



Northumberland

County Council

Your ref:

Our ref:

Enquiries to: Rebecca Little

Email: Rebecca.Little@northumberland.gov.uk

Tel direct: 01670 622611

Date: Wednesday, 10 May 2023

Dear Sir or Madam,

Your attendance is requested at a meeting of the **NORTH NORTHUMBERLAND LOCAL AREA COUNCIL** to be held in **MEETING ROOM 1, BERWICK LEISURE CENTRE, TWEEDMOUTH, TD15 2AS** on **THURSDAY, 18 MAY 2023** at **2.00 PM**.

Yours faithfully

Dr Helen Paterson
Chief Executive

To North Northumberland Local Area Council members as follows:-

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



Dr Helen Paterson, Chief Executive
County Hall, Morpeth, Northumberland, NE61 2EF
T: 0345 600 6400
www.northumberland.gov.uk



AGENDA

PART I

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

1. APOLOGIES FOR ABSENCE

2. MINUTES

(Pages 1
- 8)

Minutes of the meeting of the North Northumberland Local Area Council held on Thursday, 20 April 2023 as circulated, to be confirmed as a true record and signed by the Chair.

3. DISCLOSURE OF MEMBERS' INTERESTS

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

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

Registerable Interest or Non Registerable Interest in a matter being considered in exercise of their executive function, they must notify the Monitoring Officer and arrange for somebody else to deal with it.

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

- 4. DETERMINATION OF PLANNING APPLICATIONS** (Pages 9 - 12)
- To request the committee to decide the planning applications attached to this report using the powers delegated to it.
- Please note that printed letters of objection/support are no longer circulated with the agenda but are available on the Council's website at <http://www.northumberland.gov.uk/Planning.aspx>*
- 5. 22/03726/FUL** (Pages 13 - 50)
Temporary conversion of the Mobilisation Store to provide a 96-seat, cinema facility, including the siting of a temporary toilet block adjacent to the building.
Berwick Barracks, Parade, Berwick-Upon-Tweed, Northumberland, TD15 1DF
- 6. 22/03727/LBC** (Pages 51 - 66)
Listed Building Consent: Temporary conversion of the Mobilisation Store to provide a 96-seat, cinema facility, including the siting of a temporary toilet block adjacent to the building.
Berwick Barracks, Parade, Berwick-Upon-Tweed, Northumberland, TD15 1DF
- 7. 22/03112/FUL** (Pages 67 - 76)
Retrospective: Installation of Air Handling Unit within supermarket service yard. (note: the AHU had been re-programmed not to operate between 22.00 and 07.00 hours unless the internal temperature in the store drops below 10 degrees which will only occur under exceptional winter circumstances).
Asda, Main Street, Tweedmouth, Berwick-Upon-Tweed, Northumberland, TD15 2DS
- 8. 21/04453/FUL** (Pages 77 - 102)
Development of 58no. affordable dwellings with associated infrastructure and draining (amended description).
Land at Seton Hall, Ord Road, Tweedmouth, Berwick-Upon-Tweed,

Northumberland, TD15 2UT

9. **22/03766/VARYCO** (Pages
Removal of condition 18 (street lighting) on approved application 103 -
20/03446/VARYCO to allow street lights to be turned off or removed 114)
Farm Buildings East of North Farm, Rennington Village, Rennington,
Northumberland
10. **22/02619/FUL** (Pages
Retrospective Change of use of White Cottage to Serviced 115 -
Accommodation in Association with the Joiners Arms 126)
White Cottage, The Inn Road, Newton-by-the-Sea, Northumberland,
NE66 3EA
11. **20/03697/FUL** (Pages
Extension and conversion to provide 18No additional hotel rooms 127 -
and improved pub/restaurant facilities. 152)
Bamburgh Castle inn, Seafeld Road, Seahouses, NE68 7SQ
12. **APPEALS UPDATE** (Pages
For Members' information to report the progress of planning appeals. This 153 -
is a monthly report and relates to appeals throughout all 5 Local Area 166)
Council Planning Committee areas and covers appeals of Strategic
Planning Committee.
13. **PUBLIC QUESTION TIME**
- To reply to any questions received from members of the public which have been submitted in writing in advance of the meeting. Questions can be asked about issues for which the Council has a responsibility. (Public question times take place on a bimonthly basis at Local Area Council meetings: in January, March, May, July, September and November each year.)
- As agreed by the County Council in February 2012, the management of local public question times is at the discretion of the chair of the committee.
- Please note however that a question may possibly be rejected if it requires the disclosure of any categories of confidential or exempt information, namely information:
1. Relating to any individual;
 2. Which is likely to reveal the identity of an individual;
 3. Relating to the financial or business affairs of any particular person;
 4. Relating to any labour relations matters/negotiations;

5. Restricted to legal proceedings;
6. About enforcement/enacting legal orders;
7. Relating to the prevention, investigation or prosecution of crime.

And/or:

- Is defamatory, frivolous or offensive;
- It is substantially the same as a question which has been put at a meeting of this or another County Council committee in the past six months;
- The request repeats an identical or very similar question from the same person;
- The cost of providing an answer is disproportionate;
- It is being separately addressed through the Council's complaints process;
- It is not about a matter for which the Council has a responsibility or which affects the county;
- It relates to planning, licensing and/or other regulatory applications
- It is a question that town/parish councils would normally be expected to raise through other channels.

If the Chair is of the opinion that a question is one which for whatever reason, cannot properly be asked in an area meeting, he/she will disallow it and inform the resident of his/her decision.

Copies of any written answers (without individuals' personal contact details) will be provided for members after the meeting and also be publicly available.

Democratic Services will confirm the status of the progress on any previously requested written answers and follow up any related actions requested by the Local Area Council.

14. PETITIONS

This item is to:

(a) Receive any new petitions: to receive any new petitions. The lead petitioner is entitled to briefly introduce their petition and a response to any petitions received will then be organised for a future meeting.

(b) Consider reports on petitions previously received - None

(c) Receive any updates on petitions for which a report was previously considered: any updates will be verbally reported at the meeting.

15. LOCAL SERVICES ISSUES

To receive a verbal update from the Area Managers from Technical

Services and Neighbourhood Services in attendance about any key recent, ongoing and/or future planned Local Services work for the attention of members of the Local Area Council, who will also then have the opportunity to raise issues with the Area Managers.

The Area Managers have principal responsibility for highway services and environmental services, such as refuse collection, street cleansing and grounds maintenance, within the geographic boundaries of the Local Area Council.

16. DATE OF NEXT MEETING

The next meeting of the North Northumberland Local Area Council is scheduled for Thursday, 22 June 2023 and is Planning only.
(This date is subject to the agreement of the Diary of Meetings at the Annual Council meeting on 17 May 2023.)

17. 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)

Agenda Item 2

NORTHUMBERLAND COUNTY COUNCIL

NORTH NORTHUMBERLAND LOCAL AREA COUNCIL

At the meeting of the **North Northumberland Local Area Council** held at Main Hall - St James's URC, Pottergate, Alnwick, NE66 1JW on Thursday, 20 April 2023 at 2.00 pm.

PRESENT

G Castle (Chair)
(in the Chair)

MEMBERS

T Clark
G Renner-Thompson
C Hardy
M Mather

G Hill
J Watson
I Hunter
M Swinbank

OFFICERS

J Blenkinsopp
H Booker

V Cartmell
R Little
D Love
E Scott
J Sharp

Solicitor
Principal Highways Development
Management Officer
Planning Area Manager
Assistant Democratic Services Officer
Senior Planning Officer
Built Heritage and Design Officer
Senior Planning Officer

Around 15 members of the press and public were present.

145 **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors S. Bridgett, W. Pattison, C. Seymour and T. Thorne.

146 **MINUTES**

RESOLVED that the minutes of the meeting of the North Northumberland Local Area Council held on Thursday, 23 March 2023, as circulated, be confirmed as a true record, and be signed by the Chair.

147 **DISCLOSURE OF MEMBERS' INTERESTS**

Councillor Swinbank disclosed that he had a prejudicial interest in item 6 of the agenda, planning application 21/02775/FUL, and would leave the room when the application was discussed and voted upon.

Councillor Hunter disclosed that she had a personal, but non-prejudicial interest in item 5 of the agenda, planning application 21/04246/FUL.

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

148 **DETERMINATION OF PLANNING APPLICATIONS**

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

RESOLVED that this was noted.

149 **21/04346/FUL**

**Replace existing building (3no. flats/ 14no bed sits space) with 3no detached houses with 18 bed spaces.
On The Beach, Harbour Road, Beadnell, NE67 5AN**

D. Love – Senior Planning Officer, introduced the application with a PowerPoint Presentation, and gave the committee the following updates:

- An update to the recommendation on page 31 of the report, to read “approval subject to conditions and a £10,000 contribution towards coastal erosion management”
- There had been an agreed clarification on the description of the planning application, which would now read “Replace existing building (3no. flats/

14no bed sits space) with 3no detached houses with 18 bed spaces, to be used as holiday accommodation.”

- Confirmation that the application site was in the Beadnell Conservation Area but outside the settlement boundary.

C. Williamson spoke on behalf of the Beadnell Parish Council and gave the committee the following information:

- Beadnell Parish Council agreed that the existing building did not present an attractive entrance to the village, and they were generally supportive of the intention to demolish and replace it.
- The application was an overdevelopment of the site, with one building being replaced by three, increasing the floor space considerably.
- The height and uniformity of the buildings did not respond to local character within the Beadnell Conservation Area in which the site was situated.
- The site was bordered by the main road into and out of Beadnell to the north.
- The Parish Council were concerned that there was a reduction in the existing parking provision from 25% to 10% of the site area.
- There was no official car park opposite the site, the land was part of a village green.
- Northumberland County Council had earmarked £687,000 in the 2023/24 budget for coastal defences in Beadnell, £10,000 did not seem proportionate.
- Beadnell Parish Council objected to the application.

N. Allen spoke in support of the application and gave the following information:

- There had been no technical objections.
- The scheme was for three units with six spaces each.
- The previous Built and Heritage Officer did not object to four houses.
- The uniformity of the scheme introduced cohesion to the entrance of Beadnell.
- The original building had one driveway for all vehicles with no turning.

Following questions from members to the planning officer, the following information was provided:

- It was confirmed that the application site was outside of the settlement boundary but inside the Beadnell Conservation Area.
- The £10,000 S106 sum was calculated using a technical formula.
- Highways had been consulted on the application.
- There was no history of collisions near the site in the past 20 years.
- The Local Authority would be responsible to maintain the sea defences if the application was approved.

Councillor Watson proposed to refuse the application on the basis that the application was an overdevelopment of the site, replacing one house with three. This was seconded by Councillor Renner-Thompson stating that he agreed with Councillor Watson and the Parish Council.

A vote was taken as follows: FOR; 6, AGAINST; 3, ABSTAIN;0

RESOLVED that the application be **REFUSED** as it was an overdevelopment of

the site, with the exact reason to be delegated to the planning officer.

Councillor Swinbank left the meeting.

150 **21/02775/FUL**

Erection of 2no holiday lets (Sui Generis) and associated landscaping (as amended)

Dunstan House, C74 Dunstan Village Main Road, Dunstan, NE66 3SY

J. Sharp – Senior Planning Officer, introduced the application with the aid of a PowerPoint presentation and gave the committee the following update:

- A late representation had been submitted, which had been circulated to members prior to the meeting.

P. Biggers spoke in objection to the planning application advising of the following information:

- The harm from further holiday accommodation.
- The impact of the position, scale, and design of the units.
- The impact to residential amenity.
- The impact of access changes.
- The applicant had amended their proposal from two dwellings to two holiday lets in the hope of circumventing NLP Policy HOU10 seeking houses to be occupied as principal residences.
- The Craster Neighbourhood Plan, Policy 1 supporting text was clear that new housing should be occupied as permanent residences in recognition of the high percentage of houses used as holiday accommodation.
- 55% of accommodation in Dunstan was for holiday lets, which only had a seasonal benefit to the local economy.
- New houses in the AONB capable of being permanent residences should not be used as holiday lets.
- Placing two large houses in the garden of the site would have a significant detrimental impact on the character of the village.
- The scale and height of the two-storey houses and steeply pitched roofs would be close to that of Dunstan House.
- The impact for neighbours in Windlesham, The Bungalow and Crag View was not a matter of overlooking of windows, it was a result of overlooking into gardens and an overbearing proximity given where the house on plot 1 was sited 1-2 metres from the boundary to Windlesham.
- The residents were concerned over the safety aspects of the approach around the bend from the South.
- The application would require the removal of the edge and a large length of whinstone wall on the street frontage again resulting in the urbanisation of this tranquil street and a loss of character, contrary to Policy QOP1.
- The site was proposed to accommodate only 7 parking spaces.

W. Pattison had registered to speak as the Local Member and submitted a speech to be read out by an officer at the meeting, in accordance with the Public Speaking Protocol. The committee were given the following information:

- The proposal was in direct conflict with Craster Parish Council's Neighbourhood Plan.

- The planning application stated that the intention was for the new dwellings to become designated holiday lets and not homes for permanent residents/long-term tenants.
- Should the application be granted, it would raise a question over whether future Parishes embarking on a Neighbourhood Plan was a worthwhile endeavour as loopholes could be found.

A. Shanley spoke on behalf of Craster Parish Council and gave members the following information:

- Craster Parish Council strongly objected to the planning application.
- New houses in Dunstan should be for primary occupancy only.
- The Built Heritage and Design officer objected to the application.
- The AONB had objected to the application.
- The views of the Parish Council had been disregarded.
- The application was not a welcome addition to the village.
- The application should be refused.

S. Palmer spoke in support of the application and gave the committee the following information:

- The applicant was not a developer but was an ex-hotelier with experience in tourism.
- The site was to be built as a tourism business and specifically designed as holiday accommodation.
- The site was five times the average plot in Dunstan.
- The application would encourage and increase the tourism market in Dunstan.
- The focus of the project was the existing garden.
- The application would be accessible to people with mobility issues.

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

- The application was Sui Generis and was looked at under the tourism policy of the Local Plan and was not considered to be a market dwelling.
- There was no policy reason for refusal.
- If granted, the application site could not be used as a market dwelling.
- Highways were satisfied with removing the hedging and boundary wall, subject to the conditions in the report.
- There were seven car parking spaces in total.
- The proposals met the statutory requirement to preserve the setting of the Grade II* and Grade II listed buildings.
- In the opinion of the Built Heritage and Design Officer, the application would not make a positive contribution to the local character of the village.
- Strong boundary treatments would be put in place to disguise the site from long-range views.
- There was a range of designs within the village.

Councillor Castle proposed to refuse the application stating that the proposed units would not make a positive contribution to the local character and would not integrate with the surrounding build environment, contrary to Local Plan Policy QOP 1 of the Northumberland Local Plan, with the exact wording of the refusal reason to be delegated to the planning officer, this was seconded by Councillor

Renner-Thompson.

Members noted that they understood the different policies within the Northumberland Local Plan, the parish councils may have had different interpretations and there needed to be clearer wording and support.

A vote was taken, and it was unanimously

RESOLVED that the application be **REFUSED** as the application was not a positive contribution to the village and that it did not accord with policy QOP1, with the exact wording of the refusal to be delegated to the planning officer.

Councillor Swinbank returned to the meeting at this point.

151 **22/04155/FUL**

**Construction of Annex Accommodation to Blue Bell Cottage
Bluebell Cottage, Dene House Farm Cottages, Longframlington, Morpeth,
Northumberland, NE65 8EE**

D. Love – Senior Planning Officer, introduced the application with the aid of a PowerPoint Presentation and gave the following update:

- An additional condition to be added stating that prior to any works above damp-proof course level the applicant shall submit details of the external finishing materials for the walls and roof.

G. Nelles spoke on behalf of Longframlington Parish Council, and gave members the following information:

- The Parish Council objected to the application.
- The application would not satisfy the Longframlington Neighbourhood Plan policies for location and design.
- The application sat outside the village boundary and was classified as countryside.
- Whilst the Northumberland Local Plan made provision for rural exception sites that met local need, the Parish Council considered that the application did not fulfil this criteria.
- Highways had stated that the location was not sustainable but had not objected as the stand-alone build was being classed as an annex.
- Housing for older residents would be better suited within the village boundary.
- The application would not satisfy policy LNP7 or policy LNP5.
- The house would not be sustainable in the long term.

C. Ross spoke in support of the application and gave the committee the following information:

- The application was for a family who required an adapted and accessible living arrangement, to allow a family member to live independently.
- There was no highways objection.
- The annex was designed to complement the main building.
- The annex would be tied to the existing property and would be in the garden.
- The track to the property was able to serve bin collection wagons and

Ch.'s Initials.....

Page 6

- delivery lorries.
- The application would meet a specific identified need and its use would be controlled.

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

- Any further change to use of the annex would require further planning permission.
- The application was designed in mind for palliative care.

Councillor Hill proposed to accept the recommendation with the additional condition that prior to any works above damp-proof course level the applicant shall submit details of the external finishing materials for the walls and roof with the exact wording to be delegated to the planning officer. Councillor Hill stated that it was a positive application, this was seconded by Councillor Mather.

A vote was taken, and it was unanimously:

RESOLVED that the application be **GRANTED** with the conditions set out in the report and the additional condition that prior to any works above damp-proof course level the applicant shall submit details of the external finishing materials for the walls and roof, with exact wording to be delegated to the planning officer.

152 **APPEALS UPDATE**

RESOLVED that this was noted.

Councillor Castle (Chair), in the Chair.

153 **DATE OF NEXT MEETING**

The date of the next meeting was confirmed as Thursday, 18 May 2023.

CHAIR.....

DATE.....

This page is intentionally left blank



Northumberland County Council

NORTH NORTHUMBERLAND LOCAL AREA COUNCIL

18 MAY 2023

DETERMINATION OF PLANNING APPLICATIONS

Report of the Director of Planning

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.

Important Copyright Notice

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

BACKGROUND PAPERS

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

IMPLICATIONS ARISING OUT OF THE REPORT

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

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

APPENDIX 1: PROCEDURE AT PLANNING COMMITTEES

Chair

Introduce 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.

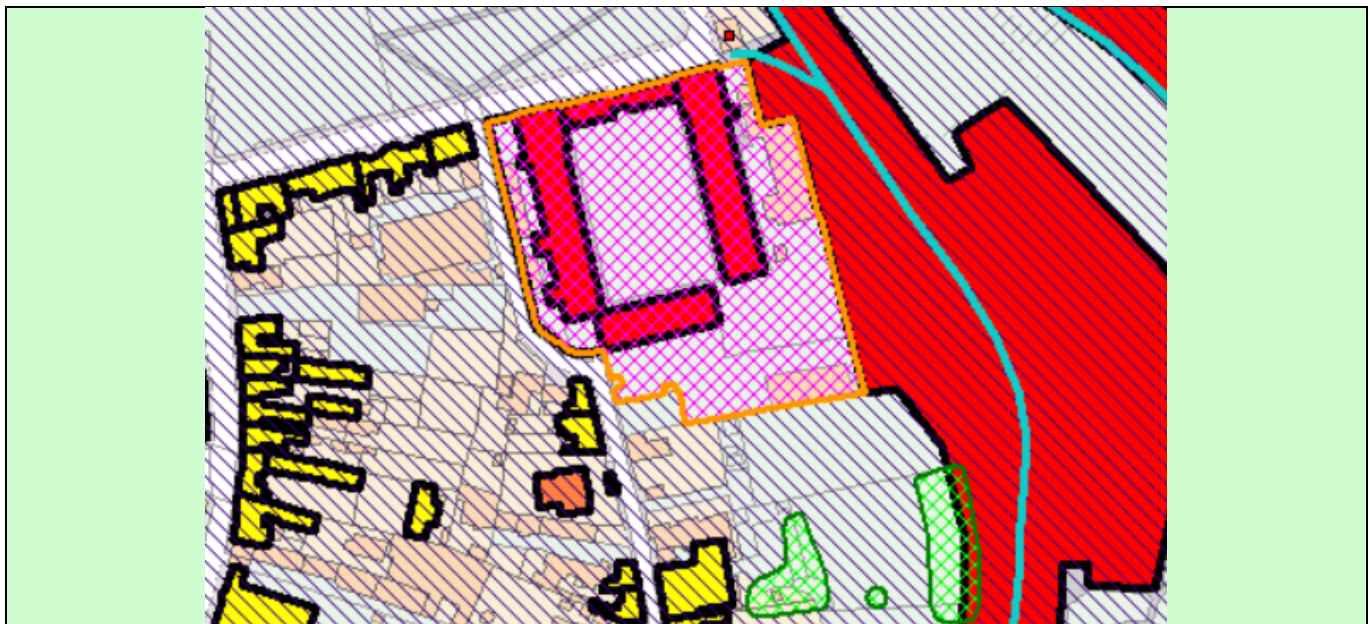


Northumberland
County Council

North Northumberland Local Area Committee 18th May 2023

Application No:	22/03726/FUL		
Proposal:	Temporary conversion of the Mobilisation Store to provide a 96-seat, cinema facility, including the siting of a temporary toilet block adjacent to the building.		
Site Address	Berwick Barracks, Parade, Berwick-Upon-Tweed, Northumberland TD15 1DF		
Applicant:	Miss Mullarkey Wansbeck Workspace, Rotary Parkway, Ashington, NE63 8QZ	Agent:	Mr Paul East The Straw Yard, Parade, Berwick-upon-Tweed, TD15 2JS
Ward	Berwick North	Parish	Berwick-upon-Tweed
Valid Date:	27 October 2022	Expiry Date:	23 May 2023
Case Officer Details:	Name: Mrs Christina Dowling Job Title: Senior Planning Officer Tel No: 07752783678 Email: Christina.Dowling@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission subject to conditions.



This material has been reproduced from Ordnance Survey digital map data with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright (Not to Scale)

1. Introduction

1.1 This application falls to be determined by the North Northumberland Local Area Council Planning Committee due to concerns raised by nearby residents regarding the impact of the proposals upon designated heritage assets, neighbouring amenity and highway safety.

1.2 The application has been reviewed by the Committee Chairs and the Director of Planning, who requested that a decision on the application was taken by the Committee for the reason that it does raise issues of strategic, wider community or significant County Council Interest. Councillor Seymour also requested that the application be determined by the Committee.

2. Description of the Application Site and Proposals

Background

2.1 This application for planning permission is for the temporary conversion of the Mobilisation Store (Mob Store) at Berwick Barracks, Parade, Berwick-Upon-Tweed, to provide a 96-seat cinema facility (together with space for two wheelchair users). The proposals also include the siting of a temporary toilet block adjacent to the building.

2.2 Berwick Barracks are Grade I Listed buildings and are amongst the first purpose-built barracks to be built in England, completed in 1721. The Mob Store is a curtilage listed structure dating from the early 20th century. It was used to store military equipment, however, it is understood that the Barracks has not had a military purpose since 1963. The Mobilisation Store has recently been used by English Heritage to store architectural fragments until 2022. However, it is now vacant.

2.3 As the Mob Store is a curtilage listed structure, an application for Listed Building Consent (22/03727/LBC) for the proposed works has therefore been submitted and appears elsewhere on this agenda.

2.4 Whilst works are undertaken to construct the New Maltings theatre in Berwick-Upon-Tweed, there is a requirement to rehouse key components of the Maltings to provide continuity of facilities for visitors and the community, and it is proposed that the Mob Store is temporarily converted to provide a sound-proofed cinema facility. It would be designed in such a way that the Mob Store could then be adapted into an archive facility when the New Maltings is completed and the cinema is no longer required.

2.5 The applicant's Design and Access Statement states that it is envisaged that the Mob Store building will be used as a temporary cinema venue for the Maltings for 2-3 years from its completion in 2023.

The Application Site

2.6 The Berwick Barracks are located within the settlement boundary of Berwick-Upon-Tweed, within the defined town centre. They are also located within the Berwick-Upon-Tweed Conservation Area. The Mob Store is located to the southern boundary of the Barracks, just inside the line of the Elizabethan fortifications, which are Grade I Listed.

2.7 The Barracks are bounded to the north by Parade and Parade Green, to the south and west by the residential properties of Ravensdowne, and to the east by the historic town walls and the grass sloped embankments of the ramparts, which is a designated Scheduled Monument.

2.8 The Mob Store building is modest in scale, with a length of approximately 25 metres and a width of approximately 9.5 metres. It is a single storey building, constructed in roughly coursed, rock-faced sandstone, with a slate roof with coped gables and kneelers. It retains its original cast iron framed multi-paned windows. Internally, there is a single space with a lightweight steel truss and boarded roof structure. To the rear is a small lean-to.

2.9 The Mob Store is accessed either through the main Barracks complex or from Ravensdowne (which is a narrow road to the west of the Barracks) via the shared service yard and staff car parking area.

The Proposals

2.10 The proposals include converting the Mob Store to provide a cinema with 96 fixed seats. The seats would be laid out as nine rows of ten seats and one row with six seats (with space on either side of the front row for two wheelchair users). The proposals also include an entrance lobby, a small reception area (for the purchase of tickets and snacks) and a projection room, formed by internal partitions.

2.11 Thermal and acoustic upgrades will occur internally. Proposed refurbishment works to the building include repairs to the roof and the replacement of lead flashings where necessary; the removal of stone copes and their replacement following the installation of lead dpc flashing; the redecorating of existing fascias, gutters and downpipes; the repointing of any friable areas of mortar with lime cement mix, and the application of black out vinyl to the inner faces of windows.

2.12 The perimeter walls of the Mob Store will have a new insulated wall lining introduced to improve the overall thermal efficiency. The existing windows will be overboarded to block out daylight, with acoustic vents included to allow free air movement to the rear of the existing windows and the inner face of the glass will have a blackout film applied.

2.13 A small temporary modular toilet block would be provided to the west of the Mob Store, immediately adjacent to the main entrance to the cinema, which will include a covered ramped area. The new structure will be contemporary in appearance, with stained larch plywood external cladding panels to the walls, a black profile aluminium sheeting roof, low level painted render blockwork and a recessed painted plywood panel with the "Maltings" logo/cinema sign.

2.14 The demolition of a small existing lean-to store to the east elevation of the Mob Store with a volume of approximately 4.0 cubic metres will enable the provision of a new external plant enclosure and air handling unit.

2.15 The applicant's Heritage Statement and Design and Access Statement states that pedestrian access for the proposed cinema will be via the existing gated access off Parade, through Parade Square. The gate will only be open when the cinema has screenings to limit access to the site.

2.16 Proposed vehicle parking for users of the cinema is limited to 3no. new disabled parking bays located to the west of the proposed toilet block building. These will be accessed via Ravensdowne, with the gates from Ravensdowne being closed during any shows. The applicant's Design and Access Statement states that these spaces can only be used if pre-booked by Blue Badge holders when purchasing tickets to the cinema, and that a member of staff will provide controlled access to the vehicle gates off Ravensdowne to ensure no other vehicles can use the spaces or wider service yard area. All other visitors arriving by motor vehicles would be expected to park in nearby car parks, including the car park on Parade.

2.17 12no. new cycle parking spaces (6 Sheffield cycle hoops under a covered cycle shelter) would also be provided close to the proposed disabled car parking bays.

2.18 The applicant has also provided details of the space within the courtyard that can currently accommodate 7no. car parking spaces. As the current operations of Berwick Barracks are daytime only, these spaces would be available for staff use during the evening. However, further information supplied by the applicant states that they anticipate only two members of staff would park on-site.

2.19 Waste produced by the proposed cinema will be stored in bins directly to the south of the temporary toilet block within a gated enclosure and will be moved onto the footpath on the day of collection.

2.20 The Heritage Statement and Design and Access Statement states that it is anticipated that the cinema will generally be open six days a week (Tuesday to Sunday), although it will sometimes be open on Mondays. It is likely that weekday opening times would be around 2pm to 10.30pm in line with The Maltings' current cinema programme. It is anticipated that weekends will be similar, with some Saturday morning screenings for families (from 10.30am). Additional information supplied by the applicant indicates that operation days would be variable and assumes the following:

- (i) Core weekly programme of matinee/early evening screening Tuesday to Saturday;
- (ii) Evening screening Thursday to Saturday;
- (iii) Family films on Saturday mornings; and
- (iv) Sunday to Monday screenings only during peak times such as school holidays and / or first week of release films (which they need to screen every day for a week).

2.21 Additional information supplied by the applicant indicates that with regard to ticket sales, (between April 2024 and March 2025) they would anticipate selling on average 40no. tickets on Mondays, Tuesdays, Wednesdays and Sundays, 50no. tickets on Thursdays and 60no. tickets on Fridays and Saturdays.

2.22 Further information supplied by the applicant states that additional daytime access to the site is required for downloading films, set up and cleaning etc.

2.23 The application form states that the proposed cinema would result in 3no. Full time employees.

3. Planning History

Reference Number: 17/02000/FUL

Description: Change of use to class B1 including replace existing window with door.

Status: PER

Reference Number: 21/00043/TREECA

Description: Trees in a Conservation Area: T817 - Sycamore - remove hanging branch over footpath, T818 - Sycamore - Prune to clear/bridge/light, T853 - Sycamore - crown reduce by 2.5m, T856 - Sycamore - remove the epicormic growth, T865 - Sycamore - Crown clean to remove the branch stubs, T874 - Sycamore - repollard, T875 - Sycamore - repollard, T879 - Sycamore - Remove the epicormic growth, T882 - Sycamore - shorten branch with decay by approx 3m, T885 - Sycamore - remove the epicormic growth, T901 - Sycamore - reduce the remaining crown down to approx height of the failed stem and blen sides to re-balance, T908 - Elm -remove the epicormic growth and T910 - Sycamore - remove 2/3 branches overhanging roof of adjacent property to give 3m clearance

Status: NOOBJ

Reference Number: 22/00023/FDN

Description: 5 Day Notice to remove 1no. Sycamore damaged to East of Berwick Barracks on upper footpath along ramparts. Location marked as yellow circle on attached pdf map.

Status: COMMNT

Reference Number: 22/03436/LBC

Description: Listed building consent to convert two buildings to accommodate audiences and temporary conversion of mobilisation store to provide a 105-seat cinema facility, including a temporary toilet block

Status: APPRET

Reference Number: 22/03727/LBC

Description: Listed Building Consent: Temporary conversion of the Mobilisation Store to provide a 96-seat, cinema facility, including the siting of a temporary toilet block adjacent to the building

Status: PDE

Reference Number: 23/00512/FDN

Description: 5 Day Notice to Pollard 9no. Sycamore trees at Greenside Place to prevent damage to trees in high winds and keep clear of street lighting and buildings. Pollard 8no. Sycamore trees at Grosvenor Gardens to keep trees healthy and minimise risk of branch drops on nearby roof tops and historic masonry and 1no. Sycamore tree to be pollarded due to tree decline with major dead wood in crown.

Status: COMMNT

Reference Number: N/00/B/0069

Description: Tree works at berwick ramparts.

Status: PER

4. Consultee Responses

Berwick-upon-Tweed Town Council (1)	Members noted the objections by members of the public, however, after consideration, they resolved to support the application.
-------------------------------------	--

Berwick-upon-Tweed Town Council (2)	Members expressed concerns regarding the proposal and requested that NCC acknowledge the concerns of residents, recognise the need for a management plan for access and egress which minimises the impact on residents and that NCCs Highways Department tack account of the impact of anti-social parking in the area around the location.
Berwick-upon-Tweed Town Council (3)	After expressing gratitude for the additional information provided with regards to access to the site it was unanimously resolved to offer no objection to the proposals.
Berwick-upon-Tweed Town Council (4)	No objections subject to no objections from both environmental health and highways.
Building Conservation (1)	Support - subject to conditions to ensure no harm to significance. Large scale details of the bin store and plant enclosures, including how the gates would be secured – limited fixings into the stone boundary wall - to be submitted for approval.
Building Conservation (2)	Support - subject to condition to ensure no harm to significance. Colour / finish for the cycle shelter Large scale details of the bin store and plant enclosures, including how the gates would be secured – limited fixings into the stone boundary wall.
Historic England	We consider that the proposal presents a sensitive approach to the temporary use of a historic building, with the added benefits of repair and improved environmental performance. This reflects para. 197 of the National Planning Policy Framework which asks that the desirability of sensitively sustaining historic buildings and the social and economic value of doing so is considered in applications. No objection to the applications on heritage grounds.
County Archaeologist	No objection subject to a condition requiring a programme of archaeological mitigation being undertaken.
Environmental Protection (1)	No objection.
Environmental Protection (2)	Object – further information required, including foul water disposal, the applicant’s Noise Impact Assessment and noise attenuation.
Environmental Protection (3)	No objection subject to conditions relating to the verification of cinema noise, verification of noise from fixed plant, dealing with justified noise complaints, restrictions on construction working hours, restriction on construction delivery and collection hours, restrictions on the operational times of the cinema, and dealing with contamination not previously identified. Informatives are also suggested with regard to artificial illumination and statutory nuisance action should substantiated complaints be received.
Lead Local Flood Authority (LLFA) (1)	No objection.
Lead Local Flood Authority (LLFA) (2)	The additional information submitted is in relation to foul drainage. No comment.

Highways (1)	Additional information is required with regard to accident data, total capacity and events, existing and proposed car parking spaces, cycle parking and any changes to existing access, operations and staff parking.
Highways (2)	Additional information relating to accident data is still required.
Highways (3)	No objections subject to conditions relating to external lighting, the implementation of the car parking area, cycle parking and the completion of the highway works prior to occupation, the submission of details of surface water drainage, the submission of a Travel Plan, the submission of a Demolition and Construction Method Statement, no external refuse or refuse containers being stored outside of the approved refuse storage area, restrictions on the use to a cinema, the submission of a Deliveries and Servicing Management Plan, and the submission of a Car Parking Management Strategy. Informatives are also suggested with regard to alterations to the existing vehicle crossing point(s), the agreement of any offsite highway works, a highway condition survey, any required temporary traffic management measures, a reminder to not store building material or equipment on the highway and a reminder to not deposit mud/ debris/rubbish on the highway.
County Ecologist (1)	Foul Sewerage is to be disposed of by a new septic tank. In view of the proximity of protected sites, details of this, including location, capacity and predicted volume of foul water drainage. Please also provide details of where the effluent will discharge.
County Ecologist (2)	Further information is required on private foul water drainage systems. The justification for not connecting the foul water drainage to the main drains should clearly be set out. If a cesspit tank is the only justified option here, then the discharge or emptying process should be clarified including where the effluent will end up.
County Ecologist (3)	No objection subject to conditions, including bat roosts and the provision of two bat boxes installed to the east and west aspect of the building, the timing of works to protect birds nests and details of the destination of the contents of the cesspool which must avoid the use of specific Sewerage Treatment Works.
Natural England (1)	No objection. Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
Natural England (2)	No objection. The proposed amendments are unlikely to have significantly different impacts on the natural environment than the original proposal.
Strategic Estates	No response received.
Fire & Rescue Service	No objection.
Architectural Liaison Officer - Police (1)	Support. However, although the covered entrance is aesthetically pleasing there are concerns that the concealed recess may be a risk. From a crime and disorder perspective

	there should be a securable entrance door to the covered space.
Architectural Liaison Officer – Police (2)	Clarification has been provided and we note the extra security provision being proposed to prevent ad-hoc gatherings in the entrance ramp area.
Northumbria Ambulance Service	No response received.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	42
Number of Objections	8
Number of Support	8
Number of General Comments	0

Notices

Site Notice - Conservation Area and Affecting Listed Building, posted 11th November 2022

Press Notice - Berwick Advertiser, published 10th November 2022

Summary of Responses:

5.1 Representations have been received from 16no. contributors.

Objection

5.2 A total of 8no. objections have been received from the occupants of five residential properties within Ravensdowne. The issues raised by objectors are summarised as follows:

- A cinema is not appropriate for a quiet residential area
- Noise from cinema and comings and goings of pedestrians and vehicles
- The applicant's information is inconsistent in terms of how many screenings there would be in a day and how many days the cinema would operate
- Odours from toilet block septic tank
- Loss of privacy
- Loss of outlook – overlooking toilet block
- Impact on character of Conservation Area – this is a quiet residential area on the edge of the town centre and a large scale visitor attraction would not be in keeping and would be harmful to the character of the Conservation Area.
- Adverse impact on the Listed Building by acoustic mitigation and temporary toilet block
- Traffic and parking issues. On site parking is inadequate. The Parade car park is often full. People will park on Ravensdowne. Existing access from Ravensdowne is narrow. Emergency vehicles may not be able to access

Ravensdowne. Extra vehicle movements will impact on highway and pedestrian safety.

- Light pollution
- Construction work

5.3 It is noted that further objections have been received in response to the accompanying Listed Building Consent application. However, such comments are similar to those submitted in objection to the planning application.

Support

5.4 A total of 8no. supporting comments have been received. The issues raised are as follows:

- Proposals will assist in economic regeneration of Berwick. The Maltings Theatre and Cinema is a crucial asset to the Town and to the local economy. Maintaining cinema provision in the centre of Berwick is a crucial public benefit and a much-needed element of Berwick's economy.
- There will be investment in an underutilised historic asset and benefits will endure once the temporary use has ceased. The refurbishment work will pave the way for the subsequent adaptation of the building as a new Archive/ Records Centre.
- Proposals will bring the Mobilisation Store back in to use
- This is the best option for providing a cinema for the town whilst the Maltings is being rebuilt
- It will create a hub for arts and creativity
- An opportunity to start rebuilding the links between the Barracks and its local community, by encouraging people to visit the site
- Adequate car parking is available on the Parade, Wallace Green, Coxon's Lane, Church Street and Chapel Street

5.5 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=RJIZM2QSK8P00>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan 2016-2036 (Adopted March 2022)

STP 1 - Spatial strategy (Strategic Policy)

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

STP 3 - Principles of sustainable development (Strategic Policy)

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

STP 5 - Health and wellbeing (Strategic Policy)

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

ECN 15 - Tourism and visitor development

TCS 1 - Hierarchy of centres (Strategic Policy)

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

QOP 1 - Design principles (Strategic Policy)

QOP 2 - Good design and amenity

QOP 3 - Public realm design principles

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
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
POL 2 - Pollution and air, soil and water quality
INF 1 - Delivering development related infrastructure (Strategic Policy)
INF 2 - Community services and facilities
INF 6 - Planning obligations
WAT 1 - Water quality
WAT 2 - Water supply and sewerage

6.2 National Planning Policy

NPPF - The National Planning Policy Framework (NPPF) (July 2021)

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

6.3 Neighbourhood Planning Policy

Berwick-upon-Tweed is a designated area for neighbourhood planning, but a draft Neighbourhood Plan has yet to emerge.

6.4 Other Documents/Strategies

National Design Guide (2019)

Planning (Listed Building and Conservation Areas) Act 1990

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

Berwick-upon-Tweed Conservation Area Character Appraisal and Management Strategy (2008)

7. Appraisal

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

7.2 Paragraph 219 of the NPPF advises that weight should be given to relevant policies in existing plans according to the degree of consistency with the NPPF i.e. the closer a policy in a local plan accords with the NPPF, the greater the weight that

may be given to them. The policies referred to in this report are considered to be in accordance with the NPPF and can therefore be given due weight.

7.3 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
- Design, Scale and Visual Impact
- Impact on Heritage Assets
- Archaeology
- Residential Amenity
- Highways
- Ecology
- Contaminated Land
- Climate Change
- Broadband Connectivity
- Other Matters

Principle of Development

The spatial strategy, the economy and tourism

7.4 The Northumberland Local Plan's spatial strategy, set out in Policy STP 1, places Berwick-upon-Tweed in the top tier of 'main towns' that are to be the main foci for employment, housing, retail and services.

7.5 Policy TCS 1 confirms Berwick-upon-Tweed's defined centre as part of an upper tier of seven centres, where growth will be supported and encouraged in order to help maintain and reinforce that role.

7.6 Policy ECN 1 stresses that the Plan is seeking to deliver economic growth, including through supporting town centres as locations for employment and business, promoting tourism and the visitor economy, and recognising the role of the County's historic environment as a driver of economic development.

7.7 The 'Borderlands inclusive Growth Deal' covers Local Authority areas on either side of the England / Scotland border, which have a 'shared ambition' to boost green growth and attract new investment. The initiative has a number of limbs, one of which is "*Improving Places*", aiming to "*revitalise places across the Borderlands region to attract people to live, work and visit*". The ways in which the Growth Deal would facilitate this include "*strategic projects that will transform the role and perception of places in the region*", "*investing in smaller market towns to reinvigorate and repurpose towns*", and "*capitalising on ... heritage, cultural and recreational assets to promote the region as a destination to visit and as a place to live and work*".

7.8 These aims are to be translated into a major project for Berwick, the Berwick Theatre. The town's theatre, cinema and some other arts facilities currently occupy the 'Maltings' building and, under the initiative, this is to be transformed. The Growth Deal document states:

“The new Maltings Venue will be an iconic, multi-purpose cultural and entertainment complex, transforming the appeal of Berwick-upon-Tweed as an attractive, high quality visitor destination. ... The uplift in scale and configuration of the existing facilities will create a high-quality attraction that will be a major draw, delivering a step change in audience numbers and making a significant contribution to increasing visitors to Berwick-upon-Tweed. A larger auditorium will attract larger touring productions and higher profile headline live performances; with a dedicated, authentic cinema also part of the offer. The new environment will be highly accessible throughout, benefitting visitors and performers alike.”

7.9 The Council’s Economic Strategy sees the theatre project as a key aspect of a wider agenda to strengthen Berwick, which also looks to improve the strategic infrastructure, the town centre’s ‘offer’ and its overall attractiveness.

7.10 The Maltings scheme and facilitation of the project is important within the planning strategy for Berwick and the wider County. The appropriate temporary accommodation of the cinema and other functions from the Maltings is a key aspect of this facilitation and is therefore supported in principle.

7.11 The scale of what is being proposed at the Maltings is such that it is being developed to serve, not just the cultural demands of the town and its wide hinterland, but also the considerable number of people who visit the town each year. Policy ECN 15 of the Local Plan promotes Northumberland as a destination for tourists and visitors, facilitating the potential for the County to be a destination for, among other things, heritage and cultural visits. Main Towns and Service Centres are prioritised for the development of significant new facilities.

Town centre considerations

7.12 Section 7 of the NPPF deals with ensuring the vitality of town centres. Planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. The sequential approach encourages town centre uses (which includes cinemas) to be located in town centres.

7.13 The Barracks and its associated buildings lie within the town centre boundary. Within these defined boundaries, Policy TCS 3 of the Northumberland Local Plan promotes the role of centres as “*community and service hubs*”, as well as “*vital and viable centres for shopping, business, culture and leisure*”, and as “*places to live, work and visit*”.

7.14 Part 2(d) of Policy TCS 3, states that within the constraints of built conservation policies, small scale opportunities are allowed for the enhancement of town centre offer in the defined centre of Berwick-Upon-Tweed. Part 4 states that all development of additional Main Town Centre Uses will be considered positively if it will deliver social, economic and /or environmental benefits for the centre, but it must be in scale with the size and function of the centre.

7.15 As such, if cultural spaces and facilities, serving the local community and visitors, can be accommodated within a defined historic centre, this is to be preferred to an out of centre location. The repurposing of historic buildings in a constrained,

historic centre is supported, not just in terms of the facilities to be accommodated but also insofar as historic assets can be kept in use and maintained.

7.16 It is therefore considered that the proposed development is acceptable in principle and is in accordance with the National Planning Policy Framework and Policies STP 1, TCS 1, TCS 3, ECN 1 and ECN 15 of the Northumberland Local Plan.

Design, Scale and Visual Impact

7.17 Paragraph 126 of the NPPF states “the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

7.18 Paragraph 130 states planning decisions should ensure that developments add to the overall quality of the area over the lifetime of the development; are visually attractive as a result of good architecture, layout and landscaping; are sympathetic to local character, including the surrounding built environment and landscape setting, establish a strong sense of place, and create places that are safe and accessible.

7.19 Policy QOP 1 of the Northumberland Local Plan states, amongst other things, that development proposals should make a positive contribution to local character and distinctiveness; create or contribute to a strong sense of place and integrate the built form of the development with the site overall, and the wider local area, having particular regard to matters such as building heights, the form, scale and massing, prevailing around the site; be visually attractive and incorporate high quality materials and detailing; respect and enhance the natural, developed and historic environment, including heritage, environmental and ecological assets, and any significant views or landscape setting; ensure that buildings and spaces are functional and adaptable for future uses; support health and wellbeing and enhance quality of life; support positive social interaction and a safe and secure environment, including measures where relevant to reduce the risk of crime and the fear of crime; not cause unacceptable harm to the amenity of existing and future occupiers of the site and its surroundings; incorporate, where possible, green infrastructure and opportunities to support wildlife, while minimising impact on biodiversity and contributing to environmental net gains; ensure the longevity of buildings and spaces, and secure social, economic and environmental benefits.

7.20 Policy QOP 2 requires development to provide a high standard of amenity and ensure that the physical presence and design of the development does not have a visually obtrusive or overbearing impact on neighbouring uses.

7.21 Consideration must therefore be given to the design and scale of the proposed development and its impact on visual amenity.

7.22 The proposed refurbishment works to the Mob Store are minor in nature. However, they will enhance the appearance of the building. The proposed temporary toilet block and covered entrance structure is relatively small in scale. However, it will obscure views of the Mob Store and would therefore detract to some extent from views from the west. Although it may not be considered to be an appropriate permanent structure due to its location and use of materials, it is considered to be

acceptable for a temporary period. The external plant enclosure has been designed to be lower than the adjacent boundary wall to minimise its impact.

7.23 Due to the relatively small scale of the proposed development, it is considered that its physical presence and design would not have a visually obtrusive or overbearing impact on neighbouring uses. The proposed recreational use will support health and wellbeing and enhance quality of life, and support positive social interaction. In addition, the proposal will result in a refurbished building that is functional and readily adaptable for future uses.

7.24 The Police Architectural Liaison Officer has been consulted on the proposed development and they have advised that they support the proposals. Although they initially raised a concern relating to the covered entrance, the applicant provided further clarification on matters, including extra security to prevent gatherings in the entrance ramp area. As such, it is considered that the proposed development would provide a safe and secure environment.

7.25 The proposed development is considered to be acceptable with regard to its design, scale and visual impact. As such, the proposals are in accordance with Policies QOP1 and QOP 2 and the National Planning Policy Framework in this respect.

Impact on Heritage Assets

7.26 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 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 listed building or its setting or any features of special architectural or historic interest which it possesses.

7.27 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

7.28 Chapter 16 of the National Planning Policy Framework deals with making decision on heritage assets.

7.29 Policy ENV 1 of the Northumberland Local Plan requires that the character and/or significance of Northumberland's distinctive and valued natural, historic and built environments, will be conserved, protected and enhanced by:

- a. Giving appropriate weight to the statutory purposes and special qualities of the hierarchy of international, national and local designated and non-designated nature and historic conservation assets or sites and their settings.

7.30 Policy ENV 7 requires developments to ensure the conservation and enhancement of the significance, quality and integrity of Northumberland's heritage assets and their settings. Where development proposals would cause less than substantial harm to the significance of designated heritage assets, this will be weighed against the public benefits of the proposal, including securing the optimum use that is viable and justifiable.

7.31 Policy ENV 9 requires that we ensure the conservation and enhancement of the significance, quality and integrity of Northumberland's heritage assets and their settings.

7.32 Historic England have been consulted on the proposed development. They have advised that the proposed internal works would have a light touch on the historic fabric, and they will also help to facilitate a more permanent use once the cinema use is no longer required. Externally, the toilet block addition has a greater design quality than most temporary structures, although because it obscures the main entrance it detracts from the Mob Store's appearance.

7.33 Nevertheless, Historic England consider that the proposal presents a sensitive approach to the temporary use of a historic building, with the added benefits of repair and improved environmental performance. This reflects paragraph 197 of the National Planning Policy Framework which asks that the desirability of sensitively sustaining historic buildings and the social and economic value of doing so is considered.

7.34 Historic England has therefore advised that they have no objection to the proposals on heritage grounds, subject to it being time-limited through condition.

7.35 The Council's Built Heritage and Design Officer has been consulted on the proposed development.

7.36 They have advised that the Mob Store is an open plan space. Some subdivision is proposed, however most of the space would remain open plan. The removal of the existing internal lobby would not harm the significance as this is a later addition. The ceiling frame structure would remain exposed within the cinema space and the partitions to form two lobbies, a reception and a projection room would not compromise the lightweight steel truss and boarded roof structure.

7.37 The windows are bespoke metal framed trellised windows and each section has a rose motif at its centre. Blackout vinyl would be applied internally to the glass panes, which is acceptable as a reversible temporary measure.

7.38 The proposed temporary toilet block would ensure that toilet provision is not required in the main Mob Store building, therefore retaining the historic open plan layout. The Built Heritage and Design Officer has advised that although the toilet block would have a limited impact on the overall setting, it would only be acceptable if for a temporary period. They have therefore requested that a condition is included to ensure that the proposed toilet block, together with the associated septic tank, are approved for a temporary period only. A condition has been included with regard to the proposed development being for a temporary period of 3 years, after which time any buildings, structures or works shall be removed from the site and the land restored to its former condition.

7.39 A bin storage enclosure would be provided to the rear of the temporary toilet block, with a post and gate attached to the existing wall. The Built Heritage and Design Officer has advised that details are required, including the method of securing the temporary screening and access gate. Such a condition has been included.

7.40 It is proposed to break out and re-lay the existing surface treatment to the west of the temporary toilet block to provide three accessible parking spaces and cycle parking. The Built Heritage and Design Officer has advised that the use of tarmac is appropriate, as it is evident elsewhere in the Barracks site.

7.41 A lean-to structure would be demolished at the east end of the Mob Store. This is a small outbuilding with low significance. A larger plant enclosure area would be formed between the wall of the Mob Store and the surrounding listed wall. The Built Heritage and Design Officer has advised that details of the access gate and post are required, limiting fixings into the stone boundary wall. Such a condition has been included.

7.42 The Built Heritage and Design Officer has advised that the proposed development complies with Policy ENV 7 (1) which requires new development to conserve and enhance the significance of heritage assets. They support the proposed development, and subject to the inclusion of conditions as stated above, they consider that the proposed development would result in no harm to significance.

7.43 It is considered that the proposed development would conserve and enhance the significance, quality and integrity of the heritage assets and their settings, including the listed buildings, their setting and any features of special architectural or historic interest, and the character and appearance of the Berwick-Upon-Tweed Conservation Area.

7.44 As such, the proposed development is considered to be in accordance with Policies ENV 1, ENV 7 and ENV9 of the Northumberland Local Plan and the National Planning Policy Framework with regard to its impact on heritage assets.

Archaeology

7.45 Section 16 of the National Planning Policy Framework deals with Archaeology.

7.46 Policy ENV 7 requires development proposals to ensure the conservation and enhancement of the significance, quality and integrity of heritage assets, including archaeological interest.

7.47 The County Archaeologist has been consulted on the proposed development.

7.48 For the most part the proposed works relate to alterations to the existing buildings, with the exception of localised demolition works (lean-to building), construction of the new toilet block (and associated services, including the cesspool tank), and new service connections.

7.49 These proposed works have potential to damage or disturb any unrecorded archaeological remains that may be present below the ground surface. Given the records of medieval midden material being recorded during archaeological works south of the Barracks in 1998, there is potential unrecorded archaeological remains to be damaged or disturbed by any excavations required by the above works.

7.50 The County Archaeologist has advised that there are no objections to the proposed development on archaeological grounds subject to a programme of archaeological mitigation being undertaken in association with the development works.

7.51 Subject to such a condition, the proposed development is considered to be acceptable with regard to its impact on archaeology and is in accordance with Policy ENV 7 of the Northumberland Local Plan and the National Planning Policy Framework.

Impact upon Residential Amenity

7.52 Policy QOP 1 (Design Principles) 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.

7.53 Policy QOP 2 (Good design and amenity) of the Northumberland Local Plan states that development will be required to provide a high standard of amenity for existing and future users of the development itself and not cause unacceptable harm to the amenity of those living in, working in or visiting the local area. Developments will need to ensure that specific criteria are met, including requiring the physical presence and design of the development to 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 is not oppressive and the best outcomes for outlook are achieved wherever possible. Also, appropriate levels of privacy, according to the use of buildings and spaces, are required to be incorporated into the design of the new development and are not unacceptably harmed in existing neighbourhood development. Furthermore, it is required that there are no unacceptable adverse impacts from noise, disturbances and any other harmful effects, resulting from either the development or from neighbouring uses on the development.

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

7.55 Objections have been received from nearby residents with regard to noise and disturbance associated with the proposed cinema itself and the comings and goings of pedestrians and vehicles. Residents are also concerned about potential odours from the proposed toilet block, which includes a cesspool tank. Residents are concerned that the proposals would result in harmful impacts on their residential amenity. A number of residents have commissioned their own noise impact assessment (NJD Environmental Associates) in response to the noise impact assessment submitted in support of the application (Sandy Brown Ltd).

Noise Associated with Cinema

7.56 The application is supported by a Noise Impact Assessment (Sandy Brown Ltd). A noise survey was carried out at the site to measure the existing background noise level at the nearest noise sensitive premises and to quantify the sound insulation of the existing buildings. The report states that the minimum background noise in the area is typically LA90 40 dB. The sound insulation of the building envelopes is comparatively poor, being limited by old single glazed windows, poorly sealed doors and slate roofs or exposed sarking boards with no insulation or ceilings below them. A 3D noise model has been created to predict the noise egress from the building with the intended use. The model highlights that cinema noise would be considerably above the background sound at low frequencies outside the nearest houses, and so

are likely to be clearly audible. The noise consultant provided recommendations for upgrading the windows of the Mob Store, including installing plasterboard covers inside the existing windows, and upgrading the roof with a plasterboard ceiling below the existing metal roof trusses. The proposed new fire exit door would need to be acoustically rated. The noise consultants have also given outline advice on noise control of building services, and for surface finishes to control the reverberation time in the cinema.

7.57 Following concerns raised by local residents and the submission of the residents' own noise assessment by NJD (that measured background noise levels to be lower than the applicant's consultant's levels) and further information requested by the Council's Environmental Protection Team, the applicant submitted a further report which included information with regard to how the background noise levels were recorded, cinema noise levels, cinema noise egress and building services noise.

7.58 The Council's Environmental Protection Team has been consulted on the proposed development. They have considered the proposals, together with the applicant's noise impact assessment, the residents' objections (including their own noise impact assessment) and the applicant's additional information.

7.59 The Environmental Protection Team requested further information with regard to the findings of the applicant's noise report and the proposed noise attenuation measures and requested a precise specification for areas such as ceilings, doors, window coverings and partition walls, to include confirmation of the acoustic attenuation provided by each element.

7.60 Following the receipt of additional information the Council's Environmental Protection Team has advised that they have no objection to the proposals, subject to the inclusion of planning conditions relating to the verification of cinema noise prior to the scheme being brought into use (to assess the level of cinema noise emissions at the boundary of the nearest noise sensitive receptors, which should meet the predicted noise level of 27dB LAeq at the boundary to the garden of the nearest noise residential receptor), the verification of fixed plant noise prior to the scheme being brought into use, restrictions on the operational opening hours of the cinema (9am to 10.30pm on all days), restrictions on the hours of construction works and restriction on the hours of construction deliveries/collections. All of these conditions have been included.

7.61 The Environmental Protection Team also requested a planning condition relating to how any justified noise complaints would be dealt with should they be received. However, it has since been agreed that such noise complaints would be more appropriately dealt with by the Council's Environmental Protection Team under the Environmental Protection Act 1990 in terms of statutory nuisance.

7.62 Local residents have stated that the applicant's information is inconsistent in terms of how many screenings there would be in a day and how many days the cinema would operate. The applicant has provided further information with regard to the anticipated number of screenings and the hours of operation of the cinema facility and these are outlined in paragraphs 2.20 and 2.21 of this report. The screenings will vary from day to day; however, they may take place every day, including Saturday mornings. Although the proposed cinema has capacity for 96 seats and space for two wheelchair users, the applicant anticipates selling on

average 40no. tickets on Mondays, Tuesdays, Wednesdays and Sundays, 50no. tickets on Thursdays and 60no. tickets on Fridays and Saturdays.

7.63 Given that the proposed use is for a relatively small building located within the town centre, it is considered that it is not necessary for the proposals to be restricted in terms of the number of screenings in any day. However, it is considered appropriate to restrict the opening hours of the use so that the cinema does not operate during unsocial hours, as recommended by the Council's Environmental Protection Team. As such, it is considered that the inclusion of a condition to restrict the hours of operation to between 9am and 10.30pm every day would be sufficient to ensure that the operation of the proposed cinema does not result in unacceptable impacts on residential amenity in terms of noise.

Noise and Disturbance Associated with Comings and Goings of Pedestrians and Vehicles

7.64 Residents of Ravensdowne are concerned that the comings and goings of pedestrians and vehicles associated with the operation of the proposed cinema will harm their residential amenities.

7.65 As outlined in paragraphs 2.15 to 2.18 above, pedestrian access for the proposed cinema will be via the existing gated access off Parade, and not via the existing access off Ravensdowne. A planning condition is included to ensure that pedestrian access for the users of the proposed cinema will be via Parade and that no pedestrian access will take place from the existing access from Ravensdowne.

7.66 Vehicle parking for users of the cinema is limited to 3no. proposed disabled parking bays which will be accessed via Ravensdowne. These spaces can only be used if pre-booked by Blue Badge holders when purchasing tickets to the cinema, and a member of staff will provide controlled access to the vehicle gates off Ravensdowne to ensure no other visitors vehicles can use the spaces or wider service yard area. All other visitors arriving by motor vehicles would be expected to park in nearby car parks, including the car park on Parade. Limited access for staff from the vehicular access off Ravensdowne will also be required, however, the applicant has advised that they anticipate only two members of staff would park on-site. A planning condition is included to ensure that on-site parking for the users of the cinema is restricted to the proposed 3no. disabled parking bays.

7.67 As such, it is considered that noise and disturbance associated with the comings and goings of pedestrians and vehicles associated with the proposed cinema use will be very limited and will not have an unacceptable impact on the residential amenities of the area, including on Ravensdowne.

Odours

7.68 The proposals include a cesspool tank associated with the proposed temporary toilet block. Residents are concerned that this may result in unpleasant odours that would be harmful to their residential amenities. The Environmental Protection Team requested further information on the proposed cesspool, including a justification as to why a cesspool tank was required rather than using a sewer connection for foul water from the development, and the intended frequency of emptying the cesspool tank.

7.69 The applicant submitted additional information that clarified the reason for the use of a below ground tank cesspool. The existing sewage system on the site discharges untreated directly to the sea and the nearest functional sewage system on Ravensdowne is at capacity and under certain conditions also discharges untreated to the sea. The submitted information and plans do not show any clear point of ventilation for gases and odours which might build up within the tank and would appear to be vented at the location of the tank at ground level. This has the potential to cause odours to be present in the location of the tank and not be vented away from local residential receptors and the development itself. The Environmental Protection Team recommends that ventilation is provided via a soil vent pipe at a suitable distance and height from the nearest residential receptors, preferably at the east façade of the Mob Store. They have not recommended a planning condition with regard to this. However, they have advised that the applicant should ensure that the potential for odours impacting residential receptors is mitigated to prevent the cause of any “statutory nuisance” which could lead to action under Section 79 of The Environmental Protection Act 1990. An informative with regard to this matter is therefore included.

Loss of Privacy and Outlook

7.70 Objections have also been received with regard to a loss of privacy associated with the proposed development and poor outlook from windows (associated with overlooking the proposed toilet block).

7.71 The proposed toilet block is relatively small in scale and although it is a temporary structure, it is of an acceptable design. Given the scale of the development, its design and use of materials, and the separation distances between the nearest residential properties and the proposed development, it is considered that there would not be any unacceptable loss of privacy or outlook associated with the proposals. Nor would the proposed development result in any unacceptable impacts with regard to matters such as overdominance.

Light Pollution

7.72 Residents have raised a concern with regard to light pollution associated with the proposed development.

7.73 The Council’s Environmental Protection Team has considered lighting impacts. They consider the site to fall within Environmental Zone E3 (Suburban - Medium District Brightness). No conditions are recommended with regard to lighting. However, the Environmental Protection Team has advised that the applicant should ensure that the potential for artificial lighting impacting residential receptors is mitigated to prevent the cause of any “statutory nuisance” which could lead to action under Section 79 of The Environmental Protection Act 1990. Such an informative is included.

7.74 Given the design of the proposed development, together with the separation distances between the proposed development and the existing nearby residential properties, it is considered that the development would not result in any substantive concerns regarding neighbouring amenity with regard to matters such as pedestrian and vehicular activity, noise, odours, overlooking and loss of privacy, loss of outlook, overbearing impacts and overdominance, overshadowing or loss of light with regard to the amenities of the existing residential properties.

7.75 Subject to the proposed conditions and informatives, the proposals are considered to be in accordance with Policies QOP 1 and QOP 2 of the Northumberland Local Plan and the principles of the NPPF in relation to impact upon residential amenity.

Highways

7.76 Policy TRA 1 of the Northumberland Local Plan 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.

7.77 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.

7.78 Objections have been received from local residents with regard to matters such as additional traffic and vehicular movements, highway safety, vehicular access, and parking. They are concerned that the proposed on-site parking is inadequate. They consider that the Parade car park is often full, which may result in people parking on Ravensdowne, which is a narrow road. They are also concerned that emergency vehicles may not be able to access Ravensdowne. Residents are also concerned that the additional vehicle movements generated by the proposed development will impact on highway and pedestrian safety.

7.79 The applicant's Transport Statement states that the highway accident data has been reviewed for the most recently available five-year road safety record for the area surrounding the site and it is not considered that the data demonstrate any pre-existing patterns or trends of incidents that could be affected by the development proposals. A swept-path assessment has been undertaken which demonstrates that a large car can comfortably access the proposed three mobility standard parking spaces together with the largest anticipated service vehicle. As is the case for users of the existing Maltings site, standard parking provision for the relocated cinema venue is to be provided from the various town centre public car parks, with the closest being Parade Car Park located approximately 80m to the north-west.

7.80 The Transport Statement states that a total of 12no. cycle parking spaces will also be provided to cater for customers and staff access by bike. The proposed temporary facility will be similar in nature to the Maltings in terms of its town centre location (and proximity to the existing Maltings and surrounding public car parks) and proposed seating capacity/operations. As such, it is anticipated that the mode of travel utilised for both staff and visitors currently associated with the Maltings would remain. The applicant's Transport Statement states that it is therefore expected that the temporary relocation of the cinema would not in itself generate additional parking demand, with the town centre public car parks to remain sufficient in meeting the overall demand associated with the relocated facility.

7.81 The applicant's Transport Statement concludes that there are no outstanding reasons why the proposals should not be granted planning permission on highways grounds.

7.83 The Council's Highways Development Management Team has been consulted on the proposed development. They initially requested further information with regard to matters including accident data, total capacity, events, existing and proposed car parking spaces, staff car parking, cycle parking and any changes to existing access arrangements, which has been received.

7.84 The Highways Development Management Team has advised that the applicant has provided further information with regards to accident assessment data from the Traffic and Accident Unit (TADU). This indicates that there were no reported injury collisions within the study area during the study period and the most recent one was in 2005. The submitted details with regard to accident data is considered acceptable.

7.85 The Highways Development Management Team have advised that the proposal is for a temporary period, and it is located within the town centre. Given the anticipated trip generation from the proposed venue, they are satisfied that the parking provision required for these trips can be accommodated within the existing public car parks near to the site. As such, there are no unacceptable highway safety issues identified. Disabled parking is limited to 3no. spaces which will be controlled by being booked in advance and only 2no. members of staff would be expected to park on site. The Highways Development Management Team have advised that the applicant should promote the use of nearby car parks once the development is operational and they have requested that a Car Parking Management Plan is secured by condition. Such a condition is included.

7.86 To mitigate any impact during the construction phase of development, the Highways Development Management Team has advised that a planning condition is required with regard to the submission of a Demolition and Construction Method Statement and supporting plan, with suitable traffic management measures put in place for the safety of users and pedestrians in the vicinity of the site. A condition is also recommended for the submission of a Deliveries and Servicing Management Plan to secure details of servicing/delivery times and patterns to minimise disruption. A planning condition requiring the submission of a Travel Plan is also recommended, given this development is a visitor destination. All of these conditions have been included.

7.87 the Highways Development Management Team has advised that they have no objection subject to the inclusion of their recommended conditions relating to external lighting, the implementation of the car parking area, cycle parking and the highway works prior to occupation, the submission of details of surface water drainage, the submission of a Travel Plan, the submission of a Demolition and Construction Method Statement, no external refuse or refuse containers being stored outside of the approved refuse storage area, restrictions on the use to a cinema, the submission of a Deliveries and Servicing Management Plan, and the submission of a Car Parking Management Strategy. Informatives are also suggested with regard to alterations to the existing vehicle crossing point(s), the agreement of any offsite highway works, a highway condition survey, any required temporary traffic management measures, a reminder to not store building material or equipment on the highway and a reminder to not deposit mud/ debris/rubbish on the highway.

7.88 The Highways Development Management Team has requested a planning condition to restrict the use of the premises so that is only used as a temporary conversion and for no other purpose. A planning condition is included with regard to the development being for a temporary period of three years. However, it is not

considered that any further restriction on the proposed use is required as the planning application description specifies that the use is for a cinema and the detailed proposals relate to a cinema.

7.89 Residents have raised concerns regarding traffic and parking issues which may result in emergency vehicles not being able to access Ravensdowne. However, the Fire Officer has been consulted on the proposed development and has raised no objection.

7.90 It is therefore considered that subject to the above conditions and informatives, the proposed development would be acceptable in relation to highways matters. As such, the proposed development is considered to be in accordance with Policies TRA 1, TRA 2 and TRA 4 of the Northumberland Local Plan and the National Planning Policy Framework.

Ecology

7.91 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.

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

7.93 Natural England has been consulted on the proposed development and they have advised that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes, and they therefore have no objection.

7.94 The Council's Ecology Team has been consulted on the proposals. In view of the proximity of protected sites, the Ecology Team requested further information on the proposed temporary toilet cesspool, including its capacity and predicted volume of foul water drainage, details of where the effluent will discharge, and a justification for not connecting the foul water drainage to the main drains.

7.95 Following the receipt of additional information, the Ecology Team has advised that they have no objection to the proposed development subject to conditions, including the protection of bat roosts and the provision of two bat boxes installed to the east and west aspect of the building, the timing of works to protect birds nests, and details of the destination of the contents of the proposed cesspool (which must avoid the use of specific Sewerage Treatment Works).

7.96 It is therefore considered that subject to such conditions, the proposed development would be acceptable with regard to its impact on biodiversity. As such, the proposals are considered to be in accordance with Policy ENV2 of the Northumberland Local Plan and the National Planning Policy Framework in this regard.

Land Contamination/Ground Gas

7.97 Policy POL 1 requires development proposals to demonstrate that unacceptable risks from contamination will be prevented.

7.98 The Council's Public Protection Team has been consulted on the proposed development.

7.99 With regard to contaminated land, they have advised that no significant ground intrusive works are proposed other than the installation of a below ground cesspool tank. The site is mostly hardstanding and therefore any pathway to ground contamination would remain in place. However, a condition has been recommended with regard to the means of addressing any unexpected contamination should it be encountered during the installation of the underground cesspool tank and any other groundworks. Such a condition has been included.

7.100 With regard to ground gas protection, the site lies just outside of a Coal Authority Development Low Risk Area and it is not within a "radon affected" area as show in the PHE/BGS radon potential dataset. Therefore, there would be no requirement to retrofit gas protection for either of these gas risks and the end receptors would not be vulnerable to the presence of such gases.

7.101 Subject to the recommended condition regarding unexpected contamination, the proposed development is considered to be acceptable with regard to contaminated land and ground gas. As such, the proposed development would be in accordance with Policy POL 1 of the Northumberland Local Plan.

Climate Change

7.102 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.

7.103 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.

7.104 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.

7.105 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.

Broadband Connectivity

7.106 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.

7.107 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

Drainage

7.108 Policy WAT 2 (Water supply and sewerage) of the Northumberland Local Plan requires the satisfactory provision of adequate water supply and sewerage infrastructure. Policy WAT 3 (Flooding) refers to the potential for both on and off-site flood risk and requires proposals to demonstrate how flood risk will be minimised. Policy WAT 4 (Sustainable Drainage Systems) requires SuDS to be incorporated where necessary to control surface water run off.

7.109 As outlined above, the proposed temporary toilet block arrangements have been assessed as being acceptable. In addition, the LLFA have been consulted on the proposed development and they have confirmed that they have no comments to make on the proposals.

7.110 It is therefore considered that the proposed development would be acceptable in relation to Policies WAT 2, WAT3 and WAT 4 of the Northumberland Local Plan.

Equality Duty

7.111 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

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

Human Rights Act Implications

7.113 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.

7.114 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.

7.115 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 proposed development is located within Berwick-Upon-Tweed Town Centre. The National Planning Policy Framework and the Northumberland Local Plan encourage town centres uses, such as cinemas, to be located within town centres in accordance with the sequential approach. The proposed development would assist in maintaining and enhancing the vitality and viability of the town centre, the economic regeneration of the town, and it would also facilitate the Maltings theatre project. The principle of the development is therefore supported.

8.2 The development is considered to be acceptable with regard to its impact on heritage assets, including the curtilage listed building of the Mob Store, the setting of the Grade I Listed Buildings at the Barracks, the Berwick-Upon Tweed Conservation Area and archaeology. The proposals would bring a vacant heritage asset back into use and the proposed refurbishment works would assist in its retention and future use when the temporary cinema is no longer needed. Works such as the temporary toilet block and internal alterations to provide fixed seating are readily reversible following the expiry of the temporary permission.

8.3 The concerns of nearby residents have been carefully considered with regard all matters, including impacts on residential amenity. However, given the detailed design of the development, its scale and the separation distances to nearby residential properties, together with the proposed vehicular and pedestrian access arrangements, it is considered that the proposed development is acceptable with regard to its impact on the residential amenities of the area.

8.4 The proposed development has been assessed with regard to highway safety, access and parking arrangements and is considered to be acceptable.

8.5 The proposals are also considered to be acceptable with regard to any impacts on biodiversity, land contamination and drainage.

8.6 The proposed development is for a temporary period of three years only. It is in accordance with the policies contained within the Northumberland Local Plan and the relevant sections of the National Planning Policy Framework and is therefore recommended for approval subject to conditions.

9. Recommendation

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

Conditions/Reason

Temporary Permission

01. The development to which this permission relates is granted for a temporary period of three years, expiring on 01 June 2026. The use to which this permission relates shall not be carried out after the expiry date. Any buildings, structures or works implemented under this permission shall be removed from the site no later than the expiry date and the land restored to its former condition on or before that date.

Reason: At the request of the applicant and the use of the building is not considered to be suitable on a permanent basis for permanent retention by reason of its design in accordance with the National Planning Policy Framework and Policy ENV7 of the Northumberland Local Plan.

Approved Plans

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

- i) Proposed Site Plan/Location Plan (Drawing Number: 1049(03)002)
- ii) Proposed Ground Floor Plan and Proposed Extended Site Plan (Drawing Number: 1049(20)003 Rev H) (Amended)
- iii) Proposed Elevations (North and South) (Drawing Number: 1049(21)003 Rev A) (Amended)
- iv) Proposed Elevations (East and West) (Drawing Number: 1049(21)005)
- v) Proposed Elevations (North and South - Outside Site Boundary) (Drawing Number: 1049(21)004)
- vi) Proposed Sections (A-A; B-B; C-C; and D-D) (Drawing Number: 1049(21)006)
- vii) Proposed GA Detailed Section (B-B) and Part North Elevation (Drawing Number: 1049(21)011)
- viii) Proposed Demolitions (Floor Plan and North and East Elevations) (Drawing Number: 1049(08)003)

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

Materials

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

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the National Planning Policy Framework and Policies QOP 1, ENV 7 and ENV 9 of the Northumberland Local Plan.

Colour Finish of Cycle Shelter

04. Prior to the installation of the cycle shelter hereby permitted, details of the colour finish of the cycle shelter shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development in the interests of visual amenity and the significance, quality and integrity of the listed building in accordance with the National Planning Policy Framework and Policies ENV7, ENV9 and QOP1 of the Northumberland Local Plan.

Bin Store and Plant Enclosures

05. Prior to the installation of the bin store and plant enclosures hereby permitted, large scale details of the bin store and plant enclosures, including details of how the gates would be secured (with limited fixings into the stone boundary wall) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development in the interests of visual amenity and the significance, quality and integrity of the listed building in accordance with the National Planning Policy Framework and Policies ENV7, ENV9 and QOP1 of the Northumberland Local Plan.

Programme of Archaeological Work

06. A programme of archaeological work is required in accordance with NCC Conservation Team (NCCCT) Standards for Archaeological Mitigation and Site-Specific Requirements document (dated 09/12/22). The archaeological scheme shall comprise three stages of work. Each stage shall be completed and approved in writing by the Local Planning Authority before it can be discharged.

a) No development or archaeological mitigation shall commence on site until a written scheme of investigation based on NCCCT Standards and Site-Specific Requirements documents has been submitted to and approved in writing by the Local Planning Authority.

b) The archaeological recording scheme required by NCCCT Standards and Site-Specific Requirements documents must be completed in accordance with the approved written scheme of investigation.

c) The programme of analysis, reporting, publication and archiving if required by NCCCT Standards and Site-Specific Requirements documents must be completed in accordance with the approved written scheme of investigation.

Reason: The site is of archaeological interest in accordance with the NPPF and Policy ENV7 of the Northumberland Local Plan.

Bat Roosts/Bat Boxes

07. Works to the buildings likely to affect known roosts shall not in any circumstances commence unless the local planning authority has been provided with either:

a. licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or

b. confirmation that the site is registered on a Bat Mitigation Class Licence issued by Natural England; or

c. written justification by a suitably qualified ecologist confirming why a licence is no longer required.

The applicant should note that Natural England require that licence applications are accompanied by survey data from the previous survey season or within twelve months of the application being made.

The development shall then only be carried out in accordance with all of the recommendations for mitigation and compensation set out in the report (Bat survey for Berwick Barracks, EcoNorth 2022) which details the methods for maintaining the conservation status of (Common Pipistrelle bats), unless otherwise approved in writing by the local planning authority or varied by a European Protected Species licence subsequently issued by Natural England.

The measures specified include:

- Works will not commence until those contractors involved have received a toolbox talk from a suitably qualified ecologist (the named ecologist on the Natural England license, or their accredited agent) to ensure they are aware of the presence of bat roosts on site, what to do in the event a bat is encountered at any time, and the working methods which must be implemented through the works period.
- Works on all buildings will proceed to a method statement produced by a suitably qualified ecologist (SQE), and which will form part of the license for the gym and mob store.
- No lighting will be installed which would illuminate bat roost sites either within the works area or adjacent buildings.
- Roosting opportunities for bats will be retained and created wherever possible on site as part of the works, including the installation of 2no. general purpose bat boxes, one of which will act as a receptor site in the event any bats are found during the works period. These will be placed on each side of the building as shown on drawing Number 1049(21)004.

- Works with the potential to affect roosting bats will not commence during the winter period (November to March inclusive) in order to ensure no hibernating bats are adversely affected. In the event works prior to this time have made the relevant sections of the structure unsuitable for such use prior to the start of November, works may continue throughout the winter period.
- No timber treatments which are poisonous to bats will be used

Reason: To maintain the favourable conservation status of a European protected species and maintain the biodiversity value of the site in accordance with Policy ENV2 of the Northumberland Local Plan and the NPPF.

In accordance with guidance issued by Natural England in bat mitigation licensing please note that breathable roofing membranes must not be installed into a roof used by bats. If the use of roof membranes is necessary, only Bitumen type 1F felt with a hessian matrix will be permitted under licence. In this case the bat population is such that no roofs in this development should use breathable roofing felt, as completely sealing older buildings from bats is unlikely to be possible throughout the life of the roof.

Birds Nests

08. Works with the potential to affect active bird nests will not commence during the nesting period (March - September inclusive) unless a checking survey by a Suitably Qualified Ecologist (SQE) has been undertaken no more than 5 days prior which confirms that no active nests are present or would be affected. In the event any active nests are identified at this time, the SQE will implement a buffer zone around these features into which no works will progress until the SQE confirms (via further checks / surveys) that the nest is no longer active.

Reason: To protect nesting birds as required under the Wildlife and Countryside Act 1981.

Disposal of Contents of Cesspool

09. Prior to the first use of the development the contract between the developer and the cesspool maintenance must be provided to and agreed in writing by the Local Planning Authority. This must set out the destination of the contents of the cesspool which must avoid the following:

Sewerage Treatment Works: Belford, Bowsden, Fenwick, Haggerston Castle Caravan Park, Holy Island, Lowick, Shoresdean, Waren Mill.

This must remain in place for the lifetime of the development.

Reason: To avoid impact to the Coastal European designated sites through the addition of nitrates into the Lindisfarne Nutrient Neutrality catchment.

Verification Noise Assessment / Addendum Report for Cinema Noise

10. Prior to the scheme being brought into use the applicant shall employ a competent acoustic consultant to assess the level of cinema noise emissions from the development at the boundary of the nearest noise sensitive receptors and the

applicant shall submit a report based on the consultant's findings to the Local Planning Authority for written approval.

The assessment shall confirm that a noise source of 85dB LAeq within the cinema shall meet the predicted noise level of 27dB LAeq at the boundary to the garden area of the nearest noise residential receptor.

Where the A-weighted noise from a cinema soundtrack is audible or can be measured above the ambient noise level at the Nearest Noise Sensitive Receptor, then appropriate mitigation measures shall be agreed and implemented in full within a timescale approved in writing by the Local Planning Authority.

Reason: To protect residential amenity and provide a commensurate level of protection against noise in accordance with the National Planning Policy Framework and Policies QOP2 and POL 2 of the Northumberland Local Plan.

Verification Noise Assessment / Addendum Report for Fixed Plant

11. Prior to the scheme being brought into use the applicant shall employ a competent acoustic consultant to either assess the level of fixed plant noise emissions from the development at the nearest noise sensitive receptors or carry out a desk-top assessment of the noise impacts based upon the final selection of plant to be installed as part of the development.

The assessment shall be undertaken in accordance with the methodology described in BS 4142:2014+A1:2019. The applicant shall submit a report based on the consultant's findings to the Local Planning Authority for written approval.

Where the noise levels from the fixed plant are in excess of 5dB below the background noise level (LA90) as shown in Table 2 of the Acoustic Report (Sandy Brown Ltd, ref: 22109-R01-A dated 4 April 2022) at the Nearest Noise Sensitive Receptors, appropriate mitigation measures shall be agreed and implemented in full within a timescale approved in writing by the Local Planning Authority.

* T shall be assessed as one hour during daytime (0700 - 2300) and five minutes at night (2300 - 0700).

Reason: To protect residential amenity and provide a commensurate level of protection against noise in accordance with the National Planning Policy Framework and Policies QOP2 and POL 2 of the Northumberland Local Plan.

Construction Period – Restriction on Noisy Activity

12. 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 1600.

Reason: To protect residential amenity and provide a commensurate level of protection against noise in accordance with the National Planning Policy Framework and Policies QOP2 and POL 2 of the Northumberland Local Plan.

Construction Period – Restriction on Deliveries and Collections

13. 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 16:00

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

Reason: To protect residential amenity and provide a commensurate level of protection against noise in accordance with the National Planning Policy Framework and Policies QOP2 and POL 2 of the Northumberland Local Plan.

Opening Hours

14. During the operational period, no part of the cinema shall be open for any business outside the days and times of:

Monday to Friday, Saturday, Sunday and Bank Holidays - 0900 to 2230.

Reason: To protect residential amenity and provide a commensurate level of protection against noise in accordance with the National Planning Policy Framework and Policies QOP2 and POL 2 of the Northumberland Local Plan.

Dealing with Unexpected Contamination

15. If during redevelopment contamination not previously identified is discovered, 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 the National Planning Policy Framework and Policy POL 1 of the Northumberland Local Plan.

External Lighting - Highways

16. The development shall not be brought into use 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 brought into use 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.

Implementation of Car Parking

17. The development shall not be brought into use until the car parking area indicated on the approved plans, including any disabled car parking spaces contained therein, has been hard surfaced, sealed and marked out in parking bays, has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

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

Highway Works

18. Development shall not be brought into first use until full details of the proposed highway works (footpath/footway and access/egress arrangements including surfacing) have been submitted to and approved in writing by the Local Planning Authority. The building(s) and site shall not be occupied until the highway works have been constructed in accordance with the approved plans.

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

Implementation of Cycle Parking

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

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

Surface Water Drainage - Highways

20. Prior to the development being brought into use, details of surface water drainage to manage run off from private land shall 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.

Full Travel Plan

21. The development shall not be brought into use until details of a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. At all times thereafter the approved Full Travel Plan shall be implemented in accordance with the approved details. This Full Travel Plan must include:

- i. the contact details of a suitably qualified Travel Plan Co-ordinator;
- ii. an implementation programme;
- iii. an on-site assessment including details of transport links to the site, on-site facilities and any transport and parking issues and problems, to include measures targeting visitors to the site;
- iv. clearly defined aims and objectives in relation to travel modes;
- v. clearly defined senior management and staff responsibilities and roles in the implementation of the Travel Plan;
- vi. details of and results from an initial staff travel to work survey;
- vii. clearly specified ongoing targets for staff travel mode shares;
- viii. a plan for monitoring and reviewing the effectiveness of the Travel Plan to be submitted to the Local Planning Authority regarding implementation.

Reason: In the interests of Sustainable Development, in accordance with the National Planning Policy Framework and Policies TRA1 and TRA2 of the Northumberland Local Plan.

22. Demolition/ Construction Method Statement (including Plan)

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

Refuse - No external refuse outside of the premises

23. 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

Deliveries and Servicing Management Plan

24. The development shall not be brought into use until a Deliveries and Servicing Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Deliveries and Servicing Management Strategy shall be adhered to throughout the occupation period. This Deliveries and Servicing Management Plan must include:

- i. details of the access, routes and vehicles associated with the site;
- ii. details of the timings for deliveries and servicing of the site;
- iii. details of the annual numbers of HGV's associated with the deliveries/servicing of the site and delivery vehicle types including loading and unloading areas and submission of plans;
- iv. a plan for monitoring and reviewing the effectiveness of the Deliveries and Servicing Management Strategy.

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

Car Parking Management Strategy

25. The development shall not be brought into use until a Car Parking Management Strategy has been submitted to and approved in writing by the Local Planning Authority. The approved Car Parking Management Strategy shall be adhered to throughout the occupation period. This Car Parking Management Strategy must include:

- i. details of the provision, and management of, Electric Vehicle Parking and Infrastructure for staff;
- ii. details of management and mitigation measures to ensure no overspill car parking associated with the development occurs within neighbouring roads;
- iii. a plan for monitoring and reviewing the effectiveness of the Car Parking Management Strategy.

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

On-Site Car Parking

26. On-site car parking for the users of the proposed cinema hereby permitted shall be restricted to the proposed 3no. disabled parking bays as shown the Proposed Ground Floor Plan and Proposed Extended Site Plan (Drawing Number: 1049(20)003 Rev H) (Amended) and as specified within the applicant's Heritage Statement and Design and Access Statement.

Reason: In the interests of residential amenity, in accordance with the National Planning Policy Framework and Policy QOP2 of the Northumberland Local Plan.

Pedestrian Access

27. Pedestrian access for the users of the proposed cinema hereby permitted shall be via the existing gated access off Parade and no pedestrian access shall take place from the existing access from Ravensdowne, as specified within the applicant's Heritage Statement and Design and Access Statement.

Reason: In the interests of residential amenity, in accordance with the National Planning Policy Framework and Policy QOP2 of the Northumberland Local Plan.

Climate Change

28. Notwithstanding the details submitted with the application, prior to the provision of the internal partitions and fixed seating to the Mob Store and to the installation of the proposed toilet block, 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 development being brought into use where relevant, and shall be retained thereafter.

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

Broadband Connectivity

29. 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 to 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. Any fixed, external lighting to be installed as part of this development should have regard of the ILP Guidance Notes for the Reduction of Obtrusive Light, SKU: GN01-20, 2020:

<https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2021/>

Following the ILP guidance, the Environmental Protection Team would recommend that the site falls within Environmental Zone E3 (Suburban - Medium District Brightness) which sets a pre-curfew lighting limit of 10 lux and a post-curfew one of 2 Lux which is not to be exceeded at the nearest residential receptors. The applicant should ensure that lighting does not cause an annoyance to any nearby receptors.

Experience of lighting installations has shown that complaints about artificial lighting normally arise from poorly designed or installed lighting schemes. It is recommended that the applicant ensures any lighting contractor installs the proposed lighting scheme in line with consideration of local impacts and that the ILP guidance is adhered to minimise the impact of lighting as part of this development.

2. 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.
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.
3. You should note that alterations to the existing vehicle crossing point(s) are required. These works should be carried out before first use of the development. To arrange alterations to the existing vehicle crossing point(s) (and to make good any damage or other works to the existing footpath or verge) you should contact the Highways Area Office at: North Northumberland northernareahighways@northumberland.gov.uk
4. You are advised that any offsite highway works required in connection with this permission are under the control of the Northumberland County Council and will require an agreement pursuant to the Highway Act 1980. These works should be carried out before first occupation of the development. All such works will be undertaken by the Council at the applicant's expense. You should contact Highway Development Management at highwaysplanning@northumberland.gov.uk to progress this matter.
5. 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.
6. You are advised to contact the Council's Traffic Management Section at streetworks@northumberland.gov.uk before and during the construction period in respect of any required temporary traffic management measures to allow access to the site.

7. 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.

8. 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.

Background Papers: Planning application file(s) 22/03726/FUL



Northumberland
County Council

North Northumberland Local Area Committee 18th May 2023

Application No:	22/03727/LBC		
Proposal:	Listed Building Consent: Temporary conversion of the Mobilisation Store to provide a 96-seat, cinema facility, including the siting of a temporary toilet block adjacent to the building		
Site Address	Berwick Barracks, Parade, Berwick-Upon-Tweed, Northumberland TD15 1DF		
Applicant:	Miss Mullarkey Wansbeck Workspace, Rotary Parkway, Ashington, NE63 8QZ	Agent:	Mr Paul East The Straw Yard, Parade, Berwick-upon-Tweed, TD15 2JS
Ward	Berwick North	Parish	Berwick-upon-Tweed
Valid Date:	27 October 2022	Expiry Date:	23 May 2023
Case Officer Details:	Name: Mrs Christina Dowling Job Title: Senior Planning Officer Tel No: 07752783678 Email: Christina.Dowling@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission subject to conditions.



This material has been reproduced from Ordnance Survey digital map data with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright (Not to Scale)

1. Introduction

1.1 This application falls to be determined by the North Northumberland Local Area Committee due to concerns raised by nearby residents regarding the impact of the proposals upon designated heritage assets.

1.2 The application has been reviewed by the Committee Chairs and the Director of Planning who requested that a decision on the application was taken by the Committee for the reason that it does raise issues of strategic, wider community or significant County Council Interest. Councillor Seymour also requested that the application be determined by the Committee.

2. Description of the Application Site and Proposals

Background

2.1 This application for Listed Building Consent is for alterations associated with the temporary conversion of the Mobilisation Store (Mob Store) at Berwick Barracks, Parade, Berwick-Upon-Tweed, to provide a 96-seat cinema facility (together with space for two wheelchair users). The proposals also include the siting of a temporary toilet block adjacent to the building.

2.2 Berwick Barracks are Grade I Listed buildings and are amongst the first purpose-built barracks to be built in England, completed in 1721. The Mob Store is a curtilage listed structure dating from the early 20th century. It was used to store military equipment; however, it is understood that the Barracks has not had a military purpose since 1963. The Mobilisation Store has recently been used by English Heritage to store architectural fragments until 2022. However, it is now vacant.

2.3 As the Mob Store is a curtilage listed structure, an application for Listed Building Consent is required in addition to planning permission. An application for planning permission for the proposed development (22/03726/FUL) appears elsewhere on this agenda.

2.4 Whilst works are undertaken to construct the New Maltings theatre in Berwick-Upon-Tweed, there is a requirement to rehouse key components of the Maltings to provide continuity of facilities for visitors and the community, and it is proposed that the Mob Store is temporarily converted to provide a sound-proofed cinema facility. It would be designed in such a way that the Mob Store could then be adapted into an archive facility when the New Maltings is completed and the cinema is no longer required.

2.5 The applicant's Design and Access Statement states that it is envisaged that the Mob Store building will be used as a temporary cinema venue for the Maltings for 2-3 years from its completion in 2023.

The Application Site

2.6 The Berwick Barracks are located within the settlement boundary of Berwick-Upon-Tweed, within the defined town centre. They are also located within the Berwick-Upon-Tweed Conservation Area. The Mob Store is located to the southern boundary of the Barracks, just inside the line of the Elizabethan fortifications, which are Grade I Listed.

2.7 The Barracks are bounded to the north by Parade and Parade Green, to the south and west by the residential properties of Ravensdowne, and to the east by the historic town walls and the grass sloped embankments of the ramparts, which is a designated Scheduled Monument.

2.8 The Mob Store building is modest in scale, with a length of approximately 25 metres and a width of approximately 9.5 metres. It is a single storey building, constructed in roughly coursed, rock-faced sandstone, with a slate roof with coped gables and kneelers. It retains its original cast iron framed multi-paned windows. Internally, there is a single space with a lightweight steel truss and boarded roof structure. To the rear is a small lean-to.

2.9 The Mob Store is accessed either through the main Barracks complex or from Ravensdowne (which is a narrow road to the west of the Barracks) via the shared service yard and staff car parking area.

The Proposals

2.10 The proposals include converting the Mob Store to provide a cinema with 96 fixed seats. The seats would be laid out as nine rows of ten seats and one row with six seats (with space on either side of the front row for two wheelchair users). The proposals also include an entrance lobby, a small reception area (for the purchase of tickets and snacks) and a projection room, formed by internal partitions.

2.11 Thermal and acoustic upgrades will occur internally. Proposed refurbishment works to the building include repairs to the roof and the replacement of lead flashings where necessary; the removal of stone copes and their replacement following the installation of lead dpc flashing; the redecorating of existing fascias, gutters and downpipes; the repointing of any friable areas of mortar with lime cement mix, and the application of black out vinyl to the inner faces of windows.

2.12 The perimeter walls of the Mob Store will have a new insulated wall lining introduced to improve the overall thermal efficiency. The existing windows will be overboarded to block out daylight, with acoustic vents included to allow free air movement to the rear of the existing windows and the inner face of the glass will have a blackout film applied.

2.13 A small temporary modular toilet block would be provided to the west of the Mob Store, immediately adjacent to the main entrance to the cinema, which will include a covered ramped area. The new structure will be contemporary in appearance, with stained larch plywood external cladding panels to the walls, a black profile aluminium sheeting roof, low level painted render blockwork and a recessed painted plywood panel with the "Maltings" logo/cinema sign.

2.14 The demolition of a small existing lean-to store to the east elevation of the Mob Store with a volume of approximately 4.0 cubic metres will enable the provision of a new external plant enclosure and air handling unit.

2.15 Proposed vehicle parking for users of the cinema is limited to 3no. new disabled parking bays located to the west of the proposed toilet block building.

2.16 12no. new cycle parking spaces (6 Sheffield cycle hoops under a covered cycle shelter) would also be provided close to the proposed disabled car parking bays.

2.17 The applicant has also provided details of the space within the courtyard that can currently accommodate 7no. car parking spaces.

2.18 Waste produced by the proposed cinema will be stored in bins directly to the south of the temporary toilet block within a gated enclosure.

3. Planning History

Reference Number: 17/02000/FUL

Description: Change of use to class B1 including replace existing window with door.

Status: PER

Reference Number: 21/00043/TREECA

Description: Trees in a Conservation Area: T817 - Sycamore - remove hanging branch over footpath, T818 - Sycamore - Prune to clear/bridge/light, T853 - Sycamore - crown reduce by 2.5m, T856 - Sycamore - remove the epicormic growth, T865 - Sycamore - Crown clean to remove the branch stubs, T874 - Sycamore - repollard, T875 - Sycamore - repollard, T879 - Sycamore - Remove the epicormic growth, T882 - Sycamore - shorten branch with decay by approx 3m, T885 - Sycamore - remove the epicormic growth, T901 - Sycamore - reduce the remaining crown down to approx height of the failed stem and blen sides to re-balance, T908 - Elm -remove the epicormic growth and T910 - Sycamore - remove 2/3 branches overhanging roof of adjacent property to give 3m clearance

Status: NOOBJ

Reference Number: 22/00023/FDN

Description: 5 Day Notice to remove 1no. Sycamore damaged to East of Berwick Barracks on upper footpath along ramparts. Location marked as yellow circle on attached pdf map.

Status: COMMNT

Reference Number: 22/03436/LBC

Description: Listed building consent to convert two buildings to accommodate audiences and temporary conversion of mobilisation store to provide a 105-seat cinema facility, including a temporary toilet block

Status: APPRET

Reference Number: 22/03726/FUL

Description: Temporary conversion of the Mobilisation Store to provide a 96-seat, cinema facility, including the siting of a temporary toilet block adjacent to the building.

Status: PDE

Reference Number: 23/00512/FDN

Description: 5 Day Notice to Pollard 9no. Sycamore trees at Greenside Place to prevent damage to trees in high winds and keep clear of street lighting and buildings. Pollard 8no. Sycamore trees at Grosvenor Gardens to keep trees healthy and minimise risk of branch drops on nearby roof tops and historic masonry and 1no. Sycamore tree to be pollarded due to tree decline with major dead wood in crown.

Status: COMMNT

Reference Number: N/00/B/0069

Description: Tree works at berwick ramparts.

Status: PER

4. Consultee Responses

Berwick-upon-Tweed Town Council (1)	Members noted the objections by members of the public, however, after consideration, they resolved to support the application.
Berwick-upon-Tweed Town Council (2)	Members expressed concerns regarding the proposal and requested that NCC acknowledge the concerns of residents, recognise the need for a management plan for access and egress which minimises the impact on residents and that NCCs Highways Department tack account of the impact of anti-social parking in the area around the location.
Berwick-upon-Tweed Town Council (3)	After expressing gratitude for the additional information provided with regards to access to the site it was unanimously resolved to offer no objection to the proposals.
Berwick-upon-Tweed Town Council (4)	No objections subject to no objections from both environmental health and highways.
Building Conservation	Support - subject to conditions to ensure no harm to significance. Large scale details of the bin store and plant enclosures, including how the gates would be secured – limited fixings into the stone boundary wall - to be submitted for approval.
Historic England	We consider that the proposal presents a sensitive approach to the temporary use of a historic building, with the added benefits of repair and improved environmental performance. This reflects para. 197 of the National Planning Policy Framework which asks that the desirability of sensitively sustaining historic buildings and the social and economic value of doing so is considered in applications. No objection to the applications on heritage grounds.
County Ecologist (1)	Foul Sewerage is to be disposed of by a new septic tank. In view of the proximity of protected sites, details of this, including location, capacity and predicted volume of foul water drainage. Please also provide details of where the effluent will discharge.
County Ecologist (2)	Further information is required on private foul water drainage systems. The justification for not connecting the foul water drainage to the main drains should clearly be set out. If a cesspit tank is the only justified option here, then the discharge or emptying process should be clarified including where the effluent will end up.
County Ecologist (3)	No objection subject to conditions, including bat roosts and the provision of two bat boxes installed to the east and west aspect of the building, the timing of works to protect birds nests and details of the destination of the contents of the cesspool which must avoid the use of specific Sewerage Treatment Works.
Natural England (1)	No objection. Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England (2)	No objection. The proposed amendments are unlikely to have significantly different impacts on the natural environment than the original proposal.
National Amenity Societies	No response received.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	40
Number of Objections	12
Number of Support	2
Number of General Comments	0

Notices

Site Notice - Listed Building Consent, posted 11th November 2022

Press Notice - Berwick Advertiser, published 10th November 2022

Summary of Responses:

5.1 Representations have been received from 14no. contributors.

Objection

5.2 A total of 12no. objections have been received from the occupants of nine residential properties. The issues raised by objectors are summarised as follows:

- Impact on character of Conservation Area – this is a quiet residential area on the edge of the town centre and a large scale visitor attraction would not be in keeping and would be harmful to the character of the Conservation Area.
- Adverse impact on the Listed Building by acoustic mitigation and temporary toilet block.
- The new façade/signage on the exterior of the entrance to the Mob store does not fit in with the historic area. This effects the setting of the listed buildings and the Conservation Area.
- The design of the cinema entrance and toilet block (however temporary) seems incongruous and totally inappropriate in this context and will be detrimental to the current historical appearance of the area.
- The Parade and surrounding area mainly consists of listed properties which are constrained by being unable to fit any 21st century products to allow sound proofing to windows. The noise and vibration created from a "makeshift" cinema will cause an increase in noise pollution creating unwanted disruption to everyone living in this vicinity.

- A cinema is not appropriate for a quiet residential area
- Noise from cinema and comings and goings of pedestrians and vehicles
- The applicant's information is inconsistent in terms of how many screenings there would be in a day and how many days the cinema would operate
- Odours from toilet block septic tank
- Loss of privacy
- Loss of outlook – overlooking toilet block
- Traffic and parking issues. On site parking is inadequate. The Parade car park is often full. People will park on Ravensdowne. Existing access from Ravensdowne is narrow. Emergency vehicles may not be able to access Ravensdowne. Extra vehicle movements will impact on highway and pedestrian safety and pollution.
- Light pollution
- Construction work

Support

5.3 A total of 2no. supporting comments have been received from the Civic Society and the King's Own Scottish Borderers Association. The issues raised are as follows:

- The vision of the Living Barracks project is to turn Berwick Barracks into a thriving cultural hub and visitor destination by bringing empty buildings back into use, improving the visitor facilities and offer, boosting the town's economy and profile while ensuring the survival of this historic landmark. The development will support delivery of the Living Barracks scheme.
- The proposals will bring the Mob Store up to a standard that will deliver benefits which will endure once the temporary use has ceased. The proposal provides an opportunity to rebuild links between the Barracks and its local community, by encouraging people to visit the site.
- When this use ends, the Mob Store will be adapted to house the nationally important Berwick Archive. It has been designed so that the Archive can reuse as much as possible of the building work.
- Like The Maltings, the Barracks is in the town centre, which tends to be noisier than suburbs or villages. The Maltings arts centre is also close to residential properties.
- A substantial proportion of The Maltings' staff, volunteers and customers arrive on foot; some others use public transport or cycle; the Mob Store is not a large building (198 square metres) and the proposed temporary cinema would seat only 96 people; ticket sales will vary but only some screenings are

likely to be fully booked. This would limit car traffic associated with the proposed temporary use.

- The proposal aims to retain the existing character of the exterior of the building, carrying out repairs and maintenance. Other than the installation of new entrance doors necessary for thermal and acoustic insulation and the removal of a lean-to of minimal architectural significance, the main changes to the existing building will be internal; they would be reversible. Externally the design of the temporary toilet and entrance block is contemporary and clearly distinct from the character of the original building.
- The proposals are part of wider regeneration objectives for Berwick.

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=RJIZM9QSK8Q00>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan 2016-2036 (Adopted March 2022)

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

ENV 7 - Historic environment and heritage assets

ENV2 - Biodiversity and Geodiversity

6.2 National Planning Policy

NPPF - The National Planning Policy Framework (NPPF) (July 2021)

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

6.3 Neighbourhood Planning Policy

Berwick-upon-Tweed is a designated area for neighbourhood planning, but a draft Neighbourhood Plan has yet to emerge.

6.4 Other Documents/Strategies

Planning (Listed Building and Conservation Areas) Act 1990

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

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the

development plan comprises the Northumberland Local Plan (NLP) (2022). The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

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

7.3 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:

- Impact on the Listed Buildings
- Ecology

Impact on Listed Buildings

7.4 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant Listed Building Consent for any works the Local Planning Authority shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

7.5 Chapter 16 of the National Planning Policy Framework deals with making decision on heritage assets.

7.6 Policy ENV 1 of the Northumberland Local Plan requires that the character and/or significance of Northumberland's distinctive and valued natural, historic and built environments, will be conserved, protected and enhanced by:

- a. Giving appropriate weight to the statutory purposes and special qualities of the hierarchy of international, national and local designated and non-designated nature and historic conservation assets or sites and their settings.

7.7 Policy ENV 7 requires developments to ensure the conservation and enhancement of the significance, quality and integrity of Northumberland's heritage assets and their settings. Where development proposals would cause less than substantial harm to the significance of designated heritage assets, this will be weighed against the public benefits of the proposal, including securing the optimum use that is viable and justifiable.

7.8 Historic England have been consulted on the proposed development. They have advised that the proposed internal works would have a light touch on the historic fabric, and they will also help to facilitate a more permanent use once the cinema use is no longer required. Externally, the toilet block addition has a greater design quality than most temporary structures, although because it obscures the main entrance it detracts from the mob store's appearance.

7.9 Nevertheless, Historic England consider that the proposal presents a sensitive approach to the temporary use of a historic building, with the added benefits of repair

and improved environmental performance. This reflects paragraph 197 of the National Planning Policy Framework which asks that the desirability of sensitively sustaining historic buildings and the social and economic value of doing so is considered.

7.10 Historic England has therefore advised that they have no objection to the proposals on heritage grounds, subject to it being time-limited through condition.

7.11 The Council's Built Heritage and Design Officer has been consulted on the proposed development. They have advised that the Mob Store is an open plan space. Some subdivision is proposed, however most of the space would remain open plan. The removal of the existing internal lobby would not harm the significance as this is a later addition. The ceiling frame structure would remain exposed within the cinema space and the partitions to form two lobbies, a reception and a projection room would not compromise the lightweight steel truss and boarded roof structure.

7.12 The windows are bespoke metal framed trellised windows and each section has a rose motif at its centre. Blackout vinyl would be applied internally to the glass panes, which is acceptable as a reversible temporary measure.

7.13 The proposed temporary toilet block would ensure that toilet provision is not required in the main Mob Store building, therefore retaining the historic open plan layout. The Built Heritage and Design Officer has advised that although the toilet block would have a limited impact on the overall setting, it would only be acceptable if for a temporary period. They have therefore requested that a condition is included to ensure that the proposed toilet block, together with the associated septic tank, are approved for a temporary period only. A condition has been included with regard to the proposed development being for a temporary period of 3 years, after which time any buildings, structures or works shall be removed from the site and the land restored to its former condition.

7.14 A bin storage enclosure would be provided to the rear of the temporary toilet block, with a post and gate attached to the existing wall. The Built Heritage and Design Officer has advised that details are required, including the method of securing the temporary screening and access gate. Such a condition has been included.

7.15 It is proposed to break out and re-lay the existing surface treatment to the west of the temporary toilet block to provide three accessible parking spaces and cycle parking. The Built Heritage and Design Officer has advised that the use of tarmac is appropriate, as it is evident elsewhere in the Barracks site.

7.16 A lean-to structure would be demolished at the east end of the Mob Store. This is a small outbuilding with low significance. A larger plant enclosure area would be formed between the wall of the Mob Store and the surrounding listed wall. The Built Heritage and Design Officer has advised that details of the access gate and post are required, limiting fixings into the stone boundary wall. Such a condition has been included.

7.17 The Built Heritage and Design Officer has advised that the proposed development complies with Policy ENV 7 (1) which requires new development to conserve and enhance the significance of heritage assets. They support the

proposed development, and subject to the inclusion of conditions as stated above, they consider that the proposed development would result in no harm to significance.

7.18 It is considered that the proposed development would conserve and enhance the significance, quality and integrity of the heritage assets and their settings, including the listed buildings, their setting and any features of special architectural or historic interest.

7.19 As such, the proposed development is considered to be in accordance with Policies ENV 1 and ENV 7 of the Northumberland Local Plan and the National Planning Policy Framework with regard to its impact on heritage assets.

Ecology

7.20 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.

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

7.22 Natural England has been consulted on the proposed development and they have advised that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes, and they therefore have no objection.

7.23 The Council's Ecology Team has been consulted on the proposals. They have advised that they have no objection to the proposed development subject to conditions, including the protection of bat roosts and the provision of two bat boxes installed to the east and west aspect of the building, the timing of works to protect birds nests, and details of the destination of the contents of the proposed cesspool (which must avoid the use of specific Sewerage Treatment Works).

7.24 A condition has been included with regard to the protection of bat roosts and the provision of two bat boxes installed to the east and west aspect of the building as these will impact on the listed building. However, the suggested conditions with regard to the timing of works to protect birds nests and the provision of details of the destination of the contents of the proposed cesspool are not considered to be relevant to this application for Listed Building Consent. However, such conditions have been included for the accompanying planning application.

7.25 It is therefore considered that subject to such a condition, the proposed development would be acceptable with regard to its impact on biodiversity. As such, the proposals are considered to be in accordance with Policy ENV2 of the Northumberland Local Plan and the National Planning Policy Framework in this regard.

Other Matters

7.26 It is noted that there has been a significant number of objections to this application for Listed Building Consent from nearby residents with regard to matters such as the impact of the development on the character and appearance of the conservation area, impacts on residential amenity, highway safety, additional vehicle

movements, access and parking. However, none of these matters is relevant to the determination of this application for Listed Building Consent. This application must be determined with regard to the impact of the proposed development on the preservation of the listed building or its setting or any features of special architectural or historic interest which it possesses, to ensure the conservation and enhancement of the significance, quality and integrity of the heritage assets and their settings.

7.27 However, the matters raised, such as the impact of the development on the character and appearance of the conservation area, impacts on residential amenity, highway safety, additional vehicle movements, access and parking are similar to those objections submitted with regard to the accompanying planning application, and they have therefore been carefully considered as part of the planning application.

Equality Duty

7.28 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

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

Human Rights Act Implications

7.30 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.

7.31 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.

7.32 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 development is considered to be acceptable with regard to its impact on heritage assets, including the curtilage listed building of the Mob Store and the setting of the Grade I Listed Buildings at the Barracks. The proposals would bring a vacant heritage asset back into use and the proposed refurbishment works would assist in its retention and future use when the temporary cinema is no longer needed. Works such as the temporary toilet block and internal alterations to provide fixed seating are readily reversible following the expiry of the temporary permission.

9. Recommendation

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

Conditions/Reason

Time Limit

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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Approved Plans

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

- i) Proposed Site Plan/Location Plan (Drawing Number: 1049(03)002)
- ii) Proposed Ground Floor Plan and Proposed Extended Site Plan (Drawing Number: 1049(20)003 Rev H) (Amended)
- iii) Proposed Elevations (North and South) (Drawing Number: 1049(21)003 Rev A) (Amended)
- iv) Proposed Elevations (East and West) (Drawing Number: 1049(21)005)
- v) Proposed Elevations (North and South - Outside Site Boundary) (Drawing Number: 1049(21)004)
- vi) Proposed Sections (A-A; B-B; C-C; and D-D) (Drawing Number: 1049(21)006)
- vii) Proposed GA Detailed Section (B-B) and Part North Elevation (Drawing Number: 1049(21)011)
- viii) Proposed Demolitions (Floor Plan and North and East Elevations) (Drawing Number: 1049(08)003)

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

Materials

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

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the National Planning Policy Framework and Policies ENV 1 and ENV 7 of the Northumberland Local Plan.

Bin Store and Plant Enclosures

04. Prior to the installation of the bin store and plant enclosures hereby permitted, large scale details of the bin store and plant enclosures, including details of how the gates would be secured (with limited fixings into the stone boundary wall) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development in the interests of visual amenity and the significance, quality and integrity of the listed building in accordance with the National Planning Policy Framework and Policies ENV 1 and ENV7 of the Northumberland Local Plan.

Bat Roosts/Bat Boxes

05. Works to the buildings likely to affect known roosts shall not in any circumstances commence unless the local planning authority has been provided with either:

a. licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or

b. confirmation that the site is registered on a Bat Mitigation Class Licence issued by Natural England; or

c. written justification by a suitably qualified ecologist confirming why a licence is no longer required.

The applicant should note that Natural England require that licence applications are accompanied by survey data from the previous survey season or within twelve months of the application being made.

The development shall then only be carried out in accordance with all of the recommendations for mitigation and compensation set out in the report (Bat survey for Berwick Barracks, EcoNorth 2022) which details the methods for maintaining the conservation status of (Common Pipistrelle bats), unless otherwise approved in writing by the local planning authority or varied by a European Protected Species licence subsequently issued by Natural England.

The measures specified include:

- Works will not commence until those contractors involved have received a toolbox talk from a suitably qualified ecologist (the named ecologist on the Natural

England license, or their accredited agent) to ensure they are aware of the presence of bat roosts on site, what to do in the event a bat is encountered at any time, and the working methods which must be implemented through the works period.

- Works on all buildings will proceed to a method statement produced by a suitably qualified ecologist (SQE), and which will form part of the license for the gym and mob store.
- No lighting will be installed which would illuminate bat roost sites either within the works area or adjacent buildings.
- Roosting opportunities for bats will be retained and created wherever possible on site as part of the works, including the installation of 2no. general purpose bat boxes, one of which will act as a receptor site in the event any bats are found during the works period. These will be placed on each side of the building as shown on drawing Number 1049(21)004.
- Works with the potential to affect roosting bats will not commence during the winter period (November to March inclusive) in order to ensure no hibernating bats are adversely affected. In the event works prior to this time have made the relevant sections of the structure unsuitable for such use prior to the start of November, works may continue throughout the winter period.
- No timber treatments which are poisonous to bats will be used

Reason: To maintain the favourable conservation status of a European protected species and maintain the biodiversity value of the site in accordance with Policy ENV2 of the Northumberland Local Plan and the NPPF.

In accordance with guidance issued by Natural England in bat mitigation licensing please note that breathable roofing membranes must not be installed into a roof used by bats. If the use of roof membranes is necessary, only Bitumen type 1F felt with a hessian matrix will be permitted under licence. In this case the bat population is such that no roofs in this development should use breathable roofing felt, as completely sealing older buildings from bats is unlikely to be possible throughout the life of the roof.

Informatives

N/A

Background Papers: Planning application file(s) 22/03727/LBC

This page is intentionally left blank

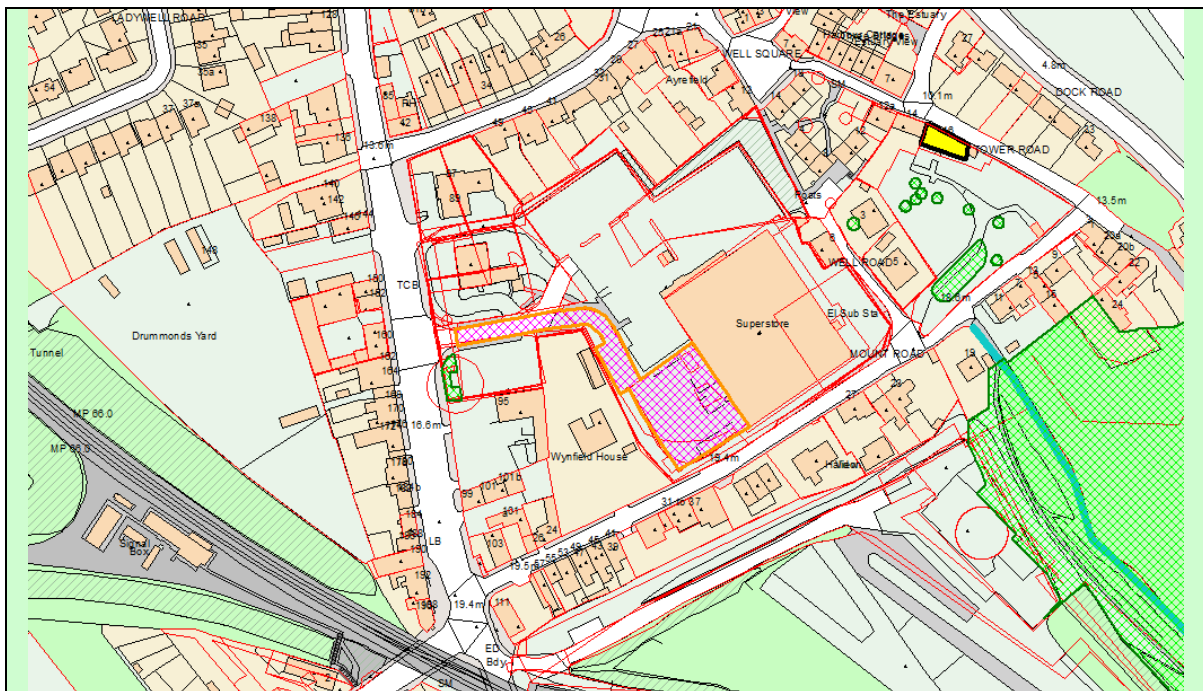


Northumberland County Council

North Northumberland Local Area Council 18th May 2023

Application No:	22/03112/FUL		
Proposal:	Retrospective: Installation of Air Handling Unit within supermarket service yard. (note: the AHU has been re-programmed to not operate between 22.00 and 07.00 hours unless the internal temperature in the store drops below 10 degrees which will only occur under exceptional winter circumstances).		
Site Address	Asda, Main Street, Tweedmouth, Berwick-Upon-Tweed Northumberland TD15 2DS		
Applicant/ Agent	Miss Rebecca Dennis Queens House, Queen Street, Manchester, M2 5HT		
Ward	Berwick East	Parish	Berwick-upon-Tweed
Valid Date	9 September 2022	Expiry Date	26 May 2023
Case Officer Details	Name: Mr. Ben MacFarlane Job Title: Planning Officer Tel No: 07814075197 Email: Ben.MacFarlane@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission.



This material has been reproduced from Ordnance Survey digital map data with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright (Not to Scale)

1. Introduction

1.1 This application falls to be determined by the North Northumberland Local Area Council Planning Committee after it was called in by Councillor Georgina Hill.

1.2 This application was previously heard by the North Northumberland Local Area Council Planning Committee on 23rd March 2023. Members voted to defer the application and asked that the case officer and Environmental Health Officers visit an objecting neighbour's property at 1 Mount Road.

1.3 The case officer, accompanied by Environmental Health Officers, have visited the site and met with objecting neighbours at 1 Mount Road. Neighbours raised their concerns. Concerns raised have been taken into consideration. The recommendation that permission is granted is maintained.

2. Description of the Proposals

2.1 The application seeks retrospective planning permission for the installation of an Air Handling Unit at ASDA Tweedmouth on Main Street.

2.2 This Air Handling Unit has been re-programmed and will not operate between 22.00 and 07.00 hours unless the internal temperature in the store drops below 10 degrees. This is in order to try and mitigate concerns of noise nuisance.

2.3 The application site, ASDA, is a large supermarket centrally located in Tweedmouth, immediately to the north of Mount Road and the East Coast Mainline, and to the east of the A1167 Northumberland Road. The Air Handling Unit has been constructed to the south-west of the main building. The application site is located within the Tweedmouth Conservation Area

2.4 Site constraints include:

Conservation Areas: Tweedmouth

Coastal Mitigation Zone: 1

Impact Risk Zone SSSI - Infrastructure

3. Planning History

Reference Number: 11/01219/ADE

Description: Replacement internally illuminated signs

Status: PER

Reference Number: 11/02520/FUL

Description: Installation of 3no. frostpacks within the service yard of supermarket

Status: PER

Reference Number: 15/02916/TREECA

Description: Works to trees in a conservation area: Fell 1no alder, crown lift/prune back 1no alder and crown lift 1no scots pine.

Status: PER

Reference Number: 17/02023/FUL

Description: Installation of 4 new plant in service yard

Status: PER

Reference Number: 17/03245/FELTPO

Description: Tree preservation order application : G1 - Group of 6 dead, dying Sycamores adjacent to the entrance from Main Street - Fell to ground level

Status: PER

Reference Number: 18/01446/DISCON

Description: Discharge of condition 3 (Noise. Mitigation. Paul Horsley Acoustic Report) in approved planning application 17/02023/FUL.

Status: WDN

Reference Number: 18/02684/VARYCO

Description: Variation of condition 2 (approved plans) in relation to planning application 17/02023/FUL

Status: WDN

Reference Number: 19/04660/FUL

Description: New external plant.

Status: REF

Reference Number: 20/01713/ADE

Description: Advertisement Consent: Alterations and upgrade of the existing store entry totem sign

Status: PER

Reference Number: 22/02791/FUL

Description: Installation of Air Handling Unit within supermarket service yard (retrospective).

Status: APPRET

Reference Number: N/95/B/0422/A

Description: Erection of cafe extension - details in compliance with condition 3 rec. 22.08.95.

Status: PER

Reference Number: N/03/B/0404

Description: Erection of temporary training room with link to existing building.
Status: PER

Reference Number: N/02/B/0329

Description: Retention of 1.0m diameter satellite dish.
Status: PER

Reference Number: N/92/B/0437/P

Description: Proposed entrance lobby-revised plans rec. 27.07.92.
Status: PER

Reference Number: N/96/B/0721/P

Description: Illuminated superstore sign.
Status: PER

Reference Number: N/97/B/0091/P

Description: Erection of illuminated projecting sign.
Status: PER

Appeals

Reference Number: 21/00040/REFUSE

Description: New external plant.
Status: DISMIS

4. Consultee Responses

Berwick-upon-Tweed Town Council	No objection
Building Conservation	No objection
Public Protection	No objection. Recommend the imposition of conditions.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	12
Number of Objections	3
Number of Support	0
Number of General Comments	0

Notices

Site Notice - Affecting Listed Building, 6th September 2022

Summary of Responses:

3 letters of objection have been received from local residents. The following concerns are raised:

- The Air Handling Unit (AHU) creates a noise nuisance
- The proposal to not operate the AHU at night does not overcome concerns of noise nuisance during the day
- The proposals fail to account for AHU operation in hot weather
- The building is poorly insulated and so the AHU may operate almost constantly
- The proposals have the aim of reducing costs rather than reducing noise
- The AHU does not have permission
- Objectors are suffering from Tinnitus

These concerns have been given regard in the determination of this application.

6. Planning Policy

4.1 Development Plan Policy

STP 1 - Spatial strategy (Strategic Policy)

STP 3 - Principles of sustainable development (Strategic Policy)

STP 5 - Health and wellbeing (Strategic Policy)

QOP 1 - Design principles (Strategic Policy)

QOP 2 - Good design and amenity

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

ENV 7 - Historic environment and heritage assets

ENV 9 - Conservation Areas

4.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

NPPF - National Planning Policy Framework (2021)

Planning (Listed Buildings and Conservation Areas) Act 1990

4.3 Other Documents

Environmental Protection Act 1990

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises the Northumberland Local Plan 2016-2036 (NLP) (2022). The National Planning Policy Framework (NPPF) (2021) and National Planning Practice Guidance (NPPG) are material considerations in determining this application.

Principle of the development

Design and visual impact

Impact on residential amenity and health and wellbeing

Historic environment and heritage assets

Principle of the development

7.2 Policy STP 1 of the Northumberland Local Plan aims 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 application site is within the settlement boundary of Berwick-upon-Tweed, which is a 'Main Town' where the main focus is on employment, housing, retail and services.

7.3 Policy STP 3 applies the presumption in favour of sustainable development in Northumberland and aims to deliver economic, social and environmental benefits. Proposed development is expected to contribute to building a strong, responsive and competitive economy across Northumberland, support more and better jobs, protect and enhance the vitality and viability of Northumberland's town centres and other important economic sectors, while minimising their impact on local amenity for existing residents. The proposals accord with the requirements set out above and are therefore considered to be acceptable in principle, in accordance with Policies STP 1 and STP 3 of the Northumberland Local Plan.

Design and visual amenity

7.4 The proposed development is considered to be of appropriate design which would not have a significant adverse impact on the character or visual amenity of the surrounding area. Therefore, the proposed development is considered acceptable in terms of design in accordance with Policies QOP 1 and QOP 2 of the Northumberland Local Plan and the NPPF.

Impact on residential amenity and health and wellbeing

7.5 Policy STP 5 of the Northumberland Local Plan requires development proposals to demonstrate that they are safe, comfortable and prevent negative impacts on amenity. Furthermore, proposals are required to protect and alleviate risk to people and the environment, support wider public safety and must not have a negative impact on noise pollution. The proposed development has been assessed and is not considered to have a significant impact on residential amenity, nor the health and wellbeing of adjacent neighbours.

7.6 The application site has been subject to several refused planning applications seeking approval for the installation of various items of plant and equipment. The applicant has previously been unable to demonstrate that either the noise levels being emitted by the Air Handling Unit (AHU) did not adversely affect residential amenity, or that the noise was being created by different equipment. This application once again seeks permission for the installation of an AHU, now with a restriction preventing operation of the unit between 22:00 and 07:00 unless internal store temperatures drop below 10 degrees centigrade.

7.7 The main refrigeration plant and the AHU were systematically shut down to allow assessment of the noise from individual plant items to be assessed. Background sound levels were measured at 42 dB LA90 during the day and 36 dB LA90 at night. The noise assessment has concluded that the rating level of the AHU does not exceed the background noise levels either during the day or night.

7.8 While it is understood that neighbours to the site have experienced noise nuisance in the past, it has now been demonstrated that the proposed AHU would not cause any unacceptable noise levels. The Environmental Protection Team have been consulted on this application and have no objection subject to the imposition of conditions. The proposals are therefore acceptable in this respect, in accordance with Policies STP 5 and QOP 2 of the Northumberland Local Plan.

Historic environment and heritage assets

7.9 The application site is located within the Tweedmouth Conservation Area where section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

7.10 There is an adopted character appraisal for the Tweedmouth Conservation Area which states, "*the main negative areas are the Co-op (now ASDA, the application site) superstore and the spaces and buildings around it.*" The AHU, like the ASDA store itself, displays few if any of the values that render the area worthy of its designated status. While the supermarket with its additions continues to be the main negative in the area, that is not to say that the proposals make the situation materially worse.

7.11 The AHU is considered to have a neutral impact on the character and appearance of the conservation area. Built Heritage and Design have been consulted on this application and have no objection. The proposals are therefore considered to be acceptable in this respect, in accordance with Policies ENV 7 and ENV 9 of the Northumberland Local Plan.

Equality Duty

7.12 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

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

Human Rights Act Implications

7.14 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.

7.15 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.

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

8. Conclusion

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

8.2 The concerns raised by local residents are noted, however, it has been demonstrated that the proposals are not causing unacceptable levels of noise. The proposal has addressed the main considerations and would accord with relevant policy and is considered to be acceptable.

9. Recommendation

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

Conditions/Reason

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

1. Drawing title 'Site Location Plan'
2. Drawing title 'Proposed Site Plan'
3. Drawing title 'Proposed Ground Floor Plan'
4. Drawing no. FL-3197-01 'Air Handling Unit 1 Sales Floor'
5. Drawing no. FL-3197-02 'Air Handling Unit 1 Sales Floor Showing Silencers'

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

02. The air handling unit hereby approved shall not be operated between the hours of 22:00 and 07:00 hours unless the internal temperature of the store drops below 10 degrees centigrade.

Reason: To protect residential amenity by providing a commensurate level of protection against noise, in accordance with Policy STP 5 of the Northumberland Local Plan.

03. The rating level of sound emitted from the Air Handling Unit located in the service yard shall not exceed:

- 42 dB LAeq(1 hour) between 0700 - 2300 hours, and
- 36 dB LAeq (15 mins) between 2300-0700 hours

... at the boundary of the site. All measurements shall be made in accordance with the methodology of BS4142 (2014 + A1:2019) (Methods for rating and assessing industrial and commercial sound). On written request by the planning authority the operator shall, within 28 days, produce a report to demonstrate adherence with the above rating level.

Reason: To protect residential amenity by providing a commensurate level of protection against noise, in accordance with Policy STP 5 of the Northumberland Local Plan.

Informatives

1. 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 Action 1990 be received.

EIA

The proposal has been assessed and is not considered to fall under any category listed within Schedules 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The proposal is not considered to be EIA development and therefore does not require screening.

Background Papers: Planning application file(s) 22/03112/FUL

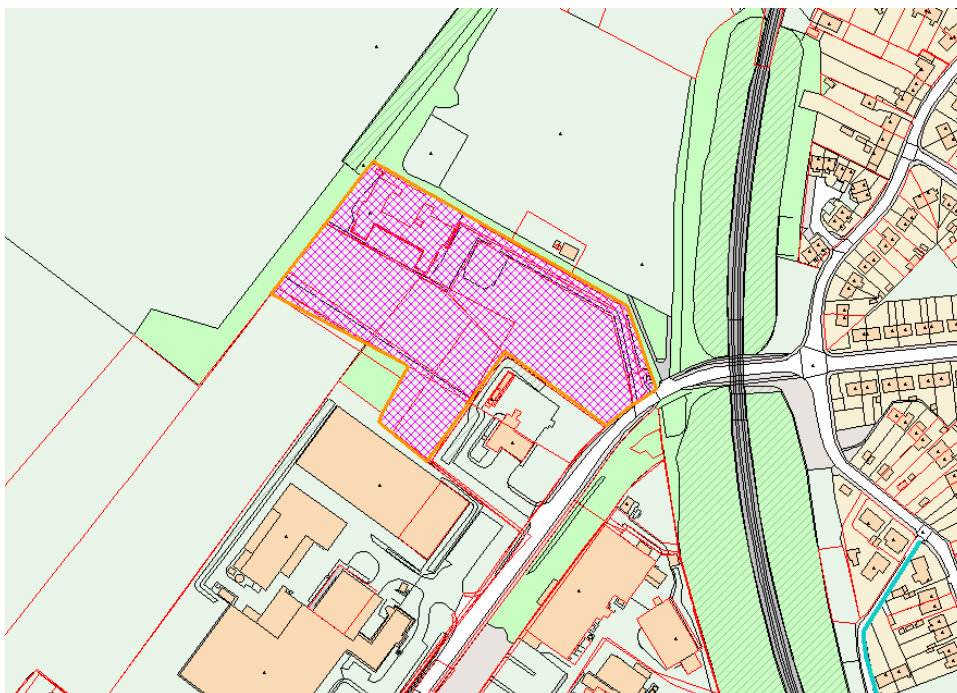


Northumberland County Council

North Northumberland Local Area Committee 18th May 2023

Application No:	21/04453/FUL		
Proposal:	Development of 58no. affordable dwellings with associated infrastructure and drainage (amended description).		
Site Address	Land At Seton Hall, Ord Road, Tweedmouth, Berwick-Upon-Tweed Northumberland TD15 2UT		
Applicant:	c/o Agent Lichfields, St. Nicholas Building, St. Nicholas Street, Newcastle Upon Tyne NE11RF	Agent:	Mr Alastair Willis Lichfields, St. Nicholas Building, St. Nicholas Street, Newcastle Upon Tyne NE11RF
Ward	Berwick East	Parish	Berwick-upon-Tweed
Valid Date:	16 November 2021	Expiry Date:	31 August 2022
Case Officer Details:	Name: Mr David Love Job Title: Specialist Senior Officer Tel No: 07517553360 Email: David.love@northumberland.gov.uk		

Recommendation: It is recommended that the application is approved subject to conditions and a s106A for the contribution of £35,670 towards Coastal Mitigation Service (CMS).



1. Introduction

1.1 The application is for 58 units on the former Seton Hall care facility at Tweedmouth, Berwick-Upon-Tweed. The main road is to the south east, public park to the north east with farmland to the north west and the fire station and Allan Bros to the south west. The proposal is made up of:

- 22 x 2 bed
- 30 x 3 bed
- 6 x 4 bed

1.2 There is a mix of tenure with affordable rent and shared ownership. The applicant is Bernicia Homes, a Registered Provider (RP).

2. Site Description

2.1 Other aspects of the proposal include landscaping which assists in providing biodiversity net gain, SuDS scheme and improvement to the access arrangements. The access is taken from the main road to the south east and spreads in a rough rectangular shape north west. The layout follows an approximate 'z' shape.

2.2 The site is the former Seton Hall care home. The home has long since been demolished and there is little evidence of the former use. The site is rough grassland with no active use.

3. Planning History

Reference Number: C/91/B/593

Description: Renewal of rotting timber window units with polyester coated aluminium glazed units

Status: PER

Reference Number: C/91/B/740

Description: Glazed covered walkway to main entrance

Status: PER

Reference Number: 11/03407/OUT

Description: Proposed development to provide new three-storey 60 place care home and approximately 45 dwellings (family, over-50s and extra care housing).

Status: PER

Reference Number: 15/03917/DEMGDO

Description: Prior notification for demolition of all of the buildings associated with Seton Hall, including out houses

Status: PANR

Reference Number: N/03/B/0845

Description: Erection of residential care home with daycare facilities and purpose built residential units with support for older people.

Status: PER

Reference Number: N/91/B/0593/P

Description: Replacement of timber windows.

Status: NONCZ1

Reference Number: N/91/B/0740/P

Description: Glazed covered walkway to entrance.

Status: NONCZ1

4. Consultee Responses

Affordable Housing	The Affordable Housing officer has confirmed that they agree with the tenure and type of housing offered by the development and has confirmed the proposal is subject to a grant from Housing Services.
Fire & Rescue Service	No objection in principle.
Architectural Liaison Officer - Police	No objection but suggests the developer considers Secured by Design for security measures.
Northumbria Ambulance Service	No response received.
Public Protection	No objection subject to conditions.
Education - Schools	Contribution required.
Berwick-upon-Tweed Town Council	No objection subject to various comments relating to design, trees, layout, materials, flood risk and transport.
NHS North East & Cumbria ICB	No objection but the application should contribute £34,000 towards local healthcare provision.
Waste Management - North	No response received.
Climate Change Team	No response received.
Natural England	No objection subject to mitigation.
Strategic Estates	No response received.
Northumbrian Water Ltd	No objection subject to compliance with document titled 'Flood Risk Assessment / Drainage Strategy (Rev C)' dated 20th October 2021.
County Ecologist	No Objection. The proposed development will not impact on protected or notable species or priority habitat. A financial contribution to the Coastal Mitigation Service is required to mitigate impacts from increased recreation on designated nature conservation sites. In accordance with planning

	policy the development should provide an enhancement for biodiversity which can be achieved by using native species in the landscaping scheme and providing integrated bird and bat boxes, secured through a planning condition.
Highways	No objection subject to conditions.
Lead Local Flood Authority (LLFA)	No objection subject to conditions and informative information.
Berwick Civic Society	Supports the application.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	43
Number of Objections	4
Number of Support	1
Number of General Comments	0

Notices

General site notice, 1st December 2021

No Press Notice Required.

Summary of Responses:

There have been four objections and a single in support.

Objections

There is a covenant on the site that the land should be used for housing for the elderly

Comment: This is a legal matter and not for the consideration of the planning department.

The site is close to a wastewater treatment plant

Comment: This does not preclude the use of the land for housing. The application has been considered by Public Protection who raise no objection to the proposals.

The applicant does not own the land

Comment: Section 25 of the planning application form confirms that Berwickshire Housing Association own the land and notice was served on them 4th November 2021.

Concern over the safety of the access

Comment: The access has been assessed by Highways and is accepted subject to conditions.

The site is too isolated from existing housing and services

Comment: This is addressed in part seven below.

Residents of the development will suffer from excess noise

Comment: This is addressed in part seven below.

The site / landscape plan shows 2m high fencing whereas the noise assessment shows 3m and 4m high fencing.

Comment: Some part of the fencing may need to be higher to accommodate noise mitigation, but the overall boundary treatments are to be agreed via a condition.

Support

The town is in desperate need of affordable housing to help people get on the housing ladder and address existing shortages.

Comment: Noted.

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=R2MCMRQSKMZ00>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan

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 3 - Housing requirements for neighbourhood areas (Strategic Policy)

HOU 5 - Housing types and mix

HOU 6 - Affordable housing provision (Strategic Policy)

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 7 - Historic environment and heritage assets

WAT 2 - Water supply and sewerage

WAT 4 - Sustainable Drainage Systems

POL 1 - Unstable and contaminated land

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

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

6.3 Other Documentation

Berwick, Norham and Islandshire and Surrounding Area Housing Needs Assessment 2020

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. 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 / Appearance
- Highways Safety / Access / Parking
- Noise
- Contaminated Land
- Ecology
- Drainage / SuDS
- Broadband Connectivity
- Climate Change / Sustainability
- Planning Obligations
- Procedural Matters

Principle of Development

7.2 The site is within the settlement of Tweedmouth on an unallocated site. Policy STP 1 sets out the settlement strategy. In this regard the wider settlement of Berwick-Upon-Tweed is recognised as a Main Town wherein development will be focused including housing. Policy STP 3 sets out the principles of sustainable development wherein subsection (b) seeks to provide a type and mix of homes to meet local housing need and increase choice in the local housing market. The proposal seeks to address a long-standing need for affordable housing in the market area. In this regard the principle of the development is consistent with STP 1 and STP 3.

7.3 Policy HOU 2 (Strategic Policy) supports new housing proposals where they are consistent with the spatial strategy, meets the objectively assessed housing needs and priorities as identified in the Housing Needs Assessment, and makes the best and most efficient use of land.

7.4 Policy HOU 5 requires a range of good quality energy efficient homes. Development proposals will be assessed according to how well they contribute to meeting the needs and aspirations of those living in and seeking to Northumberland as identified in the most recent Housing Needs Assessment.

7.5 It should also be noted that the recent Housing Needs Assessment 2020 identified a significant shortfall of affordable housing in the Berwick catchment area.

This proposal will go some way to addressing this issue. Below are the key findings with respect to affordable housing:

- Around 450 new and existing local households are likely to require affordable housing over the next-5 years;
- When affordable supply from vacancies and new build is considered, there is a net requirement for 169 affordable dwellings over 5-years (34 per annum);
- These should be 0 affordable rent, 169 affordable home ownership;
- Small amounts of affordable rented housing may need to be built to help social landlords meet individual tenants' specific needs or replace stock with regeneration schemes;
- 2 and 3-bedroom affordable home ownership homes are mostly needed.

7.6 Policy HOU 6 covers affordable housing provision. The policy identifies that development of ten or more units are required to provide a provision of affordable housing depending on the market value of the area. Tweedmouth is a 'low value' market area, and the proposal is only required to supply 10% affordable housing. However, the proposal is for 100% affordable units provided by a Registered Provider.

7.7 The proposal will go some way towards meeting these requirements. It should be noted that the proposal seeks to offer affordable rented accommodation. The tenure of the properties has been agreed with Housing Services.

Design and Layout

7.8 Local Plan policy QOP 1 sets out the design principles of the Local Plan. Proposals are expected to make a positive contribution to local character and distinctiveness and contribute to a positive relationship between built and natural features, including landform and topography. Further, proposals should create or contribute to a strong sense of place. The principles of QOP 1 are further enhanced by Policy QOP 3 – Public realm design principles which sets out a several criteria where applicants are expected to improve the public realm. This can be achieved by having a clear definition of private / public spaces, having a clear hierarchy of routes and spaces, which are faced by active frontages and maximise natural surveillance. Proposals should also maximise urban greening through street trees and other vegetation.

7.9 Policy QOP 2 requires good design and amenity. In this regard, development will be required to provide a high standard of amenity for existing and future users.

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 proposal seeks to develop 58 affordable homes, as described above. These units will be a mix of semi-detached and detached units. There is a significant backlog of those waiting for units from a Registered Provider and the proposal has been part funded by the council. The proposal is not expected to increase the population of Berwick, but to cater for an existing need.

7.12 The layout is an approximate curving 'z' shape with properties being accessed off this spine road. This has been designed to cater for the maximum number of units to address an existing housing problem, which this development will go a small way towards resolving. The main spine road has been designed to cater for maintenance operations such as the access of the refuse recovery vehicle. Maintenance work will be managed by the applicant, Bernicia Homes.

7.13 Most units are two storeys with some offering accommodation in the roof space. This offers an irregular roof pattern and a series of features offering some diversity of the house design. The applicant has submitted a landscaping plan that will soften and enhance the edges of the site and throughout, but this is expected to be enhanced through a planning condition.

7.14 The proposal is made up of 100% affordable rent houses with a density of 34.12 per hectare. The house types are listed below:

- 9 x 2 bed bungalows
- 2 x 3 bed bungalows
- 13 x 2 bed semi-detached / terrace (two storeys)
- 16 x 3 bed semi-detached (two storeys)
- 12 x 3 bed semi-detached (two and a half storeys)
- 6 x 4 bed semi-detached (two storeys)

7.15 The layout offers a degree of passive security with houses facing onto public areas and some two storey properties, plots 1 - 10, looking over into the adjacent park. In terms of play space there is very little on site but there is a play park immediately adjacent. The applicant uses a mixed palette of materials to demonstrate public and private spaces as well as those that are shared. Conditions will further enhance the development through boundary treatments and finishing materials of the houses. There is no footpath provision into the adjacent park as this is not considered necessary and prevents the formation of a pedestrian 'rat run'. The access to the park will be via the pavement to the front of the site. Pedestrian access is available to employment opportunities in the industrial estates nearby retail units and the town centre.

7.16 The design and layout of the proposal is considered a little basic but given that the applicant is operating to a very tight budget, partly funded by the council, and seeks to address an existing housing problem in the wider locality it is considered that on balance the proposal is consistent with the National Design Guide, NPPF and policies QOP 1, QOP 2 and QOP 4.

7.17 The proposal offers limited open / play space provision. However, the proposal is adjacent the Five Arches Park which is expected to provide the relevant provision.

Highways Safety / Access / Parking

7.18 Policy TRA 1 seeks to promote sustainable connections. Proposals should seek to reduce reliance on private vehicles and maximise sustainable modes of transport. Furthermore, applications should seek to promote good design principles in respect of permeability, connectivity and legibility of buildings and public spaces, and includes access. Applications should also seek to promote and enhance rights of way.

7.19 A Highways Statement has been submitted to support this application. This has demonstrated the previous concerns raised by the Highways Development Management have been addressed. Furthermore, the road layout and access are acceptable in principle but will undertake further assessment under an application for approval under separate legislation administered by Highways.

7.20 Information has been provided with regards to an assessment on road safety in relation to a review of recorded personal injury collision data to assess the road safety aspect of the proposal. TADU data has been provided as previously requested, which shows four slight traffic incidents and one moderately serious incident within the study area. An assessment of the factors indicates that there is no pattern of road safety incidents associated with the site access that would warrant further mitigation and therefore this is acceptable.

7.21 With regards to shared drives, it has been clarified that all units on site are affordable and the whole site will be managed by Bernicia and maintenance of the shared surfaces will be covered by Bernicia which resolves HDM's previous comments in respect to shared surfaces and maintenance.

7.22 Policy TRA 4 sets out the council's parking standards. It is expected that developments will meet these requirements. Details of these standards can be found in the Local Plan appendices.

7.23 On assessment each property caters for the relevant level of parking and is provided within each plot. With regards to Plot 18, there is sufficient width and length for the parking of 2no. vehicles and whilst 'disassociated' or tandem parking is not preferable in the interest of good quality design, it is recognised that overall, the number of plots where this occurs is not the majority and on balance is deemed acceptable. A condition is outlined below to secure details of boundary treatment and street trees to ensure no impact on visibility for vehicles accessing/egressing all parking spaces and vehicular access and to ensure all new streets are tree-lined in accordance with Paragraph 133 of the NPPF (2022).

7.24 Regarding visitor parking, the provision of 58 dwellings requires 15 visitor parking spaces, for which 15 in total are located within the site. 13 VP bays have been provided in the road put forward for adoption and a further 2no. VP bays off a shared surface. Whilst the 2no. VP bays in the turning head in the northern parcel of the land aren't put forward in areas for adoption/create excessive reversing, in this instance if these visitor parking bays were removed it is likely users would end up using the turning head for parking. The applicant has sought to address this by removing the section of 2m footway off the back of the 2no. VP bays to provide more space for a refuse vehicle to safely turn and this does not impact on access to Plot 23 and 24 respectively, therefore is deemed acceptable.

7.25 Considering the above the proposal is consistent with policies TRA 1 and TRA 2 of the NLP and relevant sections of the NPPF.

Noise

7.26 Policy QOP 2 of the Northumberland Local Plan states that development will be required to provide a high standard of amenity for existing and future users of the development itself and not cause unacceptable harm to the amenity of those living in, working in or visiting the local area, and sets out several criteria which development will be assessed against. Paragraph 130 of the NPPF also seeks to ensure that developments will create places with a high standard of amenity for existing and future users.

7.27 The site is impacted by noise from the East Coast Main Line (ECML), the A698 road and the adjacent industrial estate, particularly Allan Brothers Ltd. To address this potential noise impact the applicant has submitted an assessment with the following mitigation measures:

- Acoustic barriers ranging from 1.8 metres to 4.0 metres in height along the south-west, east and part of the north-east external parts of the site.
- Acoustic barriers of 1.8 metres in height around and between a number of internal plots.
- The facades of fifteen plots to have bedroom only noise attenuation consisting of glazing with noise attenuation of ≥ 27 Rw + Ctr (options Pilkington 6/16/6.4 or Saint Gobain 6/16/4) and alternative trickle ventilations achieving ≥ 31 Dne,w + Ctr (options RW Simon Framvent or Greenwoods 6000 S) OR System 3 – Continuous mechanical extract (MEV).
- The facades of six plots to have bedroom and living room noise attenuation consisting of glazing with noise attenuation of ≥ 27 Rw + Ctr (options Pilkington 6/16/6.4 or Saint Gobain 6/16/4) and alternative trickle ventilations achieving ≥ 31 Dne,w + Ctr (options RW Simon Framvent or Greenwoods 6000 S) OR System 3 – Continuous mechanical extract (MEV).
- The facades of two plots to have living room only noise attenuation consisting of glazing with noise attenuation of ≥ 25 Rw + Ctr (options Pilkington 4/16/4 or Saint Gobain 4/16/4) and alternative trickle ventilations achieving ≥ 31 Dne,w + Ctr (options RW Simon Framvent or Greenwoods 6000 S) OR System 3 – Continuous mechanical extract (MEV).
- The facades of four plots to have bedroom only noise attenuation consisting of glazing with noise attenuation of ≥ 25 Rw + Ctr (options Pilkington 4/16/4 or Saint Gobain 4/16/4) and alternative trickle ventilations achieving ≥ 31 Dne,w + Ctr (options RW Simon Framvent or Greenwoods 6000 S) OR Any AD-F ventilation strategy feasible.
- The number of plots with bedrooms impacted by noise (in varying degrees) are approximately nineteen.
- The main impacted block is Plots 1 to 10 where the greater noise attenuation is required.

7.28 A condition has been recommended by Public Protection for final details of enhanced glazing and alternative ventilation to be submitted once these have been specified and/or ordered by the applicant. The list of conditions also requires details of boundary treatments and landscaping. The latter should try and mitigate, where possible, the impacts of the taller fencing.

7.29 Considering the above the proposal is consistent in this regard with policy QOP 2

Contaminated Land

7.30 Policy POL 1 sets out that 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.

7.31 In this instance a geoenvironmental assessment has discovered the site underlain in parts with a substantial amount of made ground and whilst no elevated contaminants have been detected above guideline limits, the material is “...*texturally unsuitable to remain within proposed plot gardens and incapable of supporting healthy plant growth*”

7.32 The applicant’s supporting report has proposed that a remediation strategy is produced to confirm the final options for the clean cover system. This is acceptable to the Environmental Protection Team and the condition has been left as the remediation strategy has suggested that the contractor’s method statement (which should mirror these proposed works) be submitted alongside the remediation strategy at some time prior to the main preparatory groundworks commencing.

7.33 Once all groundworks are complete, it is expected that the applicant will submit a closure (verification) report to demonstrate the remediation has been carried out as proposed in the remediation strategy and the contractor’s method statement.

7.34 The proposal is consistent with the provisions of policy POL 1.

Ecology

7.35 Policies ENV 1 and ENV 2 expect development proposals to support biodiversity and minimise impacts on ecology. This application is supported by an ecology assessment, updated in July 2022 (Ecological Impact Assessment, Dendra Consulting Ltd, July 2022). The main habitat on site modified grassland of low species diversity, hardstanding/cleared land from the former buildings (demolished around 2018/9), lines of trees and hedgerows.

7.36 Intact native species hedgerows are a Habitat of Principal Importance under s41 of the Natural Environment and Rural Communities (NERC) Act and the hedgerow along the western site boundary has been classified as such, this hedgerow is outside of the red line boundary and will be retained and protected within the development, as shown on the submitted Tree Protection Plan. There are two hedgerows within the site, a beech amenity hedge and another composed of Himalayan cotoneaster which is a non-native invasive species and is listed on Schedule 9 of the Wildlife and Countryside Act in England and Wales therefore, it is also an offence to plant or otherwise cause to grow these species in the wild.

7.37 At its closest point, the site is located within 350m of the designated Tweed Catchment Rivers - England: Lower Tweed and Whiteadder Site of Special Scientific Interest (SSSI) and Tweed Estuary Special Area of Conservation (SAC). The development site is separated from these by agricultural land, hedgerows and woodland and therefore direct and indirect impacts during construction would not be anticipated. Recreational impacts because of the development can be addressed through the strategic Coastal Mitigation Service. The development will be connected to the Northumbrian Water combined sewer network for both foul and surface water, and the site is not in a Nutrient Neutrality catchment area and therefore there are no concerns in this regard.

7.38 The site has limited potential to support protected species, however three woodcrete bat boxes are attached to tree T57, a mature beech tree, which were required as mitigation associated with the demolition of the buildings on site. These boxes were checked by the consultant ecologist and do not currently support roosting bats. This tree will be felled as part of the proposed development. The bat boxes will need to be checked by a licenced ecologist immediately prior to removing and should be relocated on a retained mature tree on the eastern boundary of the site. Applicants and contractors should note that the protected species legislation operates independently of the planning system; planning consent does not override this, and it is their responsibility to be aware that there is a chance of encountering protected species during works.

7.39 The applicant has used the Defra Biodiversity Net Gain Metric to quantify losses and gains on site because of the development. Following the enactment of the Environment Act 2021 but during the two-year transition period prior to 10% Biodiversity Net Gain measured using the Defra Metric becoming mandatory in November 2023, Northumberland County Council remains with the NPPF position of requiring net gain through development but not of a specified percentage. As set out in Planning Practice Guidance net gain can also be achieved through a range of measures such as bird and bat boxes as well areas of new and enhanced habitat. To provide an enhancement for biodiversity within the design of the development integrated bird and bat boxes at a ratio of 1 per dwelling (58 in total across the site) will be built into the new houses, as outlined in the updated Ecological Impact Assessment, Dendra Consulting Ltd, July 2022.

7.40 Detailed landscape proposals have been submitted for the site. This includes new lengths of native species-rich hedgerows, and a small area of native species scrub and wildflower grassland in the southern corner of the site. Planting around the housing includes non-native species, although some which are beneficial to pollinators such as hebe and lavender. Retained boundary trees and hedgerows are shown on the submitted Arboricultural Method Statement (Tree Protection Plan) by AllAboutTrees Ltd.

7.41 The site lies within proximity to the Northumberland coastal designations. As a result, the developer is required to contribute to the Coastal Mitigation Service (CMS). Contribution to the CMS enables a conclusion of no adverse effect on site integrity to be reached when a planning application is subject to appropriate assessment, without the developer having to commission any survey or mitigation work. Similarly, it enables a conclusion of no adverse effect on the interest features of coastal SSSIs. The contribution for major developments (10 or more units) is set at £615 per unit within 7km of the coast.

7.42 It is considered that planning conditions can be used to secure the above enhancements for biodiversity within the design of the development, specifically built-in bird and bat boxes and new native species-rich hedgerows and native trees in the landscaping that would be compliant with the NPPF and Local Plan Policy ENV2.

Drainage / SuDS

7.43 Local Plan policy WAT 3 requires that proposals consider the potential for on-site and off-site flood risk from all potential sources. WAT 4 sets out that SuDS will be a requirement for any development where it is necessary to manage surface water drainage.

7.44 During the application determination process the applicant reduced the number of units to incorporate SuDS basins and a fully detailed drainage strategy. Although Northumbria Water did not raise any objections to the original rate of water flow entering their system this could have caused flooding further along the network and the discharge rate needs to be agreed with the LLFA. To this end a Greenfield run-off rate was agreed by using a series of SuDS techniques. This did result in a reduction of units but this is required to meet the requirements of NPPF and policies WAT 3 and WAT 4. The drainage strategy forms part of the approved plans and documents under condition two and a verification report will be required.

7.45 The proposal is consistent with policies WAT 3 and WAT 4.

Communications

7.46 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.

7.47 The current application does not state whether full-fibre broadband connections are proposed. However, the site is in Tweedmouth /Berwick where internet connections are widely available from a range of providers. It is considered that a condition is required to secure internet connections in this location and the proposal is readily consistent with Policy ICT2 of the Northumberland Local Plan and Paragraph 114 of the NPPF.

Climate Change

7.48 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.

7.49 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.

7.50 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.

7.51 The supporting documents which accompany the application do not provide any information with respect to sustainable design and construction. It is therefore

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

Planning Obligations

7.52 Policy INF 6 covers the planning obligations usually sought during the determination of qualifying applications. In this instance contributions would usually be sought for Coastal Mitigation Scheme, healthcare, and education. The former is non-negotiable as it relates to an existing method to adhere to the Habitat Regulations Appraisal (HRA) as agreed between NCC and Natural England.

7.53 The proposal is being part funded by the council's housing delivery scheme. Colleagues in Housing Services have confirmed that this grant is necessary to deliver the scheme and without it the proposal is not viable. In this regard subsection 3c states that planning obligations will only be sought where they are fair and reasonably related in scale and kind to the development. It has been suggested that this money could be raised by changing the proposals to a mixed scheme providing some open market housing. This is not reasonable and goes against the idea of addressing the current lack of affordable housing in the area.

7.54 As part of this assessment officers have sought external advice with respect to viability. This has confirmed that the proposal is not currently viable and obligations should not be sought. However, it is necessary to secure funds towards the Coastal Mitigation Service as explained above.

7.55 Given the proposal is for affordable housing by a Registered Provider part funded by the council who has confirmed without which it is unviable then it would not be reasonable to impose the requirements of Education and Healthcare in this instance.

7.56 In this regard the proposal is consistent with policy INF 6.

Procedural Matters

Equality Duty

7.57 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

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

Human Rights Act Implications

7.59 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.

7.60 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.

7.61 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 and the Planning Balance

8.1 The application represents a much-needed boost to the current affordable housing market of Berwick-Upon-Tweed housing catchment area. It is accepted that the location might not be the most appropriate being close to existing industrial operations and the required noise mitigation measures. However, sites within the settlement boundary are limited and a residential care home was previously operational on the land. In this regard the principle of residential development must be considered acceptable and consistent with the settlement strategy set out in policy STP 1.

8.2 During the processing of the application the number of units was reduced from 61 to 58. This allowed for a detailed SuDS offering to be developed and ensure there was no flood risk further down the Northumbrian Water network. This also resulted in a more appropriate density and layout. It is considered that the proposal is consistent with the relevant design policies of the Local Plan and meets the technical requirements for flood risk and SuDS.

8.3 The application has been assessed in detail by council officers and external consultees. In the planning balance the proposal is consistent with the provisions of the local plan and officers recommend the application for approval subject to conditions.

9. Recommendation

That this application be GRANTED permission subject to the following conditions and a s106A for the contribution of £35,670 towards Coastal Mitigation Service (CMS):

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 and Documents

The development hereby permitted shall be carried out in complete accordance with the approved plans. The approved plans and documents for this development are: -

Approved Plans

Location Plan 000 P1
Proposed Site Plan 100 P13
Proposed Site Plan – Colour Version 101 P13
Proposed Site Plan – Ground Floor Plans 102 P6
Proposed External Finishes Plan 103 P8
Proposed Bin and Cycle Storage Plan 104 P6
Proposed Roof Plan 105 P5
Proposed Levels 11 P4
Surface Finishes and Kerbing Layout 61 P2
Proposed Streetscenes 300 P5

House Types

Proposed HT 1 Plans and Elevations 200 P3
Proposed HT 2 Plans and Elevations 201 P3
Proposed HT 3 Plans and Elevations 202 P3
Proposed HT 4 Plans and Elevations 203 P3
Proposed HT 5 Plans and Elevations 204 P3
Proposed HT 6 Plans and Elevations 205 P3

Landscaping and Trees

Landscaping plans (Detailed landscape proposals Sheet 1 DWG. No. c-1979-01 Rev B and Sheet 2 DWG. No. c-1979-02 Rev B, PDP Associates, September 2021.
Arboricultural Method Statement (Tree Protection Plan) should form part of the approved documents.

Drainage Strategy

Flood Risk Assessment and Drainage Strategy Report Number: 20204-FRA & DS-Revision: G produced by Coast Consulting dated 13.01.2023
Drainage Strategy Layout sheet 1 Ref: DS01 Rev P5 produced by Coast Consulting dated 13.01.2023
Drainage Strategy Layout sheet 2 Ref: DS02 Rev P2 produced by Coast Consulting dated 01.12.2022
SuDS Detention basin Sections Ref: DS03 Rev P3 produced by Coast Consulting dated 01.12.2022
SuDS Construction Details Sheet 2 Ref: DS06 Rev P3 produced by Coast Consulting dated 01.12.2022
SuDS Construction Details Sheet 3 Ref: DS05 Rev P3 produced by Coast Consulting dated 01.12.2022 (Geo cellular storage)
SuDS Construction Details Sheet 3 Ref: DS07 Rev P2 produced by Coast Consulting dated 01.12.2022 (Hydrobrake)
Section 6. SuDS Operation and Maintenance of Seton Hall Berwick, Flood Risk Assessment and Drainage Strategy Report Number: 20204-FRA & DS-Revision: G produced by Coast Consulting dated 13.01.2023

Approved Documents

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

03. Approved Materials

Prior to the commencement of works above damp-proof course level the developer shall provide details of the external finishing materials for the approval of the planning authority. Once approved the development shall be completed as per these approved details.

Reason: To ensure consistency with policies QOP 1 and QOP 2 of the Local Plan.

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

This verification report shall include:

As built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc);

Construction details (component drawings, materials, vegetation);

Photographs of the surface water system being installed as per the agreed scheme including flow controls, storage structures and any other SuDS components.

Health and Safety file; and

Details of ownership organisation/adoption details.

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

05. Surface Water During Construction

Prior to the commencement of works details of the disposal of surface water from the development through the construction phase shall be submitted to and agreed with the Local Planning Authority. Once agreed works shall be carried out as per these details.

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

06. Noise - Protection of Individual Rooms

The building envelope shall be constructed so as to provide sound attenuation against external noise, to not exceed an internal noise level 35dB LAeq during the day and 30dB LAeq & 45dB LAMax at night. Details of the final glazing and ventilation option(s) shall be submitted to the Local Planning Authority prior to any works above damp-proof course level of any building for approval in writing. This should confirm the glazing and alternative ventilation as proposed in the Noise Impact Assessment

(produced by Apex Acoustics, ref: 9079.2 Rev B and dated 7th October 2021) or an equivalent achieving the same or better noise attenuation.

Reason: To provide a commensurate level of protection against obtrusive noise

07. Land Contamination Remediation

The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing: a). A written Method Statement (or Remediation Strategy) detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without express written agreement of the Local Planning Authority.

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

08. Contaminated Land Verification

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

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

09. Contamination not Previously Discovered

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

10. Noisy Working Hours

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.

11. Biodiversity Enhancement

Prior to construction above damp-proof course level, a scheme for the provision of integrated bird box and 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. This should include swift bricks in groups of four to six on suitable gable ends. The scheme will be fully implemented as approved.

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

12. Landscaping

The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner.

Reason: To conserve and enhance local biodiversity in line with the NPPF and Local Plan Policy ENV2 and QOP4.

13. Completion of highway works before occupation

Works shall not commence on the highway elements until details of the proposed highway works (new vehicular and pedestrian access arrangements, reinstatement of the existing access, together with associated works and all signage, drainage, street lighting and necessary associated works have been submitted to and approved in writing by the Local Planning Authority. The building(s) shall not be occupied until the highway works have been constructed in accordance with the approved plans.

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

14. Construction Method Statement (including Plan)

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

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

vi. details of the size and number of HGV's associated with the construction phase of 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.

15. Details - 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.

16. Implementation of car parking area

No dwelling shall be occupied until the car parking area indicated on the approved plans has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

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

17. Estate Street Phasing and Completion Plan

No development shall commence until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases, completion sequence and construction standards that estate streets serving each phase of the development will be completed. The development shall then be carried out in accordance with the approved Estate Street Phasing and Completion Plan.

Reason: To ensure estate streets serving the development are completed in the interests of residential amenity and highways safety, in accordance with the NPPF and policies TRA 1 and TRA 2 of the NLP.

18. Management and Maintenance of Estate Streets

No development above damp-proof course level shall commence until details of proposed arrangements for future management and maintenance of the proposed streets within the site have been submitted to and approved in writing by the Local Planning Authority. Following occupation of the first dwelling on the site, the streets shall be maintained in accordance with the approved management and maintenance details.

Reasons: To ensure estate streets serving the development are completed in the interests of residential amenity and highways safety, in accordance with the NPPF and Policies TRA 1 and TRA 2 of the NLP.

19. Submission of details of adoptable streets

No works to the streets proposed for adoption shall commence until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to safeguard the amenities of the locality and users of the highway in accordance with the National Planning Policy Framework and Policies TRA1 and TRA2 of the Northumberland Local Plan.

20. Implementation of cycle parking

No dwelling shall be occupied until cycle parking (within garage spaces) shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.

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

21. 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.

22. Broadband Connection

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.

23. Climate Change

Notwithstanding the details submitted with the application, prior to the construction of any unit 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.

24. Prior to the construction of any dwelling above damp proof course level, a scheme to demonstrate how at least 50% of the new dwellings will meet or exceed the enhanced accessibility and adaptability housing standards in compliance with Requirement M4(2) of the Building Regulations (or any equivalent successor standards) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken fully in accordance with the approved scheme.

Reason: To ensure that the new homes are accessible and adaptable to meet the needs of residents now and in the future, in accordance with Policy HOU 11 of the Northumberland Local Plan and the National Planning Policy Framework.

Informative

Best practice during construction for nature conservation

To avoid and mitigate potential impacts on biodiversity during construction the following best practices should be implemented:

i To avoid potential impacts on nesting birds the removal of trees and hedgerows should avoid the nesting bird period March - August inclusive.

ii Contractors should be aware of the potential to spread invasive non-native plant species either from or onto the site and take appropriate biosecurity measures to avoid this, guidance on what to do can be found here <https://www.nonnativespecies.org/what-can-i-do/training/site-workers/>. On site there is a hedgerow of Himalayan cotoneaster which is listed on Schedule 9 of the Wildlife and Countryside Act in England and Wales therefore, it is also an offence to plant or otherwise cause to grow these species in the wild.

iii To protect trees retained on and adjacent to the site, all works should be carried out in accordance with the site-specific Arboricultural Method Statement (Tree Protection Plan) by AllAboutTrees Ltd and guidance set out in BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations British Standards Institution, 2012.

iv) All works on site should adhere to the Pollution Prevention Guidance for Businesses provided by DEFRA and the Environment Agency. For further information follow the link: <https://www.gov.uk/guidance/pollution-prevention-forbusinesses>

Removal of bat boxes

There are 3 bat boxes are attached to tree T57, a mature beech tree within the site. All species of bat and their roosts (whether occupied or not) are strictly protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). It is therefore essential that the bat boxes are checked by a suitably licensed ecologist prior to their removal. The boxes should be relocated to a retained mature tree on the eastern boundary of the site.

Applicants and contractors should note that the protected species legislation operates independently of the planning system. Planning consent does not override this, and it is their responsibility to be aware of the law and their responsibilities when working on site.

Burning Materials Onsite

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

Statutory Nuisance

The effectiveness of the development's design in ensuring that a nuisance is not created is the responsibility of the applicant / developer and their professional advisors / consultants. Developers should, therefore, fully appreciate the importance of obtaining competent professional advice.

In all cases, the Council retains its rights under Section 79 of the Environment Protection Act 1990, in respect of the enforcement of Statutory Nuisance.

S278 / S38 / S59 / S184 Requirements

Agreement with the Highway Authority required pursuant to the Highways Act 1980 to deliver the full scheme of highway works associated with the site and adoption of the revised internal layout as public highway Works in the public highway are likely to include the facilitation of the new access to the site from the A698, reinstatement of the existing access to the site from the A698, provision of pedestrian access to the site and all signage, drainage, street lighting and necessary associated works.

Section 38 Agreement and adoption of highways

You are advised to contact the Council's Highway Development Management team at highwaysplanning@northumberland.gov.uk concerning the need for a Section 38 Agreement of the Highway Act 1980 relating to the adoption of new highways.

Section 278 Agreement and works in adopted highway (Amended)

You are advised that offsite highway works required in connection with this permission, including amended new site access arrangements (vehicular and pedestrian), reinstatement of existing access, and any associated streetlighting, drainage and street signage, will require an agreement under section 278 of the Highway Act 1980. These works should be carried out before first occupation of the development. You should contact Highway Development Management at highwaysplanning@northumberland.gov.uk to progress this matter.

Highway condition survey

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

Contact Traffic Management

You are advised to contact the Council's Traffic Management Section at highwaysprogramme@northumberland.gov.uk before and during the construction period in respect of any required temporary traffic management measures to allow access to the site.

Reminder to not store building material or equipment on the highway

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

Technical Approval of Highway Structures

You should note that Technical Approval of Highways Structures is required. You should contact Highway Development Management at highwaysplanning@northumberland.gov.uk.

Contact Local Highway Authority - Estate Street Phasing and Completion Plan

The applicant is advised to obtain the written approval of the Local Highways Authority for the details required under the condition regarding Estate Street Phasing and Completion Plan, prior to the submission of such details to the Local Planning Authority in seeking to discharge the condition. Such details, as may be submitted to the Local Highways Authority, could be subject to technical and safety assessments / audits, which may result in changes to the layouts and alignments as shown on any indicative layout(s) approved by virtue of the planning permission. The applicant is advised that the Local Planning Authority may reject details submitted to them for the discharge of the condition without evidence of technical approval from the Local Highway Authority. You can contact the Highway Development Management at highwaysplanning@northumberland.gov.uk.

Contact Local Highway Authority - Management and Maintenance of Estate Streets

The applicant is advised that to discharge condition Management and Maintenance of Estate Streets, the Local Planning Authority requires a copy of a completed agreement between the applicant and the Local Highway Authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes. You can contact Highway Development Management at highwaysplanning@northumberland.gov.uk

Contact Local Highway Authority - Submission of details of adoptable streets

The applicant is advised to obtain a technical approval for all estate street details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge condition Submission of details of adoptable streets of this permission. You can contact the Highway Development Management at highwaysplanning@northumberland.gov.uk

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

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

Road Safety Audits

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

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).

Security

Recommend the applicant considers building the development to the specifications set out in the police approved security scheme Secured by Design, details of which can be found at www.securedbydesign.com and following the links to SBD Homes 2019 in the Design Guides section.

Background Papers: Planning application file(s) 21/04453/FUL

This page is intentionally left blank

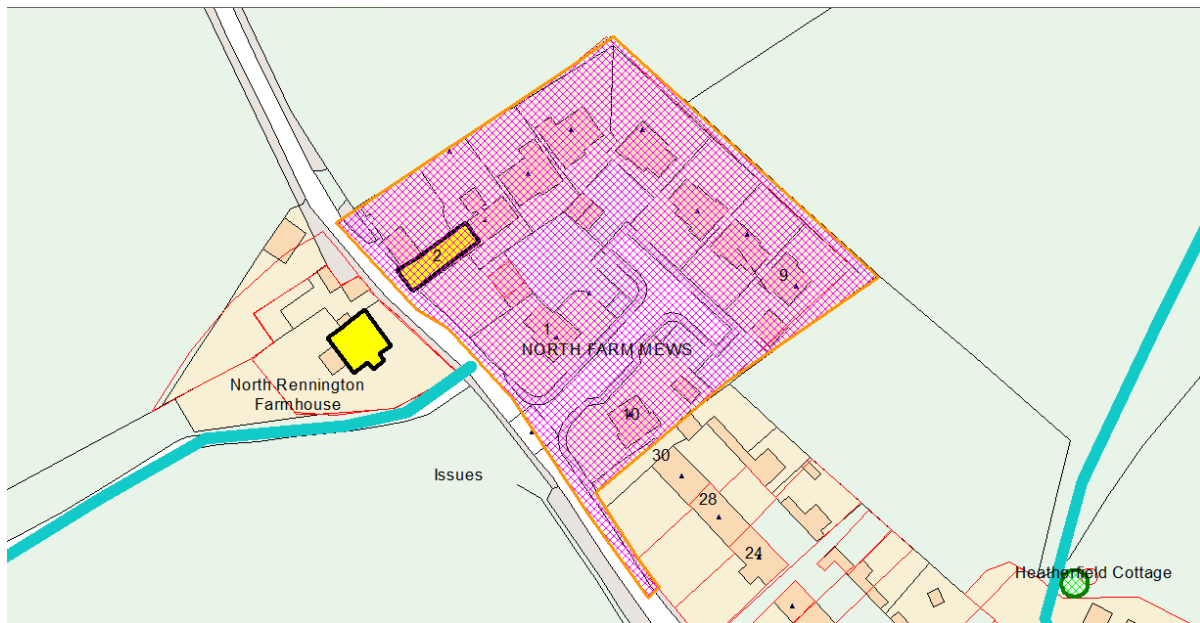


Northumberland County Council

North Northumberland Local Area Committee

Application No:	22/03766/VARYCO		
Proposal:	Removal of condition 18 (street lighting) on approved application 20/03446/VARYCO to allow street lights to be turned off or removed		
Site Address	Farm Buildings East Of North Farm, Rennington Village, Rennington, Northumberland		
Applicant:	Parish Clerk 26 Swansfield Park Road, Alnwick, Northumberland, NE66 1AT	Agent:	None
Ward	Longhoughton	Parish	Rennington
Valid Date:	9 November 2022	Expiry Date:	8 February 2023
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 REFUSED permission



1. Introduction.

1.1 Following referral through the Chair Referral Scheme this application is deemed appropriate for determination at the North Northumberland Local Area Council.

1.2 Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. The Local Planning Authority can grant such permission unconditionally, subject to different conditions or refuse the application if it is determined that the original condition(s) should continue.

2. Description of the Site and the Proposal

2.1 The site to which the application relates (North Farm) is located to the north-western edge of Rennington Village adjacent to the C1130 that leads from Rennington to the village of Rock. The application site comprises the grade II listed cart shed, and granary located along the north-western boundary, and prior to the implementation of this scheme, a range of larger more modern farm buildings with farmyard areas were adjacent to these. The original farmhouse is grade II listed and is located on its own on the opposite side of the highway to the west of the site, and this is now in separate ownership. Open agricultural land surrounds the site to the north and east and beyond the farmhouse, with residential properties adjoining the south-eastern boundary of the site.

2.2 The original application is reference 14/03067/FUL for the change of use of land and buildings and development of residential dwellings, conversion and extension of Grade II Listed traditional farm buildings to provide 2 residential dwellings, construction of 13 new residential dwellings and development of associated access roads, public open space, gardens and other ancillary works (as amended by letter dated 26/11/14). This was subsequently varied as seen in the site history section below.

2.3 The most recent variation was granted under reference 20/03446/VARYCO. As part of that consent condition 18 reads:

Prior to occupation a scheme of street lighting shall be submitted to and approved in writing by the Local Planning Authority thereafter, the development shall be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the amenities of the locality and users of the highway in accordance with the National Planning Policy Framework.

2.4 This application seeks to remove the requirements of this condition and thus the street lights from the development.

2.5 The site lies on the edge of the Dark Skies Park and the applicant is concerned about impacts on its setting, the village character and the AONB.

3. Planning History

Reference Number: 14/03067/FUL

Description: Change of use of land and buildings and development of residential dwellings (15 in total of which 6 are affordable homes) including demolition of existing modern agricultural buildings, conversion and extension of Grade II Listed traditional farm buildings to provide 2 residential dwellings, construction of 13 new residential dwellings and development of associated access roads, public open space, gardens and other ancillary works (as amended by letter dated 26/11/14)

Status: PER

Reference Number: 14/03068/LBC

Description: Listed Building Consent: Change of use of land and buildings and development of residential dwellings (15 in total of which 6 are affordable homes) including demolition of existing modern agricultural buildings, conversion and extension of Grade II Listed traditional farm buildings to provide 2 residential dwellings, construction of 13 new residential dwellings and development of associated access roads, public open space, gardens and other ancillary works (as amended by letter dated 26/11/14)

Status: PER

Reference Number: 17/04588/FUL

Description: Demolition of modern portal frame buildings, construction of 8 new houses and 4 detached garage blocks and conversion of listed traditional farm buildings into 2 dwelling houses.

Status: PER

Reference Number: 17/04589/LBC

Description: Listed Building Consent for demolition of modern portal frame buildings, construction of 8 new houses & 4 detached garage blocks and conversion of listed traditional farm buildings into 2 dwelling houses.

Status: PER

Reference Number: 19/03478/VARYCO

Description: Variation of condition 6 (approved plans) related to planning approval 17/04589/LBC

Status: PER

Reference Number: 19/03479/VARYCO

Description: Variation of condition 2 (approved plans) pursuant to planning permission 17/04588/FUL

Status: PER

Reference Number: 19/04436/DISCON

Description: Discharge of conditions: 12 (demolition/construction method statement) and 19 (surface water) pursuant to planning approval 17/04588/FUL

Status: PER

Reference Number: 20/00301/DISCON

Description: Discharge of condition 4 (contaminated land scheme) 7 (ground gasses report) 13 (full engineering, drainage, street lighting and construction details of streets proposed for adoption) 14 (management and maintenance details of proposed streets) 15 (details of required highways works) 18 (programme of archaeological works) and 20 (scheme for surface water) on approved planning application 17/04588/FUL.

Status: CONREF

Reference Number: 20/03446/VARYCO

Description: Variation of Conditions 2 (approved plans) pursuant to planning approval 19/03479/VARYCO to allow reduction in garage sizes plots 1,4,6,7; fenestration amendments to rear elevations; addition of natural stone quoins to all elevations. Amendment of Condition 3 (Materials) pursuant to planning permission 19/03479/VARYCO to allow for discharge of details of materials. (Amended Description 16.02.2021).

Status: PER

Reference Number: 20/03447/VARYCO

Description: Variation of condition 6 (approved plans) pursuant to planning permission 19/03478/VARYCO to allow reduction in garage sizes plots 1,4,6,7; fenestration amendments to rear elevations; addition of natural stone quoins to all elevations. Amendment of Condition 2 (Materials) pursuant to planning permission 19/03478/VARYCO to allow for discharge of details of materials. (Amended Description 16.02.2021).

Status: PER

Reference Number: 21/01595/DISCON

Description: Discharge of condition 8 (landscaping) on approved planning application 20/03446/VARYCO (Amended Description 18.10.2021)

Status: PER

Reference Number: 21/03299/DISCON

Description: Discharge of condition 4 (management plan) on approved application 20/03446/VARYCO.

Status: PER

Reference Number: 21/03300/DISCON

Description: Discharge of condition 9(storage facilities and a refuse storage strategy) on approved application 20/03446/VARYCO.

Status: PER

Reference Number: 21/03301/DISCON

Description: Compliance of condition 6(Geo Environmental Engineering Ground Gas Verification Strategy Report) and Discharge of condition 16(validation and verification report) on approved application 20/03446/VARYCO.

Status: PER

Reference Number: 21/03302/DISCON

Description: Discharge of condition 17 (Ecology) on approved application 20/03446/VARYCO.

Status: PER

Reference Number: 21/03303/DISCON

Description: Discharge of condition 18(street lighting) on approved application 20/03446/VARYCO.

Status: PER

Reference Number: 21/03312/DISCON

Description: Discharge of condition 3(Ground Gas Verification Strategy) Plot 1 and 2 on approved application 20/03446/VARYCO.

Status: PER

Reference Number: 21/04217/DISCON

Description: Discharge of condition 3(windows schedule) and 4(details of all new flues) on approved application 20/03447/VARYCO.

Status: PER

Reference Number: 21/04613/DISCON

Description: Discharge of condition 19(plan showing the number and location of Electric Vehicle Charging Points) on approved application 20/03446/VARYCO.

Status: PER

4. Consultee Responses

Rennington Parish Council	No response received as they are the applicant.
Highways	The streetlights are required for purposes of adoption. Residents have already been in touch requesting the lights so there are some who want them. They are dimmed to the minimum amount already.
County Ecologist	Artificial lighting can have significant impacts on nocturnal wildlife and the County Ecologist supports schemes which seek to reduce this impact. Should Highways colleagues require lighting for highway safety there are several design principles which can significantly reduce light spill and impact.
Northumberland Coast AONB	Whilst this development is some 2km distant from the Northumberland Coast AONB, the AONB Partnership support this application by the Parish Council to remove unnecessary streetlighting and / or reduce the light spill from streetlighting that has been installed as part of the housing development at North Farm, Rennington. The intrinsically dark skies of the Northumberland Coast AONB are recognised as a special quality of the designated landscape, and reduction of light pollution out with the designated area will have a positive impact for the dark skies of the AONB.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	35
Number of Objections	0
Number of Support	18
Number of General Comments	1

Notices

Affecting Listed Building, 22nd November 2022

Northumberland Gazette 17th November 2022

Summary of Responses:

There has been considerable support for the proposal totalling 18. To summarise the majority support the removal of streetlights to assist with the night time character of the village and to enforce the adjacent dark skies designation. It should be noted that Rennington is not within the Dark Skies designation. A single submission supported the removal of the lights as they shine into their property.

There has been a single objection to the proposal on the grounds of safety and a further general comment asking that if the lights are removed that the pavement is suitably repaired.

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=RJMSJHQS0IS00>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan 2016 - 2036

STP 1 - Spatial strategy (Strategic Policy)

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

STP 3 - Principles of sustainable development (Strategic Policy)

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

STP 5 - Health and wellbeing (Strategic Policy)

QOP 2 – Good Design and Amenity

QOP 3 - Public realm design principles

HOU 9 – Residential development management

TRA 1 - Promoting sustainable connections (Strategic Policy)

TRA 2 - The effects of development on the transport network

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

ENV 2 - Biodiversity and geodiversity

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

ENV 5 - Northumberland Coast Area of Outstanding Natural Beauty

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

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

6.4 Other Documents/Strategies

North Northumberland AONB Management Plan 2020 - 2024

7. Appraisal

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

7.2 The key issues for consideration in the determination of the application are:

- Principle of development
- Highway Safety
- Residential Amenity

- Impact on the AONB and Dark Skies
- Ecology
- Procedural Matters

Principle of Development

7.3 The installation and / or removal of streetlights does not in itself require the benefit of express planning permission. However, it is the removal of the condition attached to the current consent that requires permission. Ordinarily streetlights are managed under separate legislation managed by the Council's Highways department.

7.4 Given the proposal relates to the removal of a condition attached to an extant consent then the principle of development is established, and the proposal is consistent with the settlement strategy laid out in policy STP 1.

Highway Safety

7.5 Policy TRA 2 of the Local Plan sets out that proposals that impact highway safety will not be supported. In this instance HDM has commented that there have been no discussions held between developer and HDM/NCC Street Lighting before the submission of this application, and upon consulting with NCC Street Lighting, the following response has been provided:

"We've already made changes to the lighting since it originally went in as it was lit to a P4 Class using Urbis Axia 2.1 5167 16 LED 480mA 3.25klm 26-Watt Lantern. We changed 3 No. of the Lanterns at the cul-de-sac to Axia 3.1 5267 8 LED 400mA 1.44klm 13 Watt dropping to P5 Class with 50% dimming from 00:00 to 06:00.

The lighting levels now in the cul-de-sac are 0.47 lux Average and drop to 0.23 Lux average when dimming starts. To put that into context a clear full moon is somewhere between 0.25 - 1.0 Lux Average. The Main Road outside the development is lit to 0.75 Lux average.

I don't feel it is necessary to remove or switch off any of the lighting installed as part of this development, we currently have a supply fault on the lights on the main road which are now off, and we've had complaints from the residents asking when the light is going to back on so there are clearly people within the village that do want the light. I think the policy is any new developments with three or more properties must have lighting if being put forward for adoption".

7.6 Thus, NCC Street Lighting have made a conscious effort to reduce the lighting levels as much as possible to try and coexist with the darker skies in this area and HDM would agree that all developments above 3 dwellings that are put forward for adoption would require a form of street lighting.

7.7 It is advised that the developer withdraws this application and approaches both HDM and NCC Street Lighting directly to try and resolve the lighting issues as part of the S278/S38 processes.

7.8 As can be seen from the HDM response proposals seeking an adopted road of three or more is the standard NCC policy on street lighting, note this is not replicated in planning policy. A grant of this permission would not result in the immediate removal of the lights as a further permission from NCC Streetlighting would need to be attained.

The advice from Highways is that the applicant seeks permission from the Streetlighting team first before seeking approval via the planning process.

7.9 As demonstrated above the proposal is not consistent with the council's policy on streetlighting which is based on safety standards. Therefore, the application would result in a development potentially creating a road safety issue. This is not consistent with policy TRA 2.

Residential Amenity

7.10 Policy QOP 2 of the Northumberland Local Plan states that development will be required to provide a high standard of amenity for existing and future users of the development itself and not cause unacceptable harm to the amenity of those living in, working in or visiting the local area, and sets out several criteria which development will be assessed against. Paragraph 130 of the NPPF also seeks to ensure that developments will create places with a high standard of amenity for existing and future users.

7.11 Policies HOU 9 and QOP 2 of the NLP seeks to ensure that development does not have a significant adverse impact on the amenity of adjoining properties in terms of structural proximity and unacceptable loss of daylight/sunlight, privacy, and visual outlook, and is not obtrusive.

7.12 The removal of the streetlights raises two key issues. The first is impact on residential amenity on the grounds of light impact on properties, but the second is impact on the grounds of light removal. The former raises issues which can easily be overcome by householders by using curtains, blinds etc. The latter raises concerns on the grounds of a sense of security and safety. There have been comments posted to the Highways Authority, separate from this application, requesting the installation of the streetlights.

7.13 Overall, the proposal does not raise substantive concerns of residential amenity, either through removal or retention. The proposal is currently and, would be, consistent with the provisions of policies HOU 9 and QOP 2.

Impact on the AONB and Dark Skies

7.14 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".

7.15 Policy 2 of the North Northumberland Coast Neighbourhood Plan relates 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".

7.16 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.

7.17 Policies ENV 4 of the Local Plan seeks to protect rural tranquillity and dark skies, whilst ENV 5 seeks to protect the character and setting of the North Northumberland AONB. The site lies within neither but is on the edge of both.

7.18 The lights are currently set to their lowest levels. It is not considered that the proposal raises concern that the impact on the designations is unacceptable and the proposal is consistent with ENV 4 and ENV 5.

Ecology

7.19 Policies ENV 1 and ENV 2 seek to enhance opportunities for biodiversity. In this instance the County Ecologist has commented that they support the proposal as artificial lighting can have significant impacts on nocturnal wildlife. They also comment that if the lights are necessary for highways safety purposes, then there are several design principles which can significantly reduce light spill and impact.

7.20 The applicant also stresses that the lighting could be having a negative impact on nocturnal wildlife. The impact cannot be quantified but as the County Ecologist has stated there are mitigation measures that can be used to reduce the impacts. It is understood that the lights are at the minimal setting permissible.

7.21 Highways have already commented that the lights are set at their minimum level to reduce light spill and impact. The removal of the streetlights would have a benefit for wildlife and the proposal is consistent with policies ENV 1 and ENV 2.

Applicant's Submission

7.22 In support of the application the applicant has submitted a supporting statement. This queries the need for the lights when similar developments did not require the same level of lighting. The differences are often down to an applicant seeking an adopted road which would then necessitate the need for street lighting. In this instance the applicant sought to have the access adopted. As it is for more than three units it is required to have street lighting.

7.23 A final point in the applicant's submission is that turning off the lights would reduce electricity consumption thus contributing towards the fight against climate change, albeit in a small manner. This is not disputed.

Equality Duty

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

Crime and Disorder Act Implications

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

Human Rights Act Implications

7.26 The Human Rights Act requires the County Council to 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.

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

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

8. Conclusion

8.1 On the planning balance there is some sympathy with the Parish Council who are keen to maintain the night time character of the village and enjoy minimum light pollution. However, the streetlights are required by NCC Highways as the road is adopted and they are required to provide streetlights. There is evidence to suggest that there is not 100% support for the removal of the lights. Regardless the case officer is advised that the lights are necessary for highway safety and policy TRA 2.

8.2 Considering the above the case officer recommends the application be refused on the grounds of highway safety and advises that the application is not consistent with policy TRA 2.

9. Recommendation

That this application be REFUSED permission

Reason for Refusal

The proposal seeks to remove the streetlights from the residential development at North Farm, Rennington. The lights are required because of highways adoption policy, separate from planning policy, and safety. The proposal to remove the lights would

result in a potential highway safety concern and thus is not consistent with TRA 1 as it would not result in an effective and safe access to the existing transport network.

Background Papers: Planning application file(s) 22/03766/VARYCO

This page is intentionally left blank

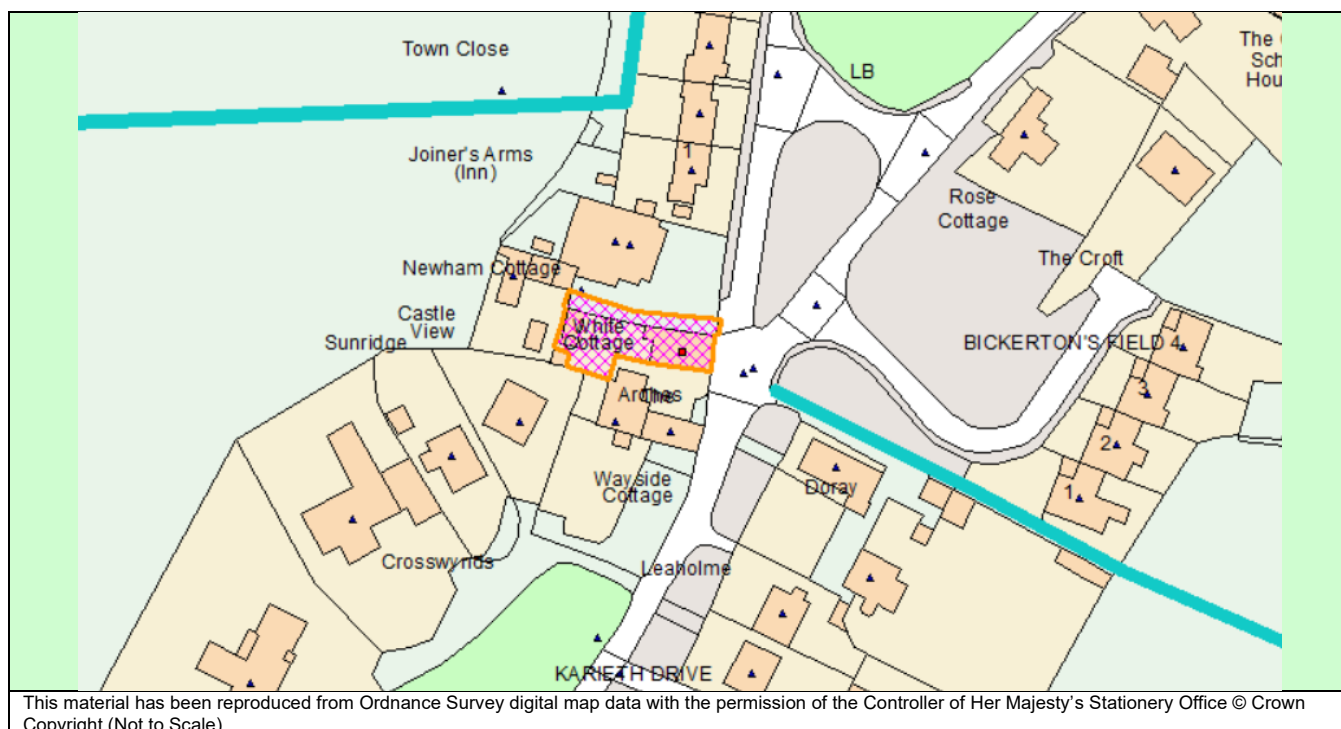


Northumberland County Council

North Northumberland Local Area Council Planning Committee 18th May 2023

Application No:	22/02619/FUL		
Proposal:	Retrospective Change of Use of White Cottage to Serviced Accommodation in Association with the Joiners Arms		
Site Address	White Cottage, The Inn Road, Newton-By-The-Sea, Northumberland NE66 3EA		
Applicant:	Mr Duncan Fisher First Floor, Two Jesmond Three Sixty, Jesmond, Newcastle upon Tyne NE2 1DB	Agent:	Mr Guy Whitehead Clavering House, Clavering Place, Newcastle Upon Tyne, NE1 3NG
Ward	Longhoughton	Parish	Newton-by-the-Sea
Valid Date:	18 April 2023	Expiry Date:	13 June 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 concerns raised regarding the impact of the proposals upon the local community 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 proposes the change of use of a detached residential property to use as serviced accommodation associated with the adjacent public house (The Joiners Arms). This work has already been carried out with the property being converted from a three bed residential house to serviced accommodation providing four bedrooms in total. The former lounge, kitchen and dining areas having been converted to bedrooms, whilst at first floor level the internal layout has been amended to create two large rooms where there were previously three.

2.2 The application site is located within the settlement of High Newton adjacent to the Joiners Arms public house. The site is bound to the south and west by residential development with the pub across an access lane (in separate ownership) to the north. To the east is the public highway with further residential development beyond. On street parking within the village is restricted, with permit parking to the front of the site. There is a free public car park approximately 150 metres to the south at the entrance to the village.

3. Planning History

Reference Number: 20/00569/FUL

Description: Proposed change of use for new shepherd hut in rear garden for holiday letting

Status: Permitted

Reference Number: 20/04267/FUL

Description: Retrospective: Change of use of White Cottage to serviced accommodation in association with Joiners Arms

Status: Withdrawn

Reference Number: A/2004/0217

Description: Rear two storey extension and single storey extension

Status: Refused

4. Consultee Responses

Northumberland Coast AONB	The AONB Partnership does not support this application. The application does not differ in principle from that submitted under 20/04267/FUL and our stance remains the same. The summary of the AONB Partnership's response to 20/04267/FUL stated "the change of use from dwelling house
---------------------------	--

	to serviced holiday accommodation is not supported and the scale of the conversion is considered overdevelopment, particularly in relation to lack of in curtilage parking."
Highways	<p>Amended plans and/or additional information required: Insufficient information has been provided at this time to make a suitable and substantive response within the defined consultation period.</p> <p>The following information will be required to inform a response within a statutory reconsultation period:</p> <p>Fully detailed arrangements with regards to the provision of off-street car parking in accordance with Appendix E of the Local Plan (2022). Refuse storage and strategy details for the units.</p>
Highways (2)	No objection subject to conditions and informatives
Tourism, Leisure & Culture	No response received.
County Ecologist	<p>No objection.</p> <p>The application concerns a change of use and does not appear to include significant external alterations and therefore impacts on protected species are unlikely. The site is within the buffer zone for recreational impacts on coastal sites but as there is no net increase in units of accommodation there is no requirement to contribute to the Coastal Mitigation Service.</p>
Natural England	No objection subject to appropriate mitigation
Architectural Liaison Officer - Police	No response received.
Public Protection	No comment
Newton-by-the-Sea Parish Council	<p>The PC asks that this application be refused on the grounds of the unacceptable cumulative impact of development, access and parking issues, erosion of housing stock and adverse impact on the qualities of the AONB, including the loss of tranquillity.</p> <p>The PC is of the view that shortfalls, errors and omissions render this application incomplete with, for example the location and provision for parking not being answered on the application.</p>

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	7
-------------------------------	---

Number of Objections	3
Number of Support	0
Number of General Comments	0

Notices

No Site Notice Required.

No Press Notice Required.

Summary of Responses:

3no letters of objection have been received including submissions from/on behalf of The Newton Trust, summarised as follows,

Inadequate information submitted with application

Amenity issues

Access issues

Inadequate parking provision

The applicant continues to carry out developments and then seeks the necessary permissions retrospectively

Intensification of use

Foul drainage/hot tubs

Loss of tranquillity within AONB

Impacts upon the character of the locality

Continued commercial development will irreversibly change the intrinsic character of the village

Change of Use does not meet the social or environmental aspects of sustainable development

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=RFFGHCQSIC000>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan (2022)

STP 1 - Spatial strategy (Strategic Policy)

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

STP 3 - Principles of sustainable development (Strategic Policy)

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

ECN 13 - Meeting rural employment needs(Strategic Policy)

ECN 15 - Tourism and visitor development

QOP 1 - Design principles (Strategic Policy)

QOP 2 - Good design and amenity

TRA 1 - Promoting sustainable connections (Strategic Policy)

TRA 2 - The effects of development on the transport network

TRA 4 - Parking provision in new development

ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)
ENV 2 - Biodiversity and geodiversity
ENV 4 - Tranquillity, dark skies and a sense of rurality
POL 2 - Pollution and air, soil and water quality

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

6.3 Neighbourhood Planning Policy

N/A

6.4 Other Documents/Strategies

PPG - Planning Practice Guidance (2021, as updated)

Northumberland Coast AONB Management Plan (2020)

7. Appraisal

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

7.2 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,
Design & Impact on Character,
Amenity,
Highways,
AONB,
Ecology,
Other Matters, and
Procedural Matters.

Principle

7.3 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 High Newton (together with Low Newton) as a "Small Village" which will support a proportionate level of development.

7.4 Policy ECN 12 seeks to foster the growth of the rural economy within the county by facilitating, within constraints, the formation, growth and up-scaling of businesses in rural locations, whilst safeguarding the rural environment, rural communities and traditional rural businesses upon which the rural economy depends.

7.5 Policy ECN 13 goes on to support development that will generate employment opportunities, proportionate to the rural location, where all of the following apply:

- a. Existing buildings are reused or, where this is not possible, extensions or new buildings that contribute positively to local landscape character and, where applicable, local building traditions;
- b. The proposal is related as closely as possible to the existing settlement pattern, existing services and accessible places;
- c. It will not have an adverse impact on the operational aspects of local farming or forestry.

7.6 Policy ECN 15 relates to tourism and visitor development and states that Northumberland will be promoted and developed as a destination for tourists and visitors, while recognising the need to sustain and conserve the environment and local communities. It goes on to say that this will be achieved through the development of new visitor attractions and facilities, accommodation and the expansion of existing tourism businesses.

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

7.8 The proposal represents the expansion of a thriving business which, as identified above, is supported through both national and local planning policies. However, it is noted by some that the business interests of the applicant in the area are potentially on the cusp of tipping (or having tipped) the balance in this respect. The retrospective nature of the application must not be a factor in determining this one way or the other.

7.9 The impact of the proposal upon neighbouring amenity, highways and the AONB are discussed further below, but the desire to maintain the tranquillity of the village, as seen through the lens of both amenity and the AONB Management Plan, must be balanced against the need to recognise the AONB as a living, working area in which small scale development, which does not impact on the AONB's special qualities, should be allowed. How to maintain and increase the economic value of tourism to the local communities that depend on it, whilst ensuring that it doesn't further degrade the special qualities that draw people to the area in the first place is a key consideration here.

7.10 It is the opinion of the case officer that the conversion of the cottage to serviced accommodation, whilst potentially adding to existing parking and noise problems, would not have a significant impact over and above existing concerns. Furthermore, if permission were granted, these issues could be effectively managed through planning conditions, which would help to reduce the cumulative impacts currently being experienced, thereby ensuring the development does not have a significant impact upon the surrounding environment and neighbouring land users.

Design & Impact on Character

7.11 Policy QOP 1 of the NLP seeks to support development which respects its surroundings. The preamble to the policy states that the assessment of design against Policy QOP 1 should be proportionate, taking into account the type, scale and context of the development. Amongst a range of criteria the policy states that development proposals should make a positive contribution to local character and distinctiveness. Policy QOP 2 also sets out an expectation that the physical presence and design of development should preserve the character of an area.

7.12 Paragraph 126 of the NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.13 The proposed change of use does not include any physical changes to the exterior of the building and as such would not have a detrimental effect upon the character or appearance of the property or the surrounding area. Equally the addition of hot tubs and decking to the rear of the property would not have a visual impact upon the character of the area. It is acknowledged however that these may enable behaviours which impact upon the characteristic tranquillity of the village and this is discussed further below. It should be noted however that the siting of the hot tubs does not require planning permission, whilst any disturbance caused through the use of the external areas can be controlled via Environmental Health legislation. In terms of the physical impacts of the proposal, it is in accordance with Policies QOP 1 and QOP 2 of the NLP and the NPPF in this respect.

Amenity

7.14 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. Meanwhile Policy POL 2 provides protection from unacceptable risk of harm to or the adverse effects of pollution from emissions of, amongst other things, effluent, smell, heat, light, or noise.

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

7.16 The Council's Environmental Protection team has responded to consultation offering no comment on the proposals. When this was queried it became clear that the conversion from residential to holiday accommodation was not a matter of concern to the EP team, who confirmed that whilst investigations have been ongoing regarding noise complaints associated with the pub, this is a separate matter that is not linked to the conversion of the cottage.

7.17 Whilst it may be true to say that some holiday makers can be less considerate of their surroundings than others, the scale of the development is such that the potential for significant issues in this respect is small and would not have a significant detrimental impact upon neighbouring uses. As noted above the Council has powers under separate Environmental Health legislation should the proposals lead to any substantiated concerns in this respect. On this basis the proposal is acceptable in accordance with Policies QOP 2 and POL 2 and the NPPF.

Highways

7.18 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.

7.19 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.

7.20 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.

7.21 Concerns raised regarding access and the inadequacy of car parking are noted. The Local Highway Authority responded to initial consultation requesting additional information in this respect, however, following receipt of this information no objections are raised subject to a condition securing the implementation of the proposed car parking. On this basis the proposals are acceptable in accordance with highways policy.

AONB

7.22 The application site lies within the Northumberland Coast AONB and due consideration must be given to the impacts of the proposed development upon this designated area.

7.23 Policy ENV 5 of the NLP seeks to ensure that the special qualities of the AONB will be conserved and enhanced, having regard to the current AONB Management Plan and locally specific design guidance.

7.24 This echoes Paragraph 176 of the NPPF, which states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

7.25 The AONB Partnership responded to consultation raising concerns about the overdevelopment of the site, particularly in relation to in curtilage parking. It has been

shown however that parking is capable of being provided to accord with the Local Plan and the lack of external changes to the cottage mean there is no visual impact upon this part of the AONB.

7.26 Of more concern perhaps is the impact of the proposal upon tranquillity. The Council recognises tranquillity as a distinctive characteristic of Northumberland's countryside and through Policy ENV 4 of the LP, requires proposals to minimise the level of noise, traffic and light generated by development.

7.27 The AONB Management Plan informs us that the AONB has areas that are experienced as being highly tranquil and which should be highly valued as such. It is equally clear that this tranquillity is under constant pressure, especially from new development and from growing levels of tourism. Indeed, this issue epitomises the main challenge facing everyone involved in tourism in the AONB of how to maintain and increase its economic value to the local communities that depend on it whilst ensuring that it doesn't further degrade the special qualities that draw tourists to the area in the first place.

7.28 It is noted above that the Council's Environmental Health team do not consider the conversion of the cottage to be problematic in terms of noise creation. However, if the character of the village (and of this part of the AONB more generally) is considered to be tranquil, it may be that the addition of more holiday accommodation could have an impact upon that character. This must be balanced, however, against support, within both adopted planning policy and the AONB Management Plan, for rural business. It is officer opinion that, given the scale of the proposals, they are unlikely to have a significant impact upon the existing situation and if this application were to be approved, the LPA would be better able to retain control of the development via appropriate and enforceable planning conditions. On this basis therefore, the proposal would conserve the special qualities for which the Northumberland Coast AONB is designated.

Ecology

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

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

7.31 The County Ecologist has responded to consultation raising no objections, as the proposal does not include significant external alterations and therefore impacts on protected species are unlikely. Whilst the site is within the buffer zone for recreational impacts on coastal sites there is no net increase in units therefore a contribution to the Council's Coastal Mitigation Service will not be required. On this basis the proposals are acceptable in accordance with Policy ENV 2 or the NPPF in this respect.

Other Matters

7.32 The comments received from the Parish Council and objectors are noted and have been taken into account in the assessment of the application as appropriate. Concerns regarding the validity of the application have been addressed with the

applicant, whilst matters relating to highways, amenity, environmental and social implications and impact on designated landscapes have been addressed in the preceding paragraphs.

7.33 Concerns regarding the loss of housing stock are noted, however the change of use of the property does not rule out the potential for its conversion back to a dwelling in the future. Related to this are concerns about the intensification of the use of the property, particularly in conjunction with the previously approved shepherd's hut in the rear garden. It is noted above that the proposal at hand only increases the number of bedrooms by one and it is feasible that this could have been achieved whilst retaining the property as a dwelling, so it has limited bearing on whether the change of use to serviced accommodation is acceptable. Furthermore, the presence of the additional accommodation in the rear garden, which already has consent, does not form part of the assessment of this application.

7.34 Concerns raised regarding the retrospective nature of the application are noted, however this is a legitimate method of dealing with development which has been carried out without the appropriate permissions. The assertion that the applicant habitually carries out development before seeking permission is not relevant to the outcome of this application.

Procedural Matters

Equality Duty

7.33 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

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

Human Rights Act Implications

7.35 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.

7.36 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.

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

8. Conclusion

8.1 The application has been considered against local development plan policies and the relevant sections of the NPPF. The proposal includes the efficient use of land in order to provide high quality rental accommodation for the tourist industry. Tourism in Northumberland has developed into a year round activity and the proposals would tap into this growing market by establishing new serviced holiday accommodation of a type which is not commonly available in the area.

8.2 Whilst noting the concerns raised by neighbours, the principle of the proposal is acceptable and the use of the cottage as serviced accommodation would not negate the potential future use of the building as a domestic dwelling. Concerns raised regarding parking and access are noted and have been addressed above with the Local Highway Authority raising no objections subject to conditions.

8.3 Third party comments around increased noise levels arising from the use of the accommodation (in particular the rear terrace and hot tubs) are noted, however the council's Environmental Protection team have offered no comment in respect of noise impacts relating to this particular development (it is understood that there are ongoing but separate investigations relating to the pub however).

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

9. Recommendation

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

Conditions/Reason

01. The development hereby permitted shall be carried out in complete accordance with the approved plans and documents. The approved plans and documents for this development are:-

Drawing No 22035.OS01.B - Location Plan
Drawing No 22035.P02_ - Proposed Plans
Drawing No 22035.P03.B - Proposed Site Plan

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

02. Implementation of car parking area

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

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

03. Holiday Use Only

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: To ensure that the site is retained for holiday use and in accordance with Policy ECN 15 of the Northumberland Local Plan

Informatives

1. Statutory Nuisance

The effectiveness of the development's design in ensuring that a nuisance is not created, is the responsibility of the applicant / developer and their professional advisors / consultants. Developers should, therefore, fully appreciate the importance of obtaining competent professional advice.

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

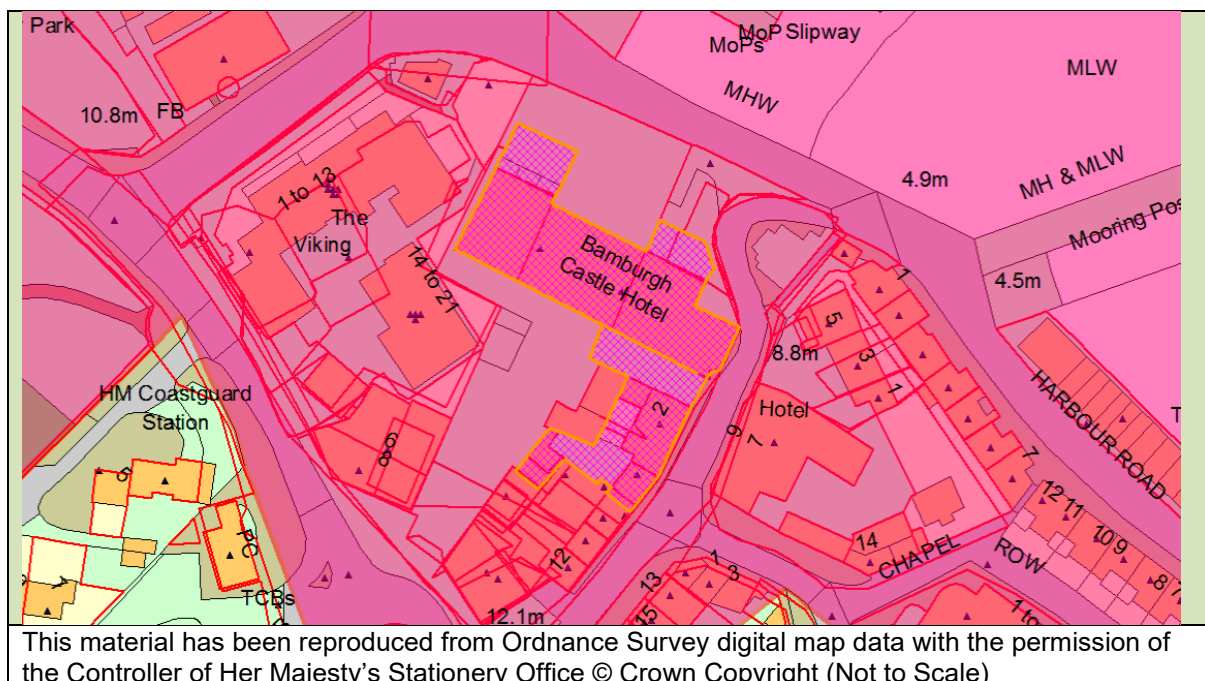


Northumberland
County Council

North Northumberland Local Area Council
18th May 2023
Addendum Report

Application No:	20/03697/FUL		
Proposal:	Extension and conversion to provide 18No additional hotel rooms and improved pub/restaurant facilities.		
Site Address	Bamburgh Castle Inn, Seafield Road, Seahouses, NE68 7SQ		
Applicant/ Agent	Mr Jon Tweddell Coble Quay, Amble, Northumberland, NE65 0FB United Kingdom		
Ward	Bamburgh	Parish	North Sunderland
Valid Date	15 December 2020	Expiry Date	9 February 2021
Case Officer Details	Name: Mr David Love Job Title: Senior Planning Officer Tel No: 01670 622716 Email: David.Love@northumberland.gov.uk		

Recommendation: That this application be GRANTED, subject to conditions and a legal agreement in relation to a Coastal Mitigation Service Contribution of £5,166.



1. Introduction

1.1 This application was previously approved by the NNLAC on the 21st August 2021. At that time it was granted on the recommendation of a Unilateral Undertaking

for a contribution towards the Coastal Mitigation Service (CMS). This has now been signed, but given the determination was made under the saved policies of the Berwick-upon-Tweed Local Plan 1999 it is incumbent on Members to hear the application again but based on the updated policies of Northumberland Local Plan.

1.2 The Northumberland Local Plan (NLP) (2018-2038) was adopted in March 2022 as such this plan now forms the main development plan to which applications will be assessed. This report was written prior to adoption of the NLP whilst the Unilateral Undertaken was being secured. The appraisal has not been updated to reflect the policies of the NLP, however the development has been re-assessed and it is considered to accord with the NLP in all respects.

1.3 As a result the recommendation remains the same, but the conditions have been updated to reflect the up-to-date Local Plan. The purpose of this report is to update Members on the policy position but not to seek to review the original decision. The original officer report can be found in Appendix 1. It is recommended that Members take note of this report and endorse its recommendations.

2. Planning Policy

2.1 Development Plan Policy

Northumberland Local Plan (NLP)

STP 1 – Spatial Strategy (Strategic Policy)
STP 2 – Presumption in favour of sustainable development (Strategic Policy)
STP 3 – Principles of sustainable development (Strategic Policy)
STP 4 – Climate change mitigation and adaptation (Strategic Policy)
STP 5 – Health and wellbeing (Strategic Policy)
STP 6 – Green Infrastructure (Strategic Policy)
ECN 1 – Planning Strategy for the Economy (Strategic Policy)
ECN 15 – Tourism and Visitor Development
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
TRA 2 – The effects of development on the transport network
TRA 4 – Parking provision in new development
ENV 1 – Approaches to assessing impact of development on the environment
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 Area
WAT 1 – Water quality
WAT 2 – Water supply and sewerage
WAT 3 – Flooding
WAT 4 – Sustainable Drainage Systems
WAT 5 – Coastal Erosion and Coastal Change Management
POL 1 – Unstable and contaminated land
POL 2 – Pollution and air, soil, and water quality

INF 1 – Delivering development related infrastructure (Strategic Policy)
INF 6 – Planning obligations

North Northumberland Coast Neighbourhood Plan 'Made' Version 2018 (NNCNP)
Policy 1 (Sustainable Development)
Policy 2 (Landscape and Seascapes)
Policy 3 (Habitat and Species)
Policy 5 (Design in New Development)
Policy 8 (Sustainable Development within the Settlements)
Policy 10 (Seahouses and North Sunderland)
Policy 16 (Change of Use from Residential (C3) to Holiday Let and Provision of New Holiday Accommodation).

2.2 National Planning Policy

National Planning Policy Framework (2021) (NPPF)
National Planning Practice Guidance (2014, as updated) (PPG)

2.3 Other Documents/Strategies

National Design Guide 2019 (NDG)

3. Conclusion

3.1 The main planning considerations in determining this application have previously been considered by Members on the 21st August 2021. At that time Members endorsed the positive officer recommendation of approval subject to conditions and a unilateral undertaking. This report advises that the adoption of the Northumberland Local Plan does not materially alter the policy position under which the application was determined. As such the recommendation remains the same.

8.2 It is therefore considered that the proposal remains in accordance with the National Planning Policy Framework and policies of the North Northumberland Coast Neighbourhood Plan and the Northumberland Local Plan

4. Recommendation

That this application be GRANTED subject to the following conditions and a legal agreement for £5,166:

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. Except where modified by the conditions attached to this planning permission, the development hereby approved relates to and shall be carried out in accordance with the following approved plans:

Combined Proposed Layout and Elevations Dwg No. 712-(P)-02 Date November 2020 Rev B Dated 05/07/21

Proposed Elevations Dwg No. 712-(P)-09 Date November 2020 Rev A Dated 05/07/21

Proposed Overall Roof Plan Dwg No. 712-(P)-11 Dated November 2020

Reason: To ensure the development is carried out in accordance with the approved plans, in the interests of proper planning.

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

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

04. 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.

05. Notwithstanding any description of the materials in the application, no installation of materials shall occur until precise details, to include samples, of the materials to be used in the construction of the external walls and / or roof(s) of the building(s), windows and their frames, and balustrade have been submitted to, and approved in writing by, the Local Planning Authority. All roofing and / or external facing materials, windows and their frames, and balustrades 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 and in accordance with the provisions of NPPF.

Informative

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

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

All species of bat and their roosts (whether occupied or not) are strictly protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats

and Species Regulations 2017. Similarly, 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.

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.

If protected species such as bats or nesting birds are encountered during development, then works should cease immediately and professional advice should be sought straight away.

Applicants and contractors can obtain advice on bats by telephoning Natural England's bat advice line on 0345 1300 228.'

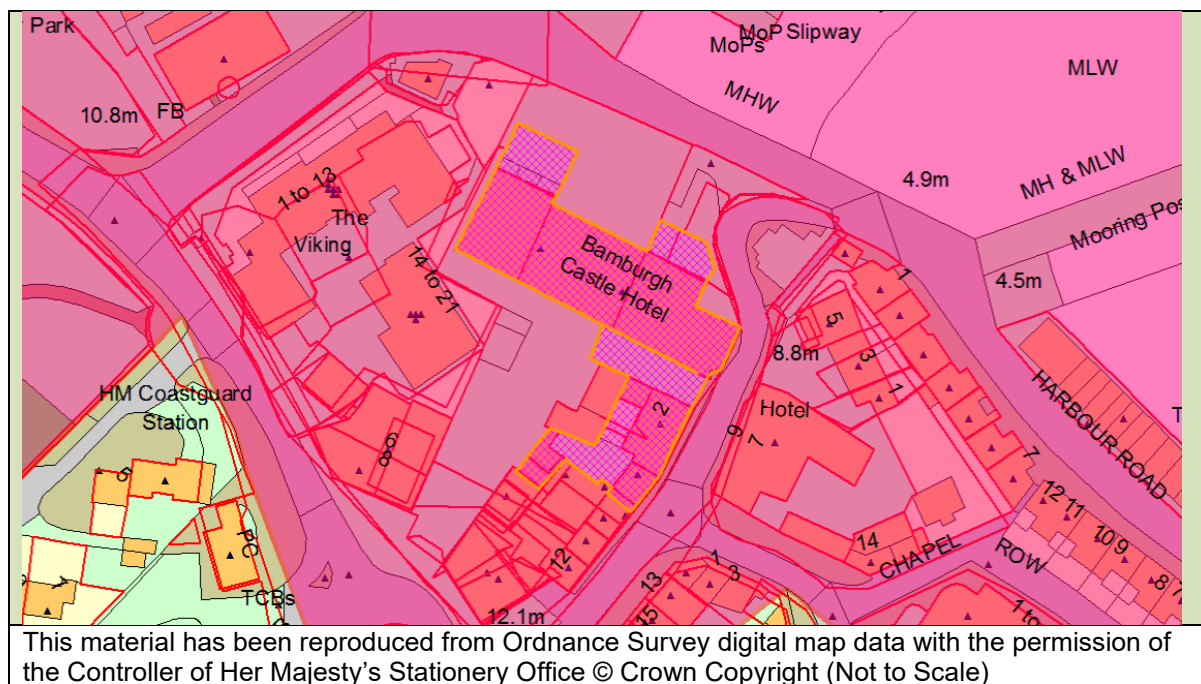
Background Papers: Planning application file(s) 20/03697/FUL

Appendix 1 – Original Officer Report dated 21st August 2021

**North Northumberland Local Area Council
19th August 2021**

Application No:	20/03697/FUL		
Proposal:	Extension and conversion to provide 18No additional hotel rooms and improved pub/restaurant facilities.		
Site Address	Bamburgh Castle Inn, Seafield Road, Seahouses, NE68 7SQ		
Applicant/ Agent	Mr Jon Tweddell Coble Quay, Amble, Northumberland, NE65 0FB United Kingdom		
Ward	Bamburgh	Parish	North Sunderland
Valid Date	15 December 2020	Expiry Date	9 February 2021
Case Officer Details	Name: Mr James Bellis Job Title: Senior Planning Officer Tel No: 01670 622716 Email: James.Bellis@northumberland.gov.uk		

Recommendation: That this application be GRANTED, subject to conditions and a legal agreement in relation to a Coastal Mitigation Service Contribution of £5,166.



1. Introduction

1.1 Following referral via the virtual delegation scheme, this application is deemed appropriate for consideration at North Northumberland Local Area Council.

2. Description of the Site and the Proposal.

2.1 The site to which the application relates consists of a parcel of land located in Seahouses which contains the Bamburgh Castle Inn and Coble Cottage. The site lies in a central location within Seahouses. The site is bound by existing development to the east, south and west. The harbour lies to the north of the site.

2.2 The proposal to which the application relates is to extend the current pub/hotel site at Seahouses to create further pub space/restaurant covers and additional guest bedrooms. The extension will create approximately 120 square metres of pub floor space plus a further 18 en-suite bedrooms. The proposal if approved would bring the total number of rooms on site to 49 rooms and would result in the loss of 1 dwelling.

3. Planning History

Reference Number: 13/01992/DISCON

Description: Discharge of condition 4 of 10/B/0316

Status: PER

Reference Number: 14/01714/VARYCO

Description: Variation of condition 3 relating to planning permission N/10/B/0316 (Garden landscaping and boundary railings) - Variation relates to reduced area of seating and change of materials from coloured paving slabs to driftwood millboard decking

Status: PER

Reference Number: 15/00047/LIC

Description: Variation of premises licence

Status: NOOBJ

Reference Number: 15/01986/FUL

Description: Installation of 1no. dormer window to roof at rear of property to match existing dormers. Alterations to sun room window arrangement to include new access doors and replacement of existing double doors with single door.

Status: PER

Reference Number: 17/00135/LIC

Description: Application for a premises license.

Status: NOOBJ

Reference Number: N/84/B/14

Description: Proposed Illuminated fascia sign. Amended letter received 5.3.84

Status: PER

Reference Number: N/87/B/194

Description: Erection of 2 illuminated signs. Location Plan received 26.8.87.
Status: PER

Reference Number: N/88/B/305

Description: Additional bedrooms in roof space dormer construction.
Status: PER

Reference Number: N/88/B/0358/P

Description: Changes of use from redundant stables and garages to dwellings.
Status: PER

Reference Number: N/90/B/0040/P

Description: Erection of conservatory between 2 buildings & conversion of outbuildings to 3 additional bedroom un
Status: PER

Reference Number: N/10/B/0316

Description: Garden landscaping and boundary railings.
Status: PER

Reference Number: N/08/B/0293/B

Description: Erection of new signage.
Status: REF

Reference Number: N/08/B/0293/A

Description: Erection of new signage.
Status: PER

Reference Number: N/08/B/0094

Description: Proposed 12 bedroom extension to existing building.
Status: PER

Reference Number: N/08/B/0093

Description: Alteration of existing hotel to include new entrance and extensions, also change of use of part of building from c3 dwelling to c1 hotel on ground floor.
Status: WDN

Reference Number: N/06/B/0653

Description: Change of use from bar area (a4) to bedroom/living area (c1).
Status: PER

Reference Number: N/04/B/1113

Description: Extension to provide 12 additional bedrooms and swimming pool.
Status: PER

Reference Number: N/03/B/0894

Description: Installation of replacement windows.

Status: PER

Reference Number: N/02/B/0801

Description: Installation of replacement windows.

Status: PER

Reference Number: N/91/B/0092/P

Description: Erection of frozen food preparation & storage building.

Status: PER

Reference Number: N/90/B/0860/P

Description: Conversion of first floor to flat.

Status: PER

4. Planning Policy

4.1 Development Plan Policy

Berwick upon Tweed Local Plan 1999 (Saved Policies 2007) (BLP)

F1 Environmental Wealth

F2 Coastal Zone

F9 Wildlife

F30 Planning Obligations

F31 Social and Economic Welfare

R12 Holiday Accommodation, Coastal Zone

M14 Car Parking Standards

North Northumberland Coast Neighbourhood Plan 'Made' Version 2018 (NNCNP)

Policy 1 (Sustainable Development)

Policy 2 (Landscape and Seascapes)

Policy 3 (Habitat and Species)

Policy 5 (Design in New Development)

Policy 8 (Sustainable Development within the Settlements)

Policy 10 (Seahouses and North Sunderland)

Policy 16 (Change of Use from Residential (C3) to Holiday Let and Provision of New Holiday Accommodation).

4.2 National Planning Policy

National Planning Policy Framework (2021) (NPPF)

National Planning Practice Guidance (2014, as updated) (PPG)

4.3 Other Documents/Strategies

National Design Guide 2019 (NDG)

4.4 Emerging Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021) (NLP)

STP1, STP2, STP3, STP4, STP5, STP6, ECN1, ECN15 QOP1, QOP2, QOP4, QOP5, QOP6, TRA1, TRA2, TRA4, ENV1, ENV2, ENV3, ENV4, ENV5, ENV7, ENV9, WAT1, WAT2, WAT3, WAT4, WAT5, POL1, POL2, INF1, INF6.

5. Consultee Responses

County Ecologist	No objection subject to contribution to Coastal Mitigation Service
Northumberland Coast AONB	In summary, the AONB Partnership has concerns over elements of the design and the lack of onsite parking and whilst the provision of additional serviced accommodation would be welcome in Seahouses, the current proposal will not conserve or enhance the special qualities of landscape, built and historic environment, and tranquillity of the Northumberland Coast AONB.
Natural England	No objection subject to contribution to Coastal Mitigation Service
Building Conservation	<p>Position</p> <p>We will raise no objection to the proposal if the materials palette is amended in line with our comments. Existing traditional timber fenestration in Coquet Cottage must be maintained. Clarification on the structures associated with the decking terracing must be obtained.</p> <p>Should amendments and clarification not be forthcoming we consider the application in its current form would give rise to less than substantial harm within the terms of paragraph 196 of the Framework resulting in our objection to the proposals.</p>
Waste Management - North	No response received.
Fire & Rescue Service	<p>Further to your request the Fire Service have no objection in principle to the above proposals.</p> <p>More detailed comment can be given once plans of the development have been finalised.</p>
Northumbria Ambulance Service	No response received.
Tourism, Leisure & Culture	Northumberland County Council's tourism development section is prepared to be supportive of this application. This position is subject to the application satisfying all statutory planning conditions and their consideration of the policies of the Northumberland Coast AONB management plan.
County Archaeologist	<p>No archaeological features are recorded within the proposed development site. The risk of significant unrecorded archaeological remains being disturbed by the proposed development is low.</p> <p>The buildings have already been subject to alteration. A programme of historic building recording is therefore not recommended in this instance.</p> <p>There are no objections to the proposed development on archaeological grounds. No archaeological work is recommended.</p>
Highways	No objection, subject to conditions.

Northumbrian Water Ltd	No comments to make on this application.
Public Protection	Public Protection have no comments/objections on this consultation.
North Sunderland And Seahouses PC	North Sunderland and Seahouses PC are strongly opposed to this application. The Council feels this is an over development of the property and the car parking arrangements at present are inadequate for the number of vehicles using the premises. The additional vehicles that will inevitably arrive with additional bedrooms and extended dining facilities will have a hugely negative impact on the surrounding area. This will have a huge impact on the already stretched on street parking and cause great disturbance to the residents of the Crumstones area.

6. Public Responses

Neighbour Notification

Number of Neighbours Notified	43
Number of Objections	9
Number of Support	1
Number of General Comments	0

Notices

Conservation & affect LB, 6th January 2021

Berwick Advertiser 7th January 2021

Summary of Responses:

10 Representation has been submitted in relation to this application. The 9 objections received relate to the following matters:

- Parking Issues in the locality of the site and the potential exacerbation of these.
- Potential Emergency Services Access Issues
- Overdevelopment of a Congested Site
- Alleged vehicle damage from users of the premises.

1 supporting representation has been received. This relates to the following matters:

- Impact the proposal would have on tourism and the local economy
- Enable a greater range of accommodation options to be provided.

7. Appraisal

7.1 The National Planning Policy Framework (NPPF) is a material consideration and states that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the relevant development plan for this application is the North Northumberland Neighbourhood plan (2017) and the Berwick-upon-Tweed Local plan (1999) the proposed works shall be considered in the light of the saved policies of these documents.

7.2 Paragraph 48 of the NPPF states that weight may also be given to the policies in emerging plans, depending on the stage of preparation of the plan, the extent to which emerging policy aligns with the NPPF and the extent of unresolved objections to the emerging plan. The emerging Northumberland Local Plan - Publication Draft Plan (Reg 19) and minor modifications (NLP) was submitted to the Secretary of State for examination on 29th May 2019. The policies contained within this document carry some weight in the determination of planning applications at this stage.

7.3 The emerging Northumberland Local Plan, together with its up to date evidence, is a material consideration in the determination of planning applications. Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon three criteria: the stage of preparation of the plan; the extent to which there are unresolved objections to policies within the plan; and the degree of consistency with the NPPF. The Northumberland Local Plan - Publication Draft Plan (Regulation 19) (NLP) was submitted to the Secretary of State for Ministry of Housing, Communities and Local Government on 29 May 2019, and is currently going through the examination process.

7.4 On 9 June 2021, the Council published for consultation, a Schedule of proposed Main Modifications to the draft Local Plan which the independent Inspectors examining the plan consider are necessary to make the plan 'sound'. As such the plan is at an advanced stage of preparation, and the policies in the NLP - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021), are considered to be consistent with the NPPF. The NLP is a material consideration in determining this application, with the amount of weight that can be given to specific policies (and parts thereof) is dependent upon whether Main Modifications are proposed, and the extent and significance of unresolved objections.

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

- Principle of the Development;
- Design and Visual Impact (including impact on the AONB);
- Amenity Impact;
- Heritage Assets;
- Highways and Transport Matters; and,
- Ecological Matters;

Principle of the Development

7.5 Policy F1 of the BLP seeks to ensure that "*primary importance will be given to sustaining and enhancing the Borough's environmental wealth*". Policy F2 of the same document seeks to ensure that any development, within the Coastal Zone, accords with its surroundings, in terms of scale, mass, materials etc. and sets out locational requirements for development. Meanwhile Policy F31 seeks to ensure that, in applying Framework policies, appropriate 'weight' is given to the degree to which proposals enhance the quality of life of communities or complement the range of their social and economic functions.

7.6 Policy 5 NNCNP states that all new development in the plan area, including extensions and conversions, should incorporate high quality design and demonstrate how local context and character is respected in terms of scale, density, height, massing, layout, materials, hard and soft landscaping, means of enclosure and access; and features including windows, doors, roof lights, chimneys, flues, roofs, and boundary treatments have regard to surrounding character and materials.

7.7 Policy 20 of the NNCNP states that proposals that will enhance the viability and/or the community value of community facilities and community assets, (whether registered as Assets of Community Value or not registered), will be supported.

7.8 The site is located within Seahouses, which is a sustainable location. The proposed extension would provide a positive contribution to the economy of Seahouses and provide local job opportunities. On this basis, having regard to local and national policy, the principle of the proposal as an extension to an existing hotel/inn in Seahouses is considered to be acceptable, in principle.

7.9 Comments in support of the proposal have been submitted adding that the proposal would have a positive impact on tourism and the local economy, as well as enabling a greater range of accommodation options to be provided.

Design and Visual Impact

7.10 This section seeks to appraise the design and visual of the proposal against the impact this may have on the character and appearance of the local area.

7.11 Policy F2 of the BLP and Policy 5 of the NNCNP set out the criteria against which new development shall be assessed. This includes the impact on adjacent land uses in terms of scale, massing, materials, etc and sets out locational requirements for development.

7.12 Policy 10 of the NNCNP states that within the Seahouses Conservation Areas development proposals will be required to preserve or enhance the character or appearance of the area.

7.13 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. Northumberland County Council's Building Conservation team have assessed the proposals and advised that they support the development subject to amendments to the use of materials that will be more in keeping with the conservation area, further detailed comments are provided in the Heritage Assets section of this report. These amendments have been undertaken, with amended plans submitted and considered as part of this application.

7.14 As mentioned above, the proposal has been assessed and after submission of amended plans to alter to the use of materials the development is considered acceptable. The proposed building extension and alterations would be seen in the context of the existing Hotel/Inn and surrounding Conservation Area. Furthermore the scale is considered to appropriate for its proposed function. On this basis the proposal is considered to be acceptable and in accordance with Policy F2 of the BLP, Policy 5 and 10 of the NNCNP and the NPPF in this respect.

7.15 Policy ENV1 of the emerging NLP states that the character and significance of Northumberland's distinctive and valued natural, historic and built environments, will be conserved, protected and enhanced by taking an ecosystem approach to understanding the significance and sensitivity of the natural resource. Meanwhile Policy ENV3 states that proposals affecting the character of the landscape will be expected to conserve and enhance important elements of that character. It is considered that the proposal is in accordance with this, however little weight can currently be applied to these policies at this stage.

7.16 Comments from the Northumberland Coast AONB Partnership have been received, and to summarise these *“the AONB Partnership has concerns over elements of the design and the lack of onsite parking and whilst the provision of additional serviced accommodation would be welcome in Seahouses, the current proposal will not conserve or enhance the special qualities of landscape, built and historic environment, and tranquillity of the Northumberland Coast AONB.”* The parking aspect of these comments will be addressed in the Highways and Transport Section of this report, with the visual impact on the AONB being considered in this section.

7.17 As mentioned above, a number of amendments have been made by the applicant following the receipt of the comments of the Building Conservation Officer. The materials have been amended as follows: Bedroom windows in Coble Cottage to be timber, painted white; revised material choice for the first floor extension to Coble Cottage to a render finish Shopfront to carpark side of extension to be timber, painted white; Shopfront to main road side of extension to be stained hardwood timber; Roof light to extension should be dark grey aluminium. This is not visible from the street scene and given the coastal location, the Applicant would be nervous of using timber which may rot and cause a leak; and, in terms of the new terrace, the Applicant will only be placing loose tables and chairs on the terrace and the balustrade to the perimeter will be clear glass. Therefore, it is considered that the following these amendments the Building Conservation Team would no longer hold an objection to the proposal. These amendments have been made to reduce the impact of the proposal, which have been deemed to have overcome the objections of the Building Conservation Officer as presented, with the proposal now being deemed to be of a standard where the proposal is viewed as Conserving and Enhancing the Conservation Area in which it sits. In turn, it is deemed that the proposal in its current form, will not have a visually detrimental effect on the Northumberland Coast AONB, with the amendments going some way to address the concerns of the AONB partnership, as raised. The proposal following amendments, in visual terms, will be viewed in the context of the Bamburgh Castle Inn itself, the Harbour, the Conservation Area, and the settlement of Seahouses, and therefore the impact the proposal may visually have on the AONB are not deemed sufficient as to warrant refusal on these grounds.

7.18 Subject to the above, the proposal is deemed to be in compliance with the relevant development plan policies and material considerations e.g. NPPF, emerging plan and the National Design Guide, when considering the appropriate weight which can be apportioned.

Amenity Impact

7.19 The proposal site is an existing Hotel/Inn, proposing an expansion of its 'offer' within the built-up area of Seahouses. Seahouses is a location where tourism

accommodation such as this would reasonably be expected to be located. The amenity impacts (and considerations) from tourism accommodation such as this are largely similar to those experienced from flatted/apartment dwellings.

7.20 Policy 8 of the NNCANP states that proposals will be supported within the defined settlement boundary for Seahouses where they ensure that where extensions are proposed, they do not result in substantial loss of amenity space or loss of parking space which could result in an adverse impact on residential amenity from on-street parking on nearby streets.

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. It is considered that the proposed conservatory would not cause any substantive amenity issues as it is a replacement of an existing building which is to be located in an existing beer garden. On this basis it is considered that the proposal is acceptable and in accordance with paragraph 130 of the NPPF.

7.22 The hotel rooms as located would seem to have a limited impact in terms of their impact on the amenity of nearby occupiers, in terms of loss of outlook, light and privacy. Transport and highway amenity impacts are to be covered under the highways and transport section of this report. It is considered that the separation distances to nearby occupiers are acceptable and should not form a reason to withhold planning permission in this instance.

7.23 Policy QOP2 of the emerging NLP seeks to ensure that development would not result in unacceptable adverse impacts on the amenity of neighbouring land uses. It is considered that the proposal is in general accordance with this, however little weight can currently be given to this policy.

7.24 Subject to the above, the proposal is deemed to be in compliance with the relevant development plan policies and material considerations e.g. NPPF, emerging plan and the National Design Guide, when assessed in relation to amenity matters.

Heritage Assets

7.25 This section seeks to appraise the proposal against the impact this may have on nearby heritage assets, both designated and non-designated assets.

7.26 The site is within the Seahouses Conservation Area. The proposed decking terracing is in the setting of the C18 lime kilns which are grade II listed. The Old Ship Inn which faces Coble Cottage across Main Street is on the Historic Environment Record. The Bamburgh Castle Inn dates in part to the early C19 but has been extensively altered through C20 alterations

7.27 The legislative framework has regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCCA) which 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.

7.28 Policy 10 of the NNCNP states: *'Within the Seahouses and North Sunderland Conservation Areas development proposals will be required to preserve or enhance the character or appearance of the area Development proposals, including extensions and alterations to existing buildings and structures, will be required to*

make a positive contribution to local character and distinctiveness. In particular, assessment of proposals should take into account their impact on the following specific elements identified in the North Sunderland and Seahouses Conservation Area Character Appraisals:

- a) key buildings or landmarks in the Conservation Area and the impact of the proposal on them;*
- b) significant view-points into and out of the Conservation Area as defined in the Conservation Area Character Appraisals;*
- c) open space which contributes positively to the public realm; and*
- d) how the proposal relates to the 'group value' of buildings where these are defined in the North Sunderland and Seahouses Conservation Area Character Appraisals Maps."*

7.29 Development of poor design that fails to take opportunities available for improving the character and quality of the Conservation Area and the way it functions will be refused.'

7.30 Chapter 16 of the NPPF sets out the desirability of sustaining and enhancing the significance of heritage assets. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

7.31 The Council's Building Conservation Officer was consulted on the proposal and made the following comments:

We are in broad agreement with the Solstace Heritage Impact Assessment insofar as successive alterations to the Bamburgh Castle Inn have limited its potential to contribute positively to the character or appearance of the Seahouses Conservation Area. The widespread presence of upvc windows across most elevations combined with ad hoc flat roofed extensions are not alterations that have respected the character of the traditional and vernacular buildings from which the Inn developed.

We were encouraged therefore to read in the application form that proposed materials would include stone, timber and slate. However, looking at the proposed plans the materials differ considerably from those stated on the application form. In place of high quality natural materials further upvc windows, synthetic "Cedral" boarding and ppc aluminium are proposed. At 4.2.1 the HIA states: The principal aspects of significance of the conservation area to which the proposed development area contributes are the use of traditional materials and style of Coble Cottage..."

We therefore urge that the materials palette be realigned with that stated in the application form. Coble Cottage retains some elements of traditional fenestration. We consider it important this is retained as a now comparatively rare survival in the conservation area.

The flat roofed link extension between the Inn and Coble Cottage fronts Main Street with a design to mimic the wide cart arch to the south but with an infill. If this is to be an in keeping addition to the vernacular style of the existing elevation on Main Street the window/door set should be in timber painted white, not grey ppc aluminium.

With regard to the decking terracing, we note that large parts of the grass mound within the mapped limits of the listed building are already occupied with outdoor seating. The paraphernalia of outdoor recreation has the potential to detract from the simplicity of the listed structure. However, we accept this proposed addition would be to the side and below the main terrace such that further impact on the setting of the listed lime kilns would be marginal. However, we are concerned by notes on the proposed block plans that refer to “low pergola with motorized fabric cover” and “plexiglass screens”. As these notes are partly obscured by a large label it’s not clear if they are part of the current proposals. If they are, full details should be supplied prior to determination so their impact of the listed limekilns can be properly assessed.

7.31 In terms of their position the Building Conservation Team have commented *“We will raise no objection to the proposal if the materials palette is amended in line with our comments above. Existing traditional timber fenestration in Coquet Cottage must be maintained. Clarification on the structures associated with the decking terracing must be obtained. Should amendments and clarification not be forthcoming we consider the application in its current form would give rise to less than substantial harm within the terms of paragraph 196 of the Framework resulting in our objection to the proposals.”*

7.32 Following comments from Conservation, the applicant has agreed to amend the proposed materials and has submitted amended plans. The materials have been amended as follows: Bedroom windows in Coble Cottage to be timber, painted white; revised material choice for the first floor extension to Coble Cottage to a render finish Shopfront to carpark side of extension to be timber, painted white; Shopfront to main road side of extension to be stained hardwood timber; Roof light to extension should be dark grey aluminium. This is not visible from the street scene and given the coastal location, the Applicant would be nervous of using timber which may rot and cause a leak; and, in terms of the new terrace, the Applicant will only be placing loose tables and chairs on the terrace and the balustrade to the perimeter will be clear glass. Therefore, it is considered that the following these amendments the Building Conservation Team would no longer hold an objection to the proposal.

7.33 It is considered that the proposal in its current form, following these amendments, Conserves and Enhances the Conservation Area in which it sits, by virtue of its form and character. Therefore, following the comments above, it is considered that the proposal is acceptable in relation to the impact this will have on heritage assets, and this would therefore not form a suitable reason for refusal in relation to this scheme.

7.34 With specific reference to the policies of the emerging Northumberland Local Plan, policy ENV7 are relevant to this application with respect to the historic environment, it is considered that this proposal, subject to conditions, is compliant with these policies.

7.35 Subject to the above, the proposal is deemed to be in compliance with the relevant development plan policies and material considerations e.g. NPPF, emerging plan and the National Design Guide.

Highways and Transport Matters

7.36 This section seeks to appraise the impacts that the proposal may have on the surrounding Highways and Transport Network. Typically, the key issues around Highways and Transport matters in relation to Tourism Developments and Hotels in Town Centres, such as this, are Car Parking and Sustainable Transport options. Consultation has been undertaken with the Highways Development Management Team and their comments are considered below.

7.37 When assessing this application, the Highway Authority assesses that the proposal will not result in an adverse impact on the safety of all users of the highway, the highway network or highway assets.

7.38 Policy M14 from the Berwick Local Plan is relevant to Highways and Transport considerations in relation to this application.

7.39 Paragraph 110 of the NPPF states *“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”*

7.40 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.”*

7.41 Paragraph 112 of the NPPF adds to this and states *“Within this context, applications for development should: a) 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 services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) 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; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and, e) be designed to enable charging of plug in and other ultra low emission vehicles in safe, accessible and convenient locations.”*

7.42 The North Northumberland Coast Neighbourhood Plan does not include specific a specific policy in relation to Highways and Transport Matters, however policy 8 does require *“sufficient car parking space is provided within the curtilage of the proposed development to ensure no additional on-street parking on nearby streets”*

7.43 The proposed development is town centre located and benefits from existing pedestrian and public transport links. There are 2 bus stops located within approximately 230 metres of the site providing links to Berwick, Belford, Alnwick, Alnmouth and Newcastle. The surrounding roads can be utilised by cyclists. The proposed development will not impact on these existing links.

7.44 The applicant proposes to utilise the existing access into the site, visibility from the site access is considered acceptable. The site currently has 22 car parking spaces and there is nearby town centre car parking available when the car park reaches its capacity. The site also benefits from nearby public transport links, which is considered acceptable for a town centre located development.

7.45 No details of cycle parking have been submitted as part of this planning application. To help promote cycle use the amount of good quality cycle parking needs to be increased, it is important therefore that secure cycle parking is provided as an integral part of new development. This should be secure, covered and overlooked. A block plan giving details of this is required which can be dealt with by way of planning condition imposed on any planning permission granted.

7.46 The applicant proposes to increase the bedroom capacity of the site from 32 rooms to 49 rooