisy activity at any time may render the developer liable to complaints which could result in investigation as to whether a statutory nuisance is being caused.

2. Public Rights of Way

A Public Right of Way passes close to or through the site. No action should be taken to disturb the surface, obstruct the path or in any way prevent or deter public use without the necessary legal diversion or closure Order having been made, confirmed and an alternative route provided.

3. Coal Authority Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

4. 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.

5. 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.

6. Contact Local Highway Authority - Management and Maintenance of Estate Street

The applicant is advised that to discharge condition 7 the Local Planning Authority requires 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.

7. 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.

8. 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).

Background Papers: Planning application file(s) 22/03896/FUL

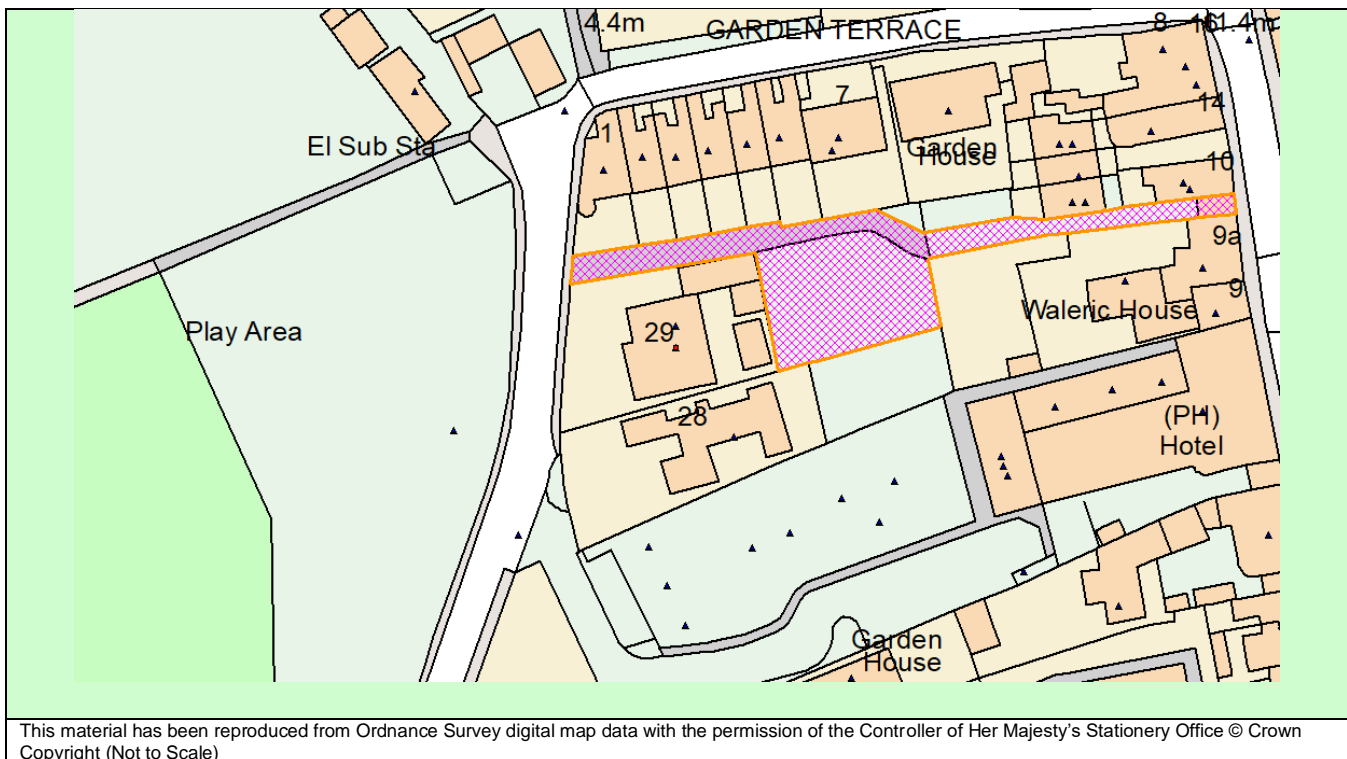


Northumberland County Council

L.A.C - North (2pm), 23 February 2023

Application No:	21/03496/FUL		
Proposal:	Proposed new detached dwelling		
Site Address	Westlea Bed And Breakfast , 29 Riverside Road, Alnmouth, NE66 2SD		
Applicant:	Paul Edwards Westlea , 29 Riverside Road, Alnmouth, NE66 2SD	Agent:	Michael Rathbone 5 Church Hill, Chatton, Alnmouth, NE66 5PY
Ward	Alnmouth	Parish	Alnmouth
Valid Date:	21 September 2021	Expiry Date:	31 May 2023
Case Officer Details:	Name: Mrs Hannah Nilsson Job Title: Planning Officer Tel No: 07966329496 Email: hannah.nilsson@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission subject to a financial contribution towards coastal mitigation and to secure the occupancy of the dwelling to principal residence only.



1. Introduction

1.1 This application is brought to the North Northumberland Local Area Council Planning Committee as the application is recommended for approval contrary to an objection from Alnmouth Parish Council.

2. Description of the Proposals

2.1 Planning permission is sought for a proposed new detached dwelling at land to the rear of Westlea Bed and Breakfast, Alnmouth, Northumberland.

2.2 The application site is a sloping grassed area of land which is bounded to the north by the rear of the properties known as Garden Terrace which is a row of late 19th century terraced properties. To the east and south east are 28 Riverside Road and 29 Riverside Road (also known as Westlea Bed and Breakfast) both of which are 20th century detached dwellings, constructed in brick with flat and hipped roofs.

2.3 The site subject to this application is located within the Alnmouth Conservation Area and is within the Northumberland Coast Area of Outstanding Natural Beauty (AONB).

2.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the local planning authority to pay special attention to the desirability of preserving or enhancing the character of appearance of the conservation areas.

3. Planning History

Reference Number: 15/01706/FUL

Description: Construction of two dormers to west elevation of main roof and enlargement of existing dining room window opening

Status: REF

Reference Number: A/87/A/72

Description: Change of use to guest house

Status: PER

Reference Number: A/76/A/430

Description: Alterations and extensions to existing cottage

Status: NOOBJ

Reference Number: A/2009/0535

Description: Construction of detached garage and alterations to vehicular access including retrospective consent for a timber garage

Status: PER

Reference Number: A/ENQ/2005/0426

Description: Extension

Status: REPLY

Reference Number: A/2001/0531

Description: Front extension incorporating balcony and conversion of garage to bedroom

Status: PER

Reference Number: A/2001/0023

Description: Front Extension

Status: PER

4. Consultee Responses

Alnmouth Parish Council	<p>Object. Concerns is raised about a number of issues;</p> <ol style="list-style-type: none">1. This is one of the last pieces of open space in the centre of the village and in this particular area and the plans show the footprint takes a substantial proportion of the plot with little amenity space remaining.2. Concerns about impacts upon privacy and amenity of the properties on Garden Terrace.3. Access and Parking. <p>Note that the Alnmouth Parish Neighbourhood Plan contained one policy which ensures that "each new dwelling is occupied only as a principal residence".</p>
Following reconsultation	<p>The parish council's original response regretted the loss of one of the last open spaces in the centre of the village and this concern remains.</p> <p>Whilst a site section has been submitted it would appear that the people standing on the balcony would be above the B&B's guttering level and therefore the parish council is still concerned that the privacy of Garden Terrace residents is threatened as no evidence to the contrary has been submitted and this concern also remains.</p> <p>The parish councils concerns about access also remain. The parish resolved to reiterate its objection to this application.</p>
Highways	<p>No objection, conditions and informatives recommended.</p>
Following reconsultation	<p>Concerns could be overcome by submission and approval of amended plans or additional information before any permission is granted.</p>
Following reconsultation	<p>Fundamental concern (Object): Concerns so significant that no reasonable action is likely to address the concern.</p>
Following reconsultation	<p>Fundamental concern (Object): Concerns so significant that no reasonable action is likely to address the concern.</p>
Following reconsultation	<p>Imposition and implementation of condition (s): Required to ensure acceptability</p>
Natural England	<p>No objection subject to appropriate mitigation.</p>

Building Conservation	<p>We consider the principle of infill development on the site would fail to preserve or enhance the character and appearance of the Conservation Area. The design of the proposed dwelling also fails this statutory test.</p> <p>The proposals would amount to 'less than substantial' harm within the terms of paragraph 199 of the Framework. We are therefore directed to Paragraph 200 of the NPPF which requires clear and convincing justification for any harm and that such harm to be weighed against the public benefits of the proposal as set out under paragraph 202 of the NPPF.</p> <p>However, there are only private benefits to this scheme. Having identified harm to a designated heritage asset we do not support this proposal and recommend refusal.</p>
County Ecologist	The proposal would require a contribution to the Coastal Mitigation Service and advise conditions and an informative is attached.
Northumberland Coast AONB	The AONB Partnership is supportive of the principle of a new dwelling on this backland plot however raises concerns over the siting, scale and massing of the proposed house and the subsequent loss of one of the few remaining green spaces within the historic core of Alnmouth.
County Archaeologist	Development site has the potential to retain significant unrecorded archaeological remains. It will therefore be necessary for the applicant to undertake a programme of archaeological evaluation (trial trenching) prior to the determination of this application. Object.
Following reconsultation	No objections to the proposed development on archaeological grounds. No archaeological work is recommended.
Public Protection	No objection, conditions and informatives recommended.
Lead Local Flood Authority (LLFA)	No comment.
Following reconsultation	This planning application is classed as a minor development and as such we are not a statutory consultee. Therefore we have not reviewed this application and make no comment. We have reviewed the Shoreline Management Plan and as Coastal Protection Authority we also make no comment. The development is not required to provide a coastal viability assessment.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	23
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Number of Objections	13
Number of Support	0
Number of General Comments	1

Notices

Affecting Conservation, 29th September 2021

Northumberland Gazette 30th September 2021

Summary of Responses:

In total 13 representations have been received, all of which object for the following summarised reasons:

- Would be in breach of a restrictive covenant on the land that limits the use to either a single storey building or as a garden and the proposal is for a two-storey building.
- There is a legal right for vehicular and pedestrian access along the shared access road between Northumberland Street and Riverside Road. This is currently blocked and used as a car park for the Westlea B&B. Would like clarity that the access from Riverside Road will be opened up and no longer used as a car park so access can be made from both entrances as we are legally entitled, and we do not want these rights restricted in any way temporarily or permanently.
- The statement regarding access is incorrect and residents are in the process of sending a solicitor's letter to 29 Riverside Road regarding the right of way for residents of Northumberland Mews for vehicular and pedestrian access which needs to be maintained and not obstructed by parked vehicles at the B&B.
- Seek a condition that Westlea's customers should not be permitted access to the B&B via the Northumberland Street entrance using the shared access as this would increase noise and environmental pollution and diminish quiet enjoyment of properties and impact value.
- Likelihood of damage to neighbouring properties that would be caused by vibration from the machinery excavating the ground for the proposed house and building a retaining wall around it. Surrounding houses were built in a period when foundations were slight or non-existent and that other works in the vicinity have already resulted in problems which are being investigated.
- Question the feasibility of the proposal in terms of how construction will be achieved.
- The lane from Northumberland Street is too narrow, passes adjacent to a number of properties and has height restrictions from a property which is built over the lane. Using the lane could damage property and cause a danger to residents if this happened and there are clear health and safety concerns with this. Access should be via Riverside Road.
- Concern over property damage to hedge and retaining garden wall.
- During construction suitable site hoardings/fencing should be erected between the car park and the construction site for health and safety and practical access reasons.
- Consideration needs to be given to the reduction of land drainage

- Digging to such a depth would destroy the archaeological potential of the area.
- Village doesn't have the necessary infrastructure, parking, and roads to absorb this increase in people and cars and don't feel it is sustainable development.
- Access for construction vehicles is limited.
- Roads around the site are narrow and some one-way and are congested so construction traffic will cause an impact on highways safety and traffic during build and pose a health and safety hazard and risk of damage to cars and property
- Proposal would result in loss of parking spaces at Westlea and cause further parking issues both during building and after.
- Concerns for safety of pedestrians and children due to additional traffic.
- The shared access track has only been occasionally used in the past 15 years and if permission is granted this will result in regular usage of this track and no information is detailed on the surface treatment of the track.
- Track narrows along the side the garage owned by 29 Riverside Road and there is concerns there would be insufficient width to facilitate the movement of vehicles not just during construction but long term.
- Utilisation of the track onto Riverside Road is a concern not just during construction but long term as this road is a traffic choke point for the majority of the year.
- As the access is very narrow and is the only usable access for several neighbours to park at their property's, conditions should be attached forbidding the applicant and builders using Northumberland Street for access, bringing in and taking out construction materials, parking or unloading and prevent storing materials on the drive or block it in any way.
- Construction management plan remains unclear indicating materials will be dropped off at Riverside Road but suggests access will be maintained from both access points which is unacceptable.
- Request a stipulation that any building supplies/deliveries will not be able to be placed upon the right of way and no construction vehicles can be allowed to park upon the right of way as marked on deeds.
- Condition should prevent the owners and their successors in title from taking access over the driveway from Northumberland Steet.
- The application documents contain errors including incorrect boundaries, ownership, and rights of access.
- There are areas of communal access including the boundary which are the subject of dispute between parties and no planning consent should be given as they are fundamental to the application.
- Concern about use of dwelling - the bed and breakfast has erected large structures on the plot and is being used as accommodation for the business. Based on this have serious concerns about the quality and design of the new building in the conservation area and its future use
- Applicant have consistently abused the planning system and are not considerate neighbours
- Design, access and heritage statements front image is outdated as the shared access track shown with a fence separating it from the parking at the B&B has been removed and the parking for the B&B extended across the track.
- No representation of the effect to the properties that run along Garden Terrace, no images or impact from this point of view are included.

- Insufficient information to be able to comment fully and no measurements provided to make it easy for residents to adequately comment on the full impact.
- New property could become a B&B and new guests will bring a high number of vehicles not aware of the danger of exiting onto either Northumberland Street or Riverside Road.
- Concerns about the situational context in relation to Garden Terrace in terms of the size and height and impact. Need more modelling demonstrating the proposal is suitable for the site and assessment of the adjacent properties.
- Building on the land will blight Westlea B&B, Garden Terrace and the views - properties will lose open vista looking towards the Schooner due to development on this site.
- Is contrary to maintaining the area as a conservation area and AONB
- The development is not sympathetic to the architectural and aesthetic quality of the area and design doesn't contribute positively to the character, distinctiveness, or significance.
- Is significant overdevelopment not in keeping with surrounding properties and would increase density.
- Concern over the cumulative development that has taken place at the B&B, 28 Riverside Road and the 7 new houses at the Schooner.
- Proposal will affect the last remaining green space and previous development at B&B has removed almost all the green space and proposal would suggest approximately 75% of the site will be developed which will leave very little garden space.
- Size of the property is large and disproportionate for the scope of the plot.
- Alnmouth is already densely developed and doesn't need any more development and plenty of land elsewhere in Northumberland for development.
- Loss of the remaining natural environment, impact on wildlife, landscape and ecological habitats including the north perimeter established hedge.
- No information detailing any planned works or changes to the north perimeter (established hedge), concerns that it is planned to remove a well-established natural habitat which is diverse in wildlife from birds and insects. There should be no alteration to this part of the perimeter and should be a condition of any planning permission.
- Failure to compensate for the loss of green infrastructure - remaining green space should have biodiversity potential enriched.
- Will wipe out the attractive hedge and narrow footpath that runs at the back of the garden of Garden Terrace
- Is against the wishes and interests of the community
- Impact on amenity in terms of:
 - Loss of privacy to properties on Garden Terrace
 - Impact/loss of Outlook
 - Impact from noise, light and air pollution from vehicles using parking and turning area and due to idling vehicles waiting while residents of Northumberland Mews park or reverse
 - Direct overlooking of living, bedrooms and gardens of properties on Garden Terrace
 - Impact of overshadowing
 - Loss of amenity due to location of the 'bin stance for day-to-day use'.

- Seek assurance that the masonry wall between Westlea and the car park behind Northumberland Mews will be maintained as its loss will cause overlooking and loss of privacy.

Following reconsultation on amended plans the following additional reasons for objection were received.

- Object to vehicular access to and from the new property via Northumberland Street as it is very narrow and over a pavement in constant use onto a congested street. Will cause extreme congestion and increase danger to pedestrians.
- Access from Northumberland Street to Westlea is not of an adopted standard or anywhere near that and therefore unsuitable for increased vehicular access beyond the use of the parking spaces of the current residents at 1 - 3 Northumberland Mews.
- Plans show a home office behind Westlea B&B which is not used as an office and is used for B&B guests.
- Applicant appears to have included a parking space across the position of a telegraph pole that delivers wifi and telephone services and its removal is not acceptable.

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=QYRDTTQSIYQ00>

6. Planning Policy

6.1 Development Plan Policy

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

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

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

HOU 9 - Residential development management

HOU 10 - Second and holiday

QOP 1 - Design principles (Strategic Policy)

QOP 2 - Good design and amenity

QOP 4 - Landscaping and trees

QOP 5 - Sustainable design and construction

QOP 6 - Delivering well-designed places

TRA 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

ENV 9 - Conservation Areas

WAT 2 - Water supply and sewerage

POL 1 - Unstable and contaminated land

INF 6 - Planning obligations

STP 1 - Spatial strategy (Strategic Policy)

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

STP 3 - Principles of sustainable development (Strategic Policy)

Alnmouth Neighbourhood Plan (ANP) - 2021

Policy 1: Principal residence housing

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

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

6.4 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,

and following its recent adoption by the council, the development plan comprises policies in the Northumberland Local Plan (NLP).

7.2 The key planning issue raised by the proposal include:-

- Principle of the development
- Principal Occupancy
- Design, Scale and Visual Impact
- Impact upon amenity
- Impact on the Alnmouth Conservation Area
- Archaeology
- Highway Access and Safety
- Ecology
- Drainage and sewerage
- Noise/contamination
- Broadband Connectivity
- Other matters

Principle of the Development

7.3 Policy STP 1 of the NLP sets the spatial strategy for the County. Alnmouth is defined as a Service village, which will accommodate housing and services which maintains and strengthens its role. The proposal is small-scale development within Alnmouth and is therefore supported by policy STP1.

7.4 Policy STP 3 of the NLP identifies a number of sustainable development principles to which development proposals will be expected to adhere to where appropriate. It is considered that the development accords with the majority of the principles, or failing that, through appropriate conditions and mitigation the criteria can be achieved.

7.5 Given the above, it is considered that the proposal would be acceptable in relation to Policies STP 1, STP 2 and STP 3 of the NLP and the NPPF.

Principal Occupancy

7.6 Under Policy 1 of the Alnmouth Neighbourhood Plan (ANP), proposals for all new housing, will only be supported where occupation is restricted in perpetuity to ensure that each new dwelling is occupied only as a principal residence.

7.7 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.

7.8 It is therefore considered that subject to the completion of a S106 to secure the occupation of the dwelling to principal occupancy, the development would be in accordance with the Policy 1 of the ANP and the NPPF.

Design, Scale and Visual Impact

7.9 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.

7.10 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.

7.11 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.

7.12 The supporting documents which accompany the application do not provide any information with respect to sustainable design and construction. Should the application be approved, a condition will be attached to in order to ensure that the proposal will be constructed in accordance the requirements of Local Plan Policies QOP1 and QOP5.

7.13 Policy HOU 9 of the NLP supports residential development that contributes to a sense of place, functions well, and is of a high quality of design.

7.14 The immediate area in and around the application site is characterised with dwellings of various ages (Victorian and 20th century) and materials (stone and slate, brick and tile/flatroof) and whilst they are predominantly terraced dwellings they are interspersed with detached dwellings such as the host property (no 29 Riverside Road). There has also been a development of 7 dwellings on land to the rear of the schooner hotel two plots along from the application site that has recently been completed. Alnmouth is characterised by being densely developed and the application site is one of the last undeveloped pieces of land within the village.

7.15 Whilst the design, scale and massing of the proposed dwelling has taken its cue from the Bed and Breakfast known as Westlea to the west (29 Riverside Road which is within the applicant's ownership), in terms of materials (stone and slate), the cue for these has been from the dwellings to the north (Garden Terrace). It is therefore considered that these aspects would be appropriate and in-keeping with the host property and existing dwellings in the locale and there would be sufficient amenity space within the site, and circulation space around the dwelling to ensure the proper function of the garden areas and residential plot as a whole.

7.16 It is also considered that the plot size of the proposal is consistent with the host dwelling to the front of the site (29 Riverside Road) and the wider area and would not represent overdevelopment nor result in a cramped layout and appearance and would consequently sit well within the street scene. Whilst the site raises up from Riverside Road towards Northumberland Street, it is not prominent and the development would not be readily visible from any public vantage points, with the exception of limited views from Riverside Road. It is also acknowledged that the proposed dwelling would be seen in the context of the existing dwellings, and therefore there would be no additional impact on the immediate and wider landscape in this regard including the Northumberland Coast Area of Outstanding Natural Beauty.

7.17 During the course of this application, the agent has submitted revised plans in order to address concerns raised relating to the alignment of the fenestration and volume of glazing, and it is considered that the scheme is now acceptable in these regards.

7.18 It is therefore considered that the proposal would be acceptable in relation to Policies QOP 1, QOP 2, QOP 4, QOP 5 and HOU9 of the NLP and the principles of Chapter 12 of the NPPF subject to conditions.

Impact upon Amenity

7.19 Policy QOP 1 of the NLP sets out a number of design principles, one of which is that development proposals should not cause unacceptable harm to the amenity of existing and future occupiers of the site and its surroundings. Policy QOP 2 of the NLP seeks to ensure that new development has a positive impact on amenity.

7.20 During the course of this application, it was noted that the proposed balcony on the western elevation of the dwelling had the potential to have an unacceptable impact on amenity and result in the loss of privacy on the dwellings known as Garden Terrace and particularly their external amenity space. Consequently, the agent has submitted revised plans showing full height obscure glazed screens to either end of the balcony and it is considered that these screens would be sufficient to address the concerns in this regard.

7.21 Furthermore, it is noted that these dwellings would not be directly overlooked as they are to the side of the proposed dwelling. Whilst it is acknowledged that there may be a minor reduction in light levels and some slight overshadowing, this would not be for prolonged periods and due to the separation distance, these impacts would not be unacceptable or a reason to refuse planning permission. For these same reasons there would not be an unacceptable impact in terms of outlook.

7.22 In relation to the impact on amenity Westlea, this is a Bed and Breakfast and it has therefore been afforded less weight in terms of amenity. However, in any event, there is a distance of approximately 19.2 metres from the balcony of the proposed dwelling to the rear of Westlea and this is considered to be sufficient to ensure adequate levels of privacy and amenity.

7.23 The proposals are therefore considered to be in contrary to Policies QOP 1 and QOP 2 of the NLP and the principles of the NPPF in relation to impact upon residential amenity.

Impact on the Alnmouth Conservation Area

7.24 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. In addition, Section 66 of the Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7.25 The application site is located within the Alnmouth Conservation Area and consequently Policies ENV 7 and ENV 9 of the NLP apply. Under Policy ENV 7 of the NLP, 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. Under Policy ENV 9 of the NLP decisions affecting a heritage asset will be based on a sound understanding of the significance of that asset and the impact of any proposal upon that significance.

7.26 In response to the consultation on this application, the Council's Conservation Advisor has responded that they consider the principle of infill development on the site would fail to preserve or enhance the character and appearance of the Conservation Area and that the design of the proposed dwelling also fails this statutory test. The conservation officer has identified that harm to be 'less than substantial harm'.

7.27 Since the conservation officer commented on the application, the agent has submitted revised plans in order to address concerns raised relating to the alignment of the fenestration and volume of glazing. These changes, together with the fact that the proposal has taken cues in terms of design from the host property and materials from surrounding properties, result in the proposal being acceptable in terms of design.

7.28 Furthermore, the conservation area is characterised as being densely developed with many examples of infilling and the proposed development being acceptably sited would be compatible in this regard. Combined with the fact that the site is not particularly prominent and that the development would not be readily visible from any public vantage points, with the exception of glimpsed views from Riverside Road, it is officer opinion that the 'less than substantial harm' as originally identified by the conservation officer, has been addressed. It is therefore officer opinion that the development would preserve, and thereby have a neutral impact on, the character and appearance of the Alnmouth Conservation Area and is therefore acceptable in this regard.

7.29 In conclusion, it is therefore considered that the proposals would be acceptable in relation to Policies ENV 7 and ENV 9 of the NLP and the NPPF.

Archaeology

7.30 Under Policy ENV 7 of the NLP, decisions affecting a heritage asset will be based on a sound understanding of the significance of that asset and the impact of any proposal upon that significance.

7.31 Initially the council's archaeology advisor objected as the site had the potential to retain significant unrecorded archaeological remains and that it was therefore necessary for the applicant to undertake a programme of archaeological evaluation prior to the determination of the application. However, following the submission of an archaeological evaluation of the site with no significant archaeological remains were recorded, the advisor withdrew their objection and confirmed that no archaeological work was recommended.

7.32 It is therefore considered that the proposed development is acceptable in relation to policy ENV 7 of the NLP and the NPPF.

Highways Access and Safety

7.33 Policies TRA 1, TRA 2 and TRA 4 of the NLP relate to the transport network and seek to ensure sustainable connections, highway safety and appropriate parking provision in new development.

7.34 During the course of this application, the Council's Highways Advisor initially raised no objection subject to conditions and informatives. However, following this the applicant submitted revised plans to address issues relating to land ownership raised in objections received to the application. The plans were also amended at this point to provide a turning head to aid the manoeuvring of site vehicles so that they leave in a forward direction and the parking provision was also amended to provide more amenity space for the proposed dwelling.

7.35 Consequently, a reconsultation was undertaken with the Highways advisor who raised concerns about the proposed development and requested the submission of amended plans and additional information before permission is granted. Subsequently, additional information was provided by the agent with the view to addressing the concerns raised in these regards, however the highways officer maintained their objection following several reconsultations on the basis of the access and deliverability of the construction route for the dwelling as well as necessary refuse drag distances. Following this however, the highways officer has confirmed that a condition could be attached to any permission to secure a revised construction method statement to ensure that their previous concerns are addressed such as ensuring guest parking from the B&B is not impacted. However, it is noted that the highways officers concerns regarding refuse drag distances remain.

7.36 Whilst the concerns regarding refuse drag distances are noted, paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is a very high test, and it is officer opinion that the test is not met by the remaining impacts arising from this proposal in terms of refuse drag distance. As such, the proposal is considered to be in accordance with the NPPF.

7.37 Accordingly, the LPA has requested the highways officer provide conditions they would have recommended which have duly been provided and it is proposed to attach these to any permission.

7.38 It is therefore considered that subject to conditions and informatives, the proposal would be acceptable in relation to Policies TRA 1, TRA 2 and TRA 4 of the NLP and the aims of the NPPF.

Ecology

7.39 Policy ENV 2 of the NLP seeks to minimise the impacts of development on biodiversity and geodiversity and to secure net biodiversity gains and /or wider ecological enhancements through new development.

7.40 In response to the consultation on this application, the councils Ecology advisor has confirmation they have no objection subject to a condition and a contribution to the councils Coastal Mitigation Service which will be secured along with a restriction for occupancy as detailed below.

7.41 It is therefore considered that subject to such, the proposed development would be acceptable in relation to the Policies ENV1 and ENV2 of the NLP and the NPPF.

Drainage and Sewerage

7.42 Policy WAT 3 of the NLP sets out that development proposals will be required to demonstrate how they will minimise flood risk to people, property and infrastructure from all potential sources.

7.43 As part of this application, the LLFA have been consulted and have confirmed that they have reviewed the Shoreline Management Plan and as both Coastal Protection Authority and LLFA that they make no comment. They have also confirmed that the development is not required to provide a coastal viability assessment.

7.44 It is therefore considered that subject to such, the proposed development would be acceptable in relation to the Policy WAT3 of the NLP and the NPPF.

Noise/contamination

7.45 Policy POL 1 of the NLP sets out 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.

7.46 As part of this application, the council's public protection advisor has been consulted and has raised no objection subject to conditions and informatives which it is proposed to attach to the permission.

7.47 It is therefore considered that the proposed development is acceptable in relation to Policy POL 1 of the NLP and the NPPF.

Broadband Connectivity

7.48 Policy ICT2 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.

7.49 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 NLP and Paragraph 114 of the NPPF.

Other Matters

7.50 In response to the objections raising:

- Would be in breach of a restrictive covenant on the land that limits the use to either a single storey building or as a garden and the proposal is for a two-storey building.
- There is a legal right for vehicular and pedestrian access along the shared access road between Northumberland Street and Riverside Road. This is currently blocked and used as a car park for the Westlea B&B. Would like clarity that the access from Riverside Road will be opened up and no longer used as a car park so access can be made from both entrances as we are legally entitled, and we do not want these rights restricted in any way temporarily or permanently.
- The statement regarding access is incorrect and residents are in the process of sending a solicitor's letter to 29 Riverside Road regarding the right of way for residents of Northumberland Mews for vehicular and pedestrian access which needs to be maintained and not obstructed by parked vehicles at the B&B.

These are civil matters which would have to be addressed through the appropriate legal avenues and are of limited weight in the determination of this application. It is noted that a solicitor's letter from residents has also been submitted as part of an objection to this application which raises issues relating to the above issues.

7.51 In response to the objections raising:

- Seek a condition that Westlea's customers should not be permitted access to the B&B via the Northumberland Street entrance using the shared access as this would increase noise and environmental pollution and diminish quiet enjoyment of properties and impact value.

The B&B is outwith the red line boundary and planning permission is being sought for a dwelling only and there are no changes sought via this application to the access, parking or any other aspect of the B&B (Westlea) which the applicant owns and runs. As such, the existing arrangements for customers of the B&B in terms of access and parking will remain unchanged should permission be granted.

7.52 In response to the objections raising:

- Likelihood of damage to neighbouring properties that would be caused by vibration from the machinery excavating the ground for the proposed house and building a retaining wall around it. Surrounding houses were built in a period when foundations were slight or non-existent and that other works in the vicinity have already resulted in problems which are being investigated.
- Question the feasibility of the proposal in terms of how construction will be achieved.

- The lane from Northumberland Street is too narrow, passes adjacent to a number of properties and has height restrictions from a property which is built over the lane. Using the lane could damage property and cause a danger to residents if this happened and there are clear health and safety concerns with this. Access should be via Riverside Road.
- Concern over property damage to hedge and retaining garden wall.
- During construction suitable site hoardings/fencing should be erected between the car park and the construction site for health and safety and practical access reasons.

These are all civil/legal, health and safety and building control issues that are outside of the planning remit.

7.53 In response to the objections raising:

- Consideration needs to be given to the reduction of land drainage

As part of this application, the LLFA have been consulted and have raised no objection.

7.54 In response to the objections raising:

- Digging to such a depth would destroy the archaeological potential of the area.

As part of this application the council's archaeology officer has been consulted and has raised no objection following the submission of additional information.

7.55 In response to the objections raising:

- Village doesn't have the necessary infrastructure, parking, and roads to absorb this increase in people and cars and don't feel it is sustainable development.
- Access for construction vehicles is limited.
- Roads around the site are narrow and some one-way and are congested so construction traffic will cause an impact on highways safety and traffic during build and pose a health and safety hazard and risk of damage to cars and property
- Proposal would result in loss of parking spaces at Westlea and cause further parking issues both during building and after.
- Concerns for safety of pedestrians and children due to additional traffic.
- The shared access track has only been occasionally used in the past 15 years and if permission is granted this will result in regular usage of this track and no information is detailed on the surface treatment of the track.
- Track narrows along the side the garage owned by 29 Riverside Road and there is concerns there would be insufficient width to facilitate the movement of vehicles not just during construction but long term.
- Utilisation of the track onto Riverside Road is a concern not just during construction but long term as this road is a traffic choke point for the majority of the year.

A full consideration of issues relating to highway safety and access has been undertaken in paragraphs 7.33 to 7.38 above. Any disruption and risks caused by

traffic during construction is likely to be for a relatively short period of time and in any event the hours of construction and deliveries are proposed to be limited in line with the public protection officer's advice through conditions.

7.56 In response to the objections raising:

- As the access is very narrow and is the only usable access for several neighbours to park at their property's, conditions should be attached forbidding the applicant and builders using Northumberland Street for access, bringing in and taking out construction materials, parking or unloading and prevent storing materials on the drive or block it in any way.
- Construction management plan remains unclear indicating materials will be dropped off at Riverside Road but suggests access will be maintained from both access points which is unacceptable.
- Request a stipulation that any building supplies/deliveries will not be able to be placed upon the right of way and no construction vehicles can be allowed to park upon the right of way as marked on deeds.

A condition requiring the submission of a construction method statement is proposed to be attached to any permission.

7.57 In response to the objections raising:

- Condition should prevent the owners and their successors in title from taking access over the driveway from Northumberland Street.

It is considered that taking access over the driveway from Northumberland Street would not result in severe harm to highway safety and is an appropriate access.

7.58 In response to the objections raising:

- The application documents contain errors including incorrect boundaries, ownership, and rights of access.
- There are areas of communal access including the boundary which are the subject of dispute between parties and no planning consent should be given as they are fundamental to the application.
- Concern about use of dwelling - the bed and breakfast has erected large structures on the plot and is being used as accommodation for the business. Based on this have serious concerns about the quality and design of the new building in the conservation area and its future use
- Applicant have consistently abused the planning system and are not considerate neighbours
- Design, access and heritage statements front image is outdated as the shared access track shown with a fence separating it from the parking at the B&B has been removed and the parking for the B&B extended across the track.
- No representation of the effect to the properties that run along Garden Terrace, no images or impact from this point of view are included.
- Insufficient information to be able to comment fully and no measurements provided to make it easy for residents to adequately comment on the full impact.
- New property could become a B&B and new guests will bring a high number of vehicles not aware of the danger of exiting onto either Northumberland Street or Riverside Road.

The agent has provided plans and documentation which are sufficient to consider and determine the application. The agent has amended the red line boundary during the course of the application to remove land not within the applicant's ownership and no representations disputing the revised red line boundary have been received in response to the reconsultation exercise undertaken. In any event planning permission does not override land ownership considerations. With regards the concerns regarding use, the title of the application is for a dwelling, and it is proposed to restrict its occupancy to principal residence. Should the applicant wish to use the property for other uses in the future, consideration to the impacts of such would have to be undertaken as and when a planning application is submitted.

7.59 In response to the objections raising:

- Concerns about the situational context in relation to Garden Terrace in terms of the size and height and impact. Need more modelling demonstrating the proposal is suitable for the site and assessment of the adjacent properties.
- Building on the land will blight Westlea B&B, Garden Terrace and the views - properties will lose open vista looking towards the Schooner due to development on this site.
- Is contrary to maintaining the area as a conservation area and AONB
- The development is not sympathetic to the architectural and aesthetic quality of the area and design doesn't contribute positively to the character, distinctiveness, or significance.
- Is significant overdevelopment not in keeping with surrounding properties and would increase density.
- Concern over the cumulative development that has taken place at the B&B, 28 Riverside Road and the 7 new houses at the Schooner.
- Proposal will affect the last remaining green space and previous development at B&B has removed almost all the green space and proposal would suggest approximately 75% of the site will be developed which will leave very little garden space.
- Size of the property is large and disproportionate for the scope of the plot.
- Alnmouth is already densely developed and doesn't need any more development and plenty of land elsewhere in Northumberland for development.

A full consideration of issues relating to design, scale, and visual impact has been undertaken in paragraphs 7.9 to 7.18 and in relation to Conservation 7.24 to 7.29 above.

7.60 In response to the objections raising:

- Loss of the remaining natural environment, impact on wildlife, landscape and ecological habitats including the north perimeter established hedge.
- No information detailing any planned works or changes to the north perimeter (established hedge), concerns that it is planned to remove a well-established natural habitat which is diverse in wildlife from birds and insects. There should be no alteration to this part of the perimeter and should be a condition of any planning permission.
- Failure to compensate for the loss of green infrastructure - remaining green space should have biodiversity potential enriched.

A full consideration of issues relating to ecological impacts has been undertaken in paragraphs 7.39 to 7.41 above. Conditions are proposed to ensure the development does not harm wildlife and result in a net gain for biodiversity in line with the ecology officers' recommendations.

7.61 In response to the objections raising:

- Will wipe out the attractive hedge and narrow footpath that runs at the back of the garden of Garden Terrace

The application site does not extend to the footpath referred to and therefore there are no changes proposed to this. Conditions related to boundary treatments are proposed as well as a condition requiring all hedgerows to be retained and protected during construction.

7.62 In response to the objections raising:

Impact on amenity in terms of:

- Loss of privacy to properties on Garden Terrace
- Impact/loss of Outlook
- Impact from noise, light and air pollution from vehicles using parking and turning area and due to idling vehicles waiting while residents of Northumberland Mews park or reverse
- Direct overlooking of living, bedrooms and gardens of properties on Garden Terrace
- Impact of overshadowing
- Loss of amenity due to location of the 'bin stance for day-to-day use'.
- Seek assurance that the masonry wall between Westlea and the car park behind Northumberland Mews will be maintained as its loss will cause overlooking and loss of privacy.

It is considered that there is likely to be a limited amount of traffic generated by the addition of a single dwelling. Therefore, the impact of traffic on the amenity of the nearest properties is considered to be limited and is therefore considered to be acceptable. A condition requiring details of boundary treatment to be submitted prior to occupation is proposed. A full consideration of issues relating to impact on amenity has been undertaken in paragraphs 7.19 to 7.23 above.

7.63 In response to the objections raising:

- Is against the wishes and interests of the community

This is of limited weight in the determination of this application and all representations to the application have been considered appropriately as part of the determination of the application.

7.64 Following consultation on amended plans the following additional reasons for objection were received:

- Object to vehicular access to and from the new property via Northumberland Street as it is very narrow and over a pavement in constant use onto a congested street. Will cause extreme congestion and increase danger to pedestrians.

- Access from Northumberland Street to Westlea is not of an adopted standard or anywhere near that and therefore unsuitable for increased vehicular access beyond the use of the parking spaces of the current residents at 1 - 3 Northumberland Mews.

Highways access and safety is addressed in paragraphs 7.33 to 7.38 above and it is not considered that there are any issues in these regards that would warrant refusal of the application.

7.65 In response to the objections received raising:

- Plans show a home office behind Westlea B&B which is not used as an office and is used for B&B guests.

The Westlea B&B and its grounds are not the subject of this application and if breaches of planning control have occurred, this should be addressed via the council's planning enforcement team. As outlined above, the B&B is outwith the red line boundary and planning permission is being sought for a dwelling only and there are no changes sought via this application to the access, parking or any other aspect of the B&B (Westlea) which the applicant owns and runs.

7.66 In response to the objections received raising:

- Applicant appears to have included a parking space across the position of a telegraph pole that delivers wifi and telephone services and its removal is not acceptable.

Whilst it is acknowledged that there is a telegraph pole within one of the car parking spaces identified on the plans, in any event, if the relocation of the pole could not be achieved to implement the development in accordance with this aspect of the plans, the amount of car parking that would remain would be sufficient for the operational needs of the property as there are 3 spaces which equates to one for each bedroom within the dwelling.

Equality Duty

7.67 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

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

Human Rights Act Implications

7.69 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.

7.70 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.

7.71 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 principle of the development is acceptable.

8.2 The design, scale and visual impact of the dwelling would not have any significant or unacceptable impact upon the character and appearance of the area or the amenity of the nearby residential properties. It would not result in an unacceptable impact on the Alnmouth Conservation Area or the Northumberland Coast Area of Outstanding Natural Beauty.

8.3 The development would be acceptable in relation to archaeology and would be acceptable in relation to highways, ecology, drainage, noise, broadband and occupancy subject to conditions, informatives and a Section 106 agreement to restrict occupancy and secure monies to the councils Coastal Mitigation Scheme.

8.4 The development complies with the policies of the Development Plan and the National Planning Policy Framework.

9. Recommendation

That this application be GRANTED permission subject to a financial contribution towards coastal mitigation and to secure the occupancy of the dwelling to principal residence only and the following:

Conditions/Reason

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

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

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

1. Drawing no 52/21 Rev 4 sheet 3 titled existing & proposed site plan as submitted 30 Jan 2023
2. Drawing no 52/21 Rev 2 Sheet 2 titled proposed elevations as submitted 30 Jan 2023
3. Drawing no 52/21 Rev 2 sheet 1 titled proposed floor plans as submitted 30 Jan 2023
4. Drawing no 52/21 Rev 0 sheet 4 titled site section & relationship plan as submitted 23 Feb 2022
5. Location Plan as submitted 23 Feb 2023

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

03. Prior to the commencement of development, a construction method statement together with a supporting plan, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement and plan shall, where applicable, provide for the following:

- i. details of temporary traffic management measures, temporary access, routes and vehicles;
- ii. vehicle cleaning facilities;
- iii. the parking of vehicles of site operatives, visitors and guest parking for the B&B;
- 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 TRA 2 of the Northumberland Local Plan.

04. Notwithstanding the details submitted in relation to car parking, the proposed development shall not be occupied until the car parking areas have been provided, with minimum bay sizes of 5m x 2.5m. Thereafter, the car parking areas shall be retained.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework and Policy TRA 4 of the Northumberland Local Plan.

05. Prior to occupation, details of surface water drainage to manage run off from private land shall be 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.

06. Prior to occupation, the Electric Vehicle Charging points shown on the approved plans shall be implemented. 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 TRA 1 of the Northumberland Local Plan.

07. The development 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 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 TRA 1 of the Northumberland Local Plan.

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

Reason: To ensure sufficient and suitable facilities are provided for the storage and collection of household waste in accordance with the National Planning Policy Framework and Policies TRA 1 and TRA 2 of the Northumberland Local Plan.

09. Prior to occupation of the dwelling hereby approved, a plan for the landscape planting of the site shall be submitted to, and approved in writing by the Local Planning Authority. The plan shall detail the species to be used, numbers of plants, density of planting, rates of sowing and means of protection and use only species native to Northumberland with implementation in full during the first planting season (November - March inclusive) following the completion of the development.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site in accordance with Policy ENV 2 of the Northumberland Local Plan and the NPPF.

10. Prior to the commencement of development, a scheme for the provision of an integrated bird box and a bat boxes shall be submitted and approved in writing by the Local Planning Authority. The scheme shall detail the location, height, orientation, and specification of bird nesting provision and bat roosting provision. The approved scheme shall be implemented in full prior to the dwelling being occupied.

Reason: to protect and enhance the biodiversity of the site in accordance with Policy ENV 2 of the Northumberland Local Plan and the NPPF.

11. All hedgerows at the site are to be retained. Hedgerows are to be protected from root compaction during the course of the development works in accordance with the guidance set out in 'BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations' British Standards Institution, 2012.'

Reason: To maintain and protect the existing landscape and biodiversity value of the site in accordance with Policy ENV 2 of the Northumberland Local Plan and the NPPF.

12. If during redevelopment 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 in accordance with policies POL 1 and POL 2 of the Northumberland Local Plan and the NPPF.

13. During the construction period, there should be no noisy activity from mobile plant, pneumatic equipment, power tools etc. audible at the site boundary, on Sundays or Bank Holidays or outside the hours:

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

Reason: To protect residential amenity and provide a commensurate level of protection against noise in accordance with Policies POL 1 and POL 2 of the Northumberland Local Plan and the NPPF.

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

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

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

Reason: To protect residential amenity and provide a commensurate level of protection against noise in accordance with Policies POL 1 and POL 2 of the Northumberland Local Plan and the NPPF.

15. Prior to occupation of the dwelling hereby approved, the windows on the north elevation as shown on approved drawing 52/21 Sheet 2 Rev 2 titled proposed

elevations as submitted 30 Jan 2023 shall be fitted with level 5 obscure glazing and that glazing shall be retained in perpetuity thereafter.

Reason: In the interests of residential amenity and in order to avoid any overlooking or loss of privacy which may otherwise have resulted, in accordance with the provisions of Policies QOP 1 and QOP 2 of the Northumberland Local Plan and the NPPF.

16. Prior to occupation of the dwelling hereby approved, the full height glazed screens to the north and south ends of the balcony as shown on approved drawing 52/21 Sheet 2 Rev 2 titled proposed elevations as submitted 30 Jan 2023 shall be fitted with level 5 obscure glazing and that glazing shall be retained in perpetuity thereafter.

Reason: In the interests of residential amenity and in order to avoid any overlooking or loss of privacy which may otherwise have resulted, in accordance with the provisions of Policies QOP 1 and QOP 2 of the Northumberland Local Plan and the NPPF.

17. 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 occupation of the development.

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.

18. Notwithstanding the details submitted with the application, prior to the occupation of the accommodation hereby approved, 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.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no additional window or other opening shall be made in the north elevation of the dwelling unless an application for planning permission in that regard is first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties and in accordance with Policies QOP 1 and QOP 2 of the Northumberland Local Plan and the NPPF.

20. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no extensions, porches, dormer windows, roof lights or free standing buildings or structures shall be added to or constructed with regard to the dwelling hereby permitted within the boundary of the application site without the prior grant of planning permission from the Local Planning Authority.

Reason: In order that the impact on the appearance of the property and on neighbouring properties of any additions or curtilage buildings may be properly assessed in the interests of amenity and in accordance with Policies QOP 1 and QOP 2 of the Northumberland Local Plan and the NPPF.

21. Notwithstanding the details shown on the submitted plans, prior to the commencement of development full details showing the proposed finished ground floor levels of the hereby approved development and the existing ground levels, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be constructed in complete accordance with the approved details.

Reason: In the interests of visual amenity and the satisfactory appearance of the development, in accordance with Policies QOP 1 and QOP 2 of the Northumberland Local Plan and the NPPF.

Materials should be secured via condition

22. Notwithstanding any description of the materials in the application, prior to construction above damp-proof course level, precise details of the materials to be used in the construction of the external walls and roof of the building shall be submitted to, and approved in writing by, the Local Planning Authority. Development must not be undertaken above damp-proof course level until approval from the Local Planning Authority has been provided in writing. All roofing and / or external facing materials used in the construction of the development shall conform to the materials thereby approved.

Reason: To retain control over the external appearance of the development from the outset in the interests of amenity and in accordance with the provisions of in accordance with the provisions of policies QOP 1 and QOP 2 of the Northumberland Local Plan and the National Planning Policy Framework.

23. Prior to occupation of the development hereby approved, details of all proposed means of enclosure, and boundary walls and fences to the site, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the proposed development shall be undertaken in accordance with the approved details and maintained in accordance with such in perpetuity.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion, and in accordance with the provisions of Policies QOP 1 and QOP 2 of the Northumberland Local Plan and the NPPF.

Informatives

1. You should note that a highway condition survey should be carried out before the commencement of construction vehicle movements from this site. To arrange a survey contact Highway Development Management at highwaysplanning@northumberland.gov.uk.
2. 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.
3. In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.
4. The risk of encountering nesting birds or other protected species in connection with the execution of this planning consent is low, but there is a small risk that individual animals may be encountered during works.

Wild birds and their nests are strictly protected under the Wildlife and Countryside Act 1981 (as amended). All wild birds and their nests are protected whilst in use and it is an offence to recklessly or intentionally destroy nests or dependent young when on or near the nest, or to kill or take them.

Accordingly any vegetation removal or soil stripping undertaken between 1 March - 31 August carried out as part of the proposal should be preceded by checks to confirm that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

Applicants and contractors should note that the protected species legislation operates independently of the planning system, planning consent does not override the legislation relating to protected species and that they should be aware that there is a small chance of encountering protected species during works.

In the unlikely event of protected species such as nesting birds being encountered during development then works should cease immediately and professional advice should be sought straight away. Applicants and contractors can obtain advice by telephoning Natural England's advice line on 0845 600 3078.

Further information about protected species and the law can be found on the Natural England website at www.naturalengland.org.uk

5. The Environmental Protection Team would advise that the prevention of nuisance is the responsibility of the developer and their professional advisors. Developers should, therefore, fully appreciate the importance of professional advice. Failure to address issues of noise and dust 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.
6. There shall be no burning of any material associated with the construction phase on the site.
7. This is a planning permission granted under the Town and Country Planning Act. It does not convey any other form or consent that may be required from the Council. In particular building works may require approval under the Building Regulations and works affecting listed buildings may well require Listed Building Consent. Further information on these approvals can be obtained from the planning department at Northumberland County Council.

Date of Report: 08.02.2023

Authorised by:

Date:

Background Papers: Planning application file(s) 21/03496/FUL

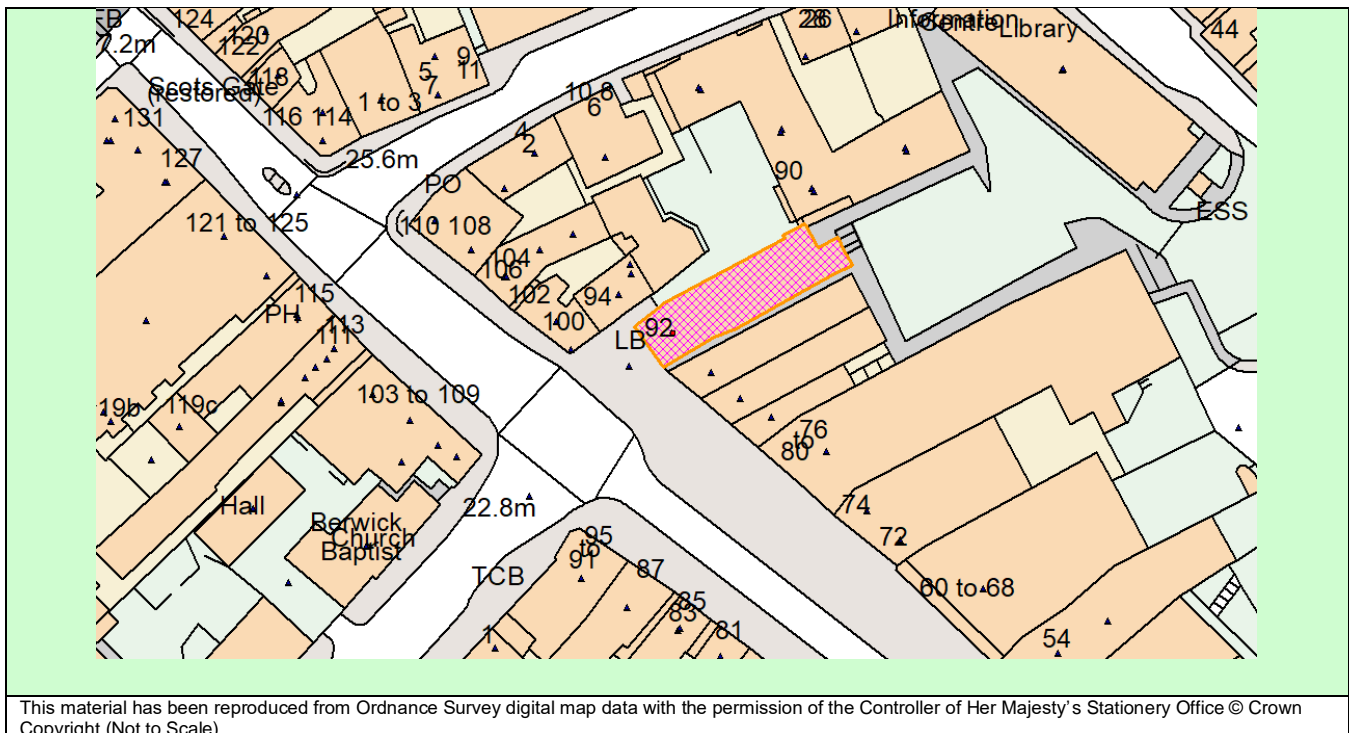
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Northumberland County Council L.A.C - North (2pm), 23 February 2023

Application No:	22/00494/FUL		
Proposal:	Proposed change of use to dental clinic (E) and 2no residential apartments (C3). External changes including additional windows and roof lights.		
Site Address	90 - 92 Marygate, Berwick-Upon-Tweed, Northumberland, TD15 1BA		
Applicant:	Mr Shabin Chohan 369 Stamfordham Road, Westerhope, Newcastle upon Tyne, NE5 2LH	Agent:	Mr Ferrer 66 Kenton Road, Newcastle upon Tyne, NE3 4NP, United Kingdom
Ward	Berwick North	Parish	Berwick-upon-Tweed
Valid Date:	24 February 2022	Expiry Date:	31 January 2023
Case Officer Details:	Name: Mrs Hannah Nilsson Job Title: Planning Officer Tel No: 07966329496 Email: hannah.nilsson@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission subject to a Unilateral Undertaking to secure a financial contribution to the Council's Coastal Mitigation Service.



1. Introduction

1.1 This application falls to be determined by the North Northumberland Local Area Council Planning Committee as the County Council owns a very small piece of the building which is within the red line of the application site and is attached to the building owned by the applicant.

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 raises issues of local interest.

2. Description of the Proposals

2.1 Planning permission is sought for a change of use to a dental clinic and 2no residential apartments and external changes including additional windows and roof lights at 90 - 92 Marygate, Berwick-Upon-Tweed.

2.2 Marygate is the primary retail street in Berwick-upon-Tweed and the application site is a building which occupies a prominent site being situated in line with the main route into the town centre through Golden Square. The building is well known as being the former site of the Berwickshire Advertiser headquarters and has distinctive signage on two levels of the facade.

2.3 The building to which the current application refers is not listed but makes a positive contribution to the street scene on Marygate. This large building became redundant in approximately 2015 and occupies a large footprint within the mixed retail centre. The subject building is located within an Article 4 Direction Area which is located within the Berwick Conservation Area and Berwick Town Centre.

3. Planning History

Reference Number: 15/00100/FUL

Description: Conversion of existing print works/media office into new dental clinic and private accommodation (residential)

Status: PER

Reference Number: N/80/B/11

Description: Additional sign to newspaper offices on Marygate elevation.

Status: PER

Reference Number: N/80/B/31

Description: Alterations and extension

Status: PER

Reference Number: N/80/B/109

Description: Provision of extension to ground floor.

Status: PER

Reference Number: N/84/B/33

Description: Proposed non-illuminated sign.

Status: PER

Reference Number: 19/01023/ADE

Description: Advertisement Consent: Installation of 1 non-illuminated fascia sign
Status: PER

Reference Number: 19/03417/COU

Description: Change of use of of part of existing print works/media office into new dental practice and associated external alterations

Status: WDN

Reference Number: 21/02399/ADE

Description: Advertisement Consent for installation of 1no. set of flat cut letters to existing stonework background. O/A size being 4841mm x 326mm, to be flat cut from 12mm & 15mm Medite Tricoya extreme timber, bonded together to make an overall thickness of 27mm & painted white. To be fitted flush to existing stonework with dowels for extra support.

Status: PER

Reference Number: 21/04398/CLEXIS

Description: Certificate of Lawful Development - Proposed use for The application is (as requested by Ms Liz O'Brien) to send evidence that building works started on site before the expiry of the already granted planning approval (application No 15/00100/FUL).

Status: APPRET

Reference Number: 21/04407/CLEXIS

Description: Certificate of Lawful Development of an Existing Use. Evidence that building works started on site before the expiry of the already granted planning approval (application No 15/00100/FUL).

Status: REF

Reference Number: N/95/B/0562/P

Description: Redevelopment of bus station & adjoining/adjacent land revised plans rec. 12.06.96.

Status: PER

4. Consultee Responses

Building Conservation	We object to the introduction upvc framed windows and standard rooflights. We categorise this as harm within the terms of paragraph 202 of the Framework. It was clear in the determination of 15/00100/FUL the LPA required all windows to be timber framed and rooflights to be conservation design and materials. Inappropriate materials and forms should not become acceptable by virtue of being a fait accompli.
Berwick-upon-Tweed Town Council	No objection subject to conditions relating to the windows.
Highways	No objection subject to conditions and informatives.
County Ecologist	Objection - the following information should be submitted to enable ecological advice to be provided: a bat and bird survey of the building and confirmation of agreement to a contribution to the Coastal Mitigation Service.

Following reconsultation	No objection subject to a condition and contribution to the Coastal Mitigation Service.
Public Protection	No comments.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	14
Number of Objections	1
Number of Support	0
Number of General Comments	0

Notices

Affecting LB & Conservation, 29th March 2022

Berwick Advertiser 10th March 2022

Summary of Responses:

One representation from Berwick Civic Society has been received which objects to the application on the following summarised grounds:

The application significantly fails to describe the significance of any heritage assets affected, including any contribution made by their setting. The documents and Heritage Statement do not provide in detail anything like the necessary information of any proper assessment of the impact of the changes on the building and conservation area.

The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=R75FE7QSMER00>

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)

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

TCS 1 - Hierarchy of centres (Strategic Policy)

ENV 2 - Biodiversity and geodiversity

INF 6 - Planning obligations

ICT 2 - New developments

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

TCS 2 - Defining centres in Main Towns (Strategic Policy)

TCS 3 - Maintaining and enhancing the role of centres (Strategic Policy)

HOU 1 - Making the best use of existing buildings (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 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 7 - Historic environment and heritage assets

ENV 9 - Conservation Areas

POL 1 - Unstable and contaminated land

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

NPPG - National 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, and following its recent adoption by the council, the development plan comprises policies in the Northumberland Local Plan.

7.2 The key planning issue raised by the proposal include:-

- Principle of development
- Impact on primary retail street
- Scale, Design and Visual Impact
- Impact on Amenity
- Impact on conservation area
- Highway Safety
- Ecology
- Broadband Connectivity

Principle of development

7.3 The proposed development would bring a large and prominent vacant building back into use, through the introduction of a Main Town Centre Use (dental clinic) and sought after housing within a sustainable location. The proposal would be compatible with the NPPF and policies STP1, STP2, STP3, STP4, TCS1, TCS2, TCS3 and HOU1 of the NLP.

Impact on primary retail street

7.4 The proposal would maintain a 'shopfront' at the site and is expected to generate a regular footfall at the centre of Marygate which would be compatible with the town centre aspirations and would 'maintain or add to the vibrancy of the shopping frontage'. This would be in line with the NPPF and policies TCS1, TCS2, TCS3 and TCS4 of the NLP.

Scale, Design and Visual Impact

7.5 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.

7.6 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.

7.7 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.

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

7.9 Policy HOU 9 of the NLP supports residential development that contributes to a sense of place, functions well, and is of a high quality of design. There are limited external changes to the fabric of the host building involving four additional windows and roof lights. The majority of the changes are internally to facilitate the proposal.

7.10 It is considered that the external and internal alterations are such that the proposed change of use would have no impact on the scale, design or visual appearance or the property or the wider street scene. The proposals are therefore considered to be in accordance with QOP 1 and HOU 9 and the NPPF in this respect.

7.11 It is therefore considered that the proposal would be acceptable in relation to Policies QOP 1, QOP 4 and HOU 9 of the NLP and the principles of Chapter 12 of the NPPF.

Impact on Amenity

7.12 Policy QOP 1 of the NLP sets out a number of design principles, one of which is that development proposals should not cause unacceptable harm to the amenity of existing and future occupiers of the site and its surroundings. Policy QOP 2 of the NLP seeks to ensure that new development has a positive impact on amenity.

7.13 It is considered that there would not be any substantive impacts on amenity resulting from the proposal in terms of loss of light, outlook or privacy. As such the proposal is considered to be in accordance with the NPPF in this respect.

7.14 The proposals are therefore considered to be in accordance with Policies QOP 1 and QOP 2 of the NLP and the principles of the NPPF in relation to impact upon residential amenity.

Impact on conservation area

7.15 The application site is located within the Berwick Conservation Area and consequently Policies ENV 7 and ENV 9 of the NLP apply.

7.16 Under Policy ENV 7 of the NLP, 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. Under Policy ENV 9 of the NLP decisions affecting a heritage asset will be based on a sound understanding of the significance of that asset and the impact of any proposal upon that significance. General duty as respects conservation areas in exercise of planning functions - 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

7.17 Whilst it is considered that the proposals would maintain a prominent building in appropriate use at the centre of the conservation area which is considered to be a

positive and desirable outcome, it is noted that the application documents and plans propose the use of UPVC windows which would not be considered acceptable. It is noted that in the determination of application 15/00100/FUL, with regards the windows, the LPA required these to be timber frame and rooflights to be conservation design and materials.

7.18 It was noted during the officers site visit that works have commenced on the building including the installation of UPVC windows on the north and east elevations. These have been installed without the benefit of planning permission. In response to the consultation on this application, the council's conservation officer, Berwick town council and Berwick civic society have all raised concerns about this element of the proposal. Indeed the conservation officer has commented that they categorise the harm caused by this element of the proposal within the terms of paragraph 202 of the NPPF as being 'less than substantial'. Whilst it is noted that the conservation officer has stated that "Given much of this has already taken place we do not consider it prudent to leave this to a condition" it is considered reasonable to do so.

7.19 In order to address the issues relating to the windows and rooflights, it is proposed to attach a condition to the application requiring all windows to be installed under this consent to be timber framed with details to be submitted and approved in writing by the LPA prior to their installation. In addition, it is proposed to attach a condition requiring all rooflights to be of a conservation design.

7.20 In conclusion, it is therefore considered that subject to this condition, the proposals would be acceptable in relation to Policies ENV 7 and ENV 9 of the NLP and the NPPF.

Highway Safety

7.21 Policies TRA 1, TRA 2 and TRA 4 of the NLP relate to the transport network and seek to ensure sustainable connections, highway safety and appropriate parking provision in new development.

7.22 In response to the consultation on this application, the councils' highways advisor has raised no objection subject to conditions and informatives which it is proposed to attach to the permission.

7.23 It is therefore considered that subject to appropriate conditions, the proposal would be acceptable in relation to Policies TRA 1, TRA 2 and TRA 4 of the NLP and the NPPF.

Ecology

7.24 Policy ENV 2 of the NLP seeks to minimise the impacts of development on biodiversity and geodiversity and to secure net biodiversity gains and /or wider ecological enhancements through new development.

7.25 In response to the consultation on this application, the councils ecology advisor initially raised an objection and requested further information. Following this, the agent has provided the requested additional information and in response to the reconsultation on this, the ecology advisor has raised no objection subject to a condition and a contribution to the Coastal Mitigation Service.

7.26 It is therefore considered that subject to such, the proposed development would be acceptable in relation to the NPPF and Policies ENV 1 and ENV 2 of the NLP and the NPPF.

Broadband Connectivity

7.27 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.

7.28 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.

Other Matters

7.29 In response to the representation received from Berwick Civic Society objecting to the application on the following grounds:

- The application significantly fails to describe the significance of any heritage assets affected, including any contribution made by their setting. The documents and Heritage Statement do not provide in detail anything like the necessary information of any proper assessment of the impact of the changes on the building and conservation area.

It is considered that sufficient and appropriate information has been provided to make a determination on this application. Furthermore, conditions are proposed to address some of the issues identified by the Civic Society in their response (relating to windows and rainwater goods).

Equality Duty

7.30 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

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

Human Rights Act Implications

7.32 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.

7.33 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.

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

8. Conclusion

The proposed change of use represents an acceptable form of development which would not be detrimental to the main retail area or to the Berwick-upon-Tweed conservation area.

9. Recommendation

That this application be GRANTED permission subject to the following conditions and a Unilateral Undertaking securing:

A financial contribution of £1,230 towards the Council's Coastal Mitigation Service.:

Conditions/Reason

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

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

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

Application form dated as submitted 11 Feb 2022

Plan titled Proposed Elevations sheet no DP004B Rev B

Plan titled Second and Third floor as proposed drawing no TBC-SK1002 Rev T01

Plan titled Ground and first floor as proposed drawing no TBC-SK1001 Rev P02 Preliminary Bat Roost Appraisal 90-92 Marygate, Berwick-upon-Tweed (A1 Ecology, August 2022).

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

03. Notwithstanding the approved plans and any description within the application documents, all new and any replacement windows to be installed under this permission shall be timber framed and details of such (including profile and colour) shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development thereafter shall be carried out in accordance with the approved details and be retained as such thereafter.

Reason: To ensure works are carried out in a manner consistent with the character of the building and the conservation area in accordance with Policies ENV 7 and ENV 9 of the Northumberland Local Plan and the NPPF.

05. No development will take place unless in accordance with the recommendations of the report Preliminary Bat Roost Appraisal 90-92 Marygate, Berwick-upon-Tweed (A1 Ecology, August 2022).

Reason: to maintain and enhance the biodiversity value of the site in accordance with Policy ENV2 of the Northumberland Local Plan.

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

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

07. 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 occupation of the development.

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.

08. Notwithstanding the details submitted with the application, prior to the occupation of the accommodation hereby approved, 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.

09. Notwithstanding the approved plans, the areas shaded in green as being excluded from this development as identified on the approved plans on the second and third floors do not have the benefit of planning permission as part of this development.

Reason: For the avoidance of doubt.

10. Notwithstanding the approved plans and any description within the application documents, all new and any replacement rooflights to be installed under this permission shall be of "conservation" design and materials and shall thereafter be so retained. Details of such (including profile) shall be submitted to and approved in writing by the LPA prior to their installation. The development thereafter shall be carried out in accordance with the approved details and be retained as such thereafter.

Reason: To safeguard the character of the building and the conservation area in accordance with Policies ENV 7 and ENV 9 of the Northumberland Local Plan and the NPPF.

11. Notwithstanding the approved plans and any description within the application documents, all replacement rainwater goods shall be black painted aluminium and thereafter shall be retained as such.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of Policies ENV7 and ENV9 of the Northumberland Local Plan and the NPPF.

12. Prior to the occupation of the development the details and materials for new signage for the front elevation shall be submitted to the Local Planning Authority for written approval, including method and specification for making good stonework following removal of existing signage.

Reason: To ensure that the development does not detract from the character of the conservation area and complies with shopfront guidance.

13. The dental practice (E) hereby approved shall not be open for business outside the following hours:

Monday - Saturday : 08:00 to 20:00

Sunday : 09:00 to 16:00

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

Informatives

1. Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.
2. In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.
3. This is a planning permission granted under the Town and Country Planning Act. It does not convey any other form or consent that may be required from the Council. In particular building works may require approval under the Building Regulations and works affecting listed buildings may well require Listed Building Consent. Further information on these approvals can be obtained from the planning department at Northumberland County Council.
4. The applicant's attention is drawn to the requirements of the Party Wall Etc. Act 1996 in relation to work close to a neighbour's building/boundary. The applicant should seek independent legal advice about this legislation.

Background Papers: Planning application file(s) 22/00494/FUL

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Northumberland County Council

Appeal Update Report

Date: February 2023

Planning Appeals

Report of the Director of Planning

Cabinet Member: Councillor CW Horncastle

Purpose of report

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

Recommendations

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

Link to Corporate Plan

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

Key issues

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



Recent Planning Appeal Decisions

Planning Appeals Allowed (permission granted)

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

Planning Appeals Split Decision

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

Planning Appeals Dismissed (permission refused)

Reference No	Proposal and main planning considerations	Award of costs?
20/03389/FUL	<p>Proposed residential development of four dwellings (as amended 21.12.2020) - land south of Centurion Way, Heddon-on-the-Wall</p> <p>Main issues: development would appear as an incongruous and over dominant addition to the street scene resulting in significant harm to the visual amenity of the locality.</p> <p>Committee Decision - Officer Recommendation: Approve</p>	No
21/02377/FUL	<p>Retrospective: Construction of carport in existing car park to provide cover for three car parking spaces and provide shelter for diners during COVID – Feathers Inn, Hedley, Stocksfield</p> <p>Main issues: inappropriate development in the Green Belt; and the design and materials adversely impact on the character of the site and its surroundings.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
21/04982/FUL	<p>Resubmission: Erection of 5no. custom self build homes, with associated garages, car parking and landscaping – land north of 30 Longhirst Village, Longhirst</p>	No

	<p>Main issues: development in the open countryside; inappropriate development in the Green Belt; detrimental impact on the rural character of the site and wider landscape; harm to the setting and significance of the Conservation Area; insufficient information to assess archaeological impacts; insufficient information to assess impacts on protected species; and fails to address disposal of surface water.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	
20/02026/COU	<p>Change of use of 8no. Holiday cottages to residential dwellings – 1 - 4 Bamburgh Cottages and 5 - 8 Craster Cottages, Northumbrian Hills, Burgham Park, Felton</p> <p>Main issues: unnecessary and unjustified residential development in the open countryside.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
22/00042/LBC	<p>Listed building consent to replace 6 windows with similar casement windows with wooden rather than plastic dividers – Broomhaugh Farm, Broomhaugh, Riding Mill</p> <p>Main issues: would result in loss of historic fabric and fail to preserve the special historic interest of the building, and would cause less than substantial harm to the listed building.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No

Planning Casework Unit Referrals

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

Planning Appeals Received

Appeals Received

Reference No	Description and address	Appeal start date and decision level
21/04426/CLEXIS	<p>Certificate of lawful development of existing vehicular access from the B6318 – land on Hadrian’s Wall remains south of Black Pasture Cottage, Brunton Bank, Wall</p> <p>Main issues: lack of information and evidence as submitted to grant certificate.</p>	<p>28 April 2022</p> <p>Appeal against non-determination</p>
19/01687/FUL	<p>Change of use of land for the siting of up to 60 static caravans, along with associated infrastructure and hard and soft landscaping. Archaeological report received 09.2.2021 and amended site location plan received 26.02.21 - land north west of Springwood, Coast View, Swarland</p> <p>Main issues: obtrusive development in the rural landscape that would adversely affect the rural setting and visual relationship between Swarland and wider countryside setting.</p>	<p>1 June 2022</p> <p>Committee Decision - Officer Recommendation: Refuse</p>
21/03532/FUL	<p>Restore and re-build existing derelict dwellings to create single dwelling house with attached holiday-let and erection of ancillary workshop/agricultural storage building – land south west of Woodbine Cottage, Carrshield</p> <p>Main issues: significant works required to existing structure therefore conversion is unacceptable as a matter of principle; design would not respect historic character of the building and would affect the character of the North Pennines AONB; new outbuilding would be inappropriate in size and scale in the open countryside with impacts on the landscape and the AONB; insufficient information to assess ecological impacts of the proposals; and insufficient information to assess archaeological impacts.</p>	<p>16 August 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/02094/FUL	<p>Remove green keepers compound and erection of 48 dwellings (including 10 affordable houses) plus upgrade of access road, electric substation, SUDs, domestic package treatment works and domestic gas storage.- Amended description – land north</p>	<p>17 August 2022</p> <p>Committee Decision - Officer Recommendation:</p>

	<p>west of Burgham Park Golf Club, Felton</p> <p>Main issues: inappropriate development in the Green Belt; unnecessary and unjustified development in the open countryside and unsustainable location; and lack of completed S106 Agreement in respect of affordable housing, education, health and a Habitat Maintenance and Management Plan</p>	Approve
22/01413/FUL	<p>Dormer window to roof slope on principal (south) elevation – 3 Dene Park, Darras Hall, Ponteland</p> <p>Main issues: design, scale and massing would not be subordinate to the dwelling and would be out of character in the street scene.</p>	<p>27 September 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/04687/OUT	<p>Outline permission for development for up to 43 residential dwellings (Use Class C3), demolition, infrastructure, access, open space and landscaping (All matters reserved except for access) - land north of Eilansgate, Hexham</p> <p>Main issues: inappropriate development in the Green Belt; lack of information in relation to ecological impacts; loss of woodland and larger trees would impact the setting of the Conservation Area; lack of information in relation to drainage and flood risk; and the application does not secure necessary planning obligations in respect of affordable housing, healthcare and education.</p>	<p>27 September 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/01100/FUL	<p>Timber shed for storage of tools and equipment required to maintain the woods and culverts. (Retrospective application) - Ochre Wood, Corbridge</p> <p>Main issues: inappropriate development within the open countryside and Green Belt; and insufficient information on access and car parking arrangements.</p>	<p>31 October 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/01112/FUL	<p>Replacement of existing store and smoking shelter within the rear car park with a shipping container to provide outdoor food and drink service ancillary to Beadnell Towers Hotel – Beadnell Towers Hotel, The Wynding, Beadnell</p> <p>Main issues: harm to the setting of the listed building and Conservation Area; and fails to conserve or enhance the Northumberland Coast AONB.</p>	<p>31 October 2022</p> <p>Committee Decision - Officer Recommendation: Refuse</p>

21/04958/FUL	<p>Resubmission - Retrospective application for outdoor dining facilities within car parking area to front. Material amendment to roof covering and part timber cladding – Percy Arms, Chatton</p> <p>Main issues: development results in harm to the character and appearance of the Conservation Area; and substandard access to rear car park.</p>	<p>1 November 2022</p> <p>Committee Decision - Officer Recommendation: Approve</p>
21/03396/FUL	<p>Construction of 3no. residential cottages with associated garages, access, car parking and landscaping and demolition of existing outbuilding(s) and extension(s) to 4 & 5 Front Street with replacement extension(s) and internal alterations - 4 and 5 Front Street, Capheaton</p> <p>Main issues: proposals are not commensurate with the size of the settlement and encroach into the open countryside, adversely impacting on the setting and appearance of the settlement and surrounding countryside; proposals result in harm to the heritage assets and their setting without clear and convincing justification of this harm or public benefits to outweigh the harm; layout, scale and design as well as pattern of development would be detrimental to local vernacular and character; lack of information on car parking, access arrangements, refuse, drainage and opportunities to promote walking, cycling and public transport; and proposals result in biodiversity net loss.</p>	<p>2 November 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/03397/LBC	<p>Listed Building Consent for demolition of existing outbuilding(s) and extension(s) to 4 & 5 Front Street with replacement extension(s), internal alterations and alterations to boundary walls – 4 and 5 Front Street, Capheaton</p> <p>Main issues: proposals result in harm to the heritage assets without clear and convincing justification of this harm or public benefits to outweigh the harm.</p>	<p>2 November 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/00393/FUL	<p>Siting of 'Timber Living Trailer' - land south of Jubilee Cottages, West Woodburn</p> <p>Main issues: site is in the open countryside and not in a sustainable or accessible location; and adverse impacts on the open countryside and landscape.</p>	<p>3 November 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

21/02696/S106A	<p>Variation of S106 Agreement relating to planning permission A/2004/0323 dated 3rd February 2005 – Hawkshaw, Old Swarland, Swarland</p> <p>Main issues: the S106 continues to serve a useful purpose and insufficient information has been submitted to demonstrate that there is no longer a requirement for discount market value accommodation for a local person(s) in the area.</p>	<p>7 November 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/00749/OUT	<p>Outline application for demolition of existing garage and stable block and construction of new dwellinghouse (all matters reserved) - building and land west of Roecliffe, Ladycutter Lane, Corbridge</p> <p>Main issues: appeal against imposition of a condition in the decision notice that limits the siting and scale of the new dwelling.</p>	<p>9 November 2022</p> <p>Delegated Decision - Officer Recommendation: Approve</p>
21/04002/FUL	<p>Proposed 6no. Yurts and associated structure for holiday and tourism – land south-east of Alnham House, Alnham Main Road, Alnham</p> <p>Main issues: the site is not in an accessible location; and results in incursion into the open countryside and fails to respect the intrinsic character and beauty of the area.</p>	<p>17 November 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/00913/FUL	<p>Resubmission of approval 18/03632/REM for the construction of two detached dwellings and associated works – land to north west of Blue House Farm Cottages, Blue House Farm Road, Netherton Colliery</p> <p>Maini issues: isolated residential development in the open countryside; and no planning obligation secured in respect of a contribution to the Coastal Mitigation Service or other alternative mitigation.</p>	<p>7 December 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/04208/FUL	<p>Proposal to erect a single self-build dwelling house – land south west of Hazeldene Cottage, Sinderhope</p> <p>Main issues: isolated development in the open countryside in an unsustainable location; fails to conserve and enhance the natural beauty and scenic qualities of the North Pennines AONB; visibility splays from the access are inadequate; insufficient information to assess ecological impacts; and insufficient information regarding foul water drainage.</p>	<p>7 December 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

22/00262/FUL	Demolition of existing extension and rebuilding an extension – 1 Sandridge, Newbiggin-by-the Sea Main issues: unacceptable design with detrimental loss and alteration of a historic building group with harm to the Conservation Area.	8 December 2022 Delegated Decision - Officer Recommendation: Refuse
22/01675/FUL	Erection of 1 no. Dwelling (C3 use) - land south of Old Smithy, Widdrington Village Main issues: development in the open countryside; harm to the setting of a Grade I listed building with no public benefits; and no unilateral undertaking has been completed to secure a contribution to the Coastal Mitigation Service.	19 December 2022 Delegated Decision - Officer Recommendation: Refuse
22/03313/AGTRES	Prior notification for change of use and conversion of agricultural building to single dwelling – The March Barn, Welton Main issues: the proposal involves significant building operations that go beyond what is reasonably necessary to convert the building and therefore it is not permitted development.	21 December 2022 Delegated Decision - Officer Recommendation: Refuse
21/01833/FUL	Development of 60 no. Pitches for holiday accommodation comprising touring caravan/campervan pitches and tents – land at Elwick Farm, Belford Main issues: unsustainable major tourism in the open countryside; lack of information in relation to impacts on wildlife; lack of information in respect of a nutrient calculation relating to the Lindisfarne SPA; and lack of information relating to surface water drainage and highways.	10 January 2023 Delegated Decision - Officer Recommendation: Refuse
22/00394/FUL	Retrospective: Construction of pergola and decking within existing beer garden – The Dyvels Hotel, Station Road, Corbridge Main issues: inappropriate development in the Green Belt with no demonstrated very special circumstances to outweigh the harm; and harm to the character and appearance of the building and the surrounding area.	13 January 2023 Delegated Decision - Officer Recommendation: Refuse

Recent Enforcement Appeal Decisions

Enforcement Appeals Allowed

Reference No	Description and address	Award of costs?
None		

Enforcement Appeals Dismissed

Reference No	Description and address	Award of costs?
None		

Enforcement Appeals Received

Appeals Received

Reference No	Description and address	Appeal start date
20/01383/ENDEVT	Material change of use of the land from use for agriculture to a vehicle parking area – School House Farm, Kiln Pit Hill, Consett Appeal against Enforcement Notice and linked with appeal submitted against refusal of 20/01457/CLEXIS (see above).	9 February 2022 Inquiry date: 16 May 2023
22/00022/NOTICE	Unauthorised dwelling – Horsley Banks Farm, Horsley	6 April 2022 Hearing date: 22 November 2022
22/00023/NOTICE	Unauthorised stable buildings – Horsley Banks Farm, Horsley	6 April 2022 Hearing date: 22 November 2022
18/01525/ENDEVT	Change of use of the land for the stationing of 2 caravans including a linking structure for residential purposes - School House Farm, Kiln Pit Hill, Consett	29 April 2022

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

Inquiry and Hearing Dates

Reference No	Description and address	Inquiry/hearing date and decision level
20/01457/CLEXIS	<p>As amended: Use of land to the west of School House Farm, Kiln Pit Hill (as outlined in red on amended location plan received 16/9/21) as a Motocross Track with associated visitor parking, catering van, portable toilet, security gates and sign in shed. Operating times throughout the year (excluding every Tuesday together with Christmas Day, Boxing Day and New Years Day when it is closed) are 8am-5pm (bikes allowed on tracks from 10am-4pm only) with additional opening hours of 4pm-7pm on Monday, Wednesday and Friday during the months of May, June, July, August and September (amended 29/9/21) - Motorcycle track west of School House Farm, Kiln Pit Hill</p> <p>Main issues: the submitted evidence fails to demonstrate that the lawful use is as described in the application.</p>	<p>Inquiry date: 16 May 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

Implications

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

Background papers

Planning applications and appeal decisions as identified within the report.

Report author and contact details

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Northumberland

County Council

S106

Agreements Update Report

November and December 2022

Report of the Executive Director of Regeneration, Commercial and Economy

Cabinet Member: Councillor Colin Horncastle

Purpose of report

For Members' information to report the agreement monitoring and collection of s106 contributions in the planning process. This is a monthly report and relates to agreements throughout Northumberland during the previous 2 months

Recommendations

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

Link to Corporate Plan

This report is relevant to all the priorities included in the NCC (Northumberland County Council) Corporate Plan 2021-2024.

Key issues

This month's report provides details on new S106 agreements and unilateral undertakings completed during the months of November and December and payments received for these months.



New Agreements

November and December	New Agreements completed and added to Database
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21/04835/AGTRES	Land East of Blacksmiths Cottage Shilbottle
21/02995/FUL	Land North of East Green Bowsden
22/03107/ful	Land west of Earsdon Widdrington
21/01137/FUL	Land North of Garden Cottage Ellington
22/02322/FUL	Yorkshire Trading, 32- 34 Bondgate Within, Alnwick,

Contributions Received

Development	Type of Contribution	Amounts Received
Land South of Island View Amble	Coastal Mitigation	£615
Seaton House Seaton House Cottage	Coastal Mitigation	£2460
Spindlestone Cottage, Belford	Coastal Mitigation	£1200
Land W of Earsdon East Forest, Widdrington	Coastal Mitigation	£345
The Crossing House, Longhirst,	Coastal Mitigation	£345

Awards and Payments Made

Awards Paid Out	Project	Amount Paid
Home Group RP	Affordable Homes in Amble 1st payment of Award	£164,940
NCC	Cambois Wader Mitigation	£6,790

106 team - Any queries please email: s106@northumberland.gov.uk

Implications

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

Background papers

Planning applications and 106 Agreements

Report author and contact details

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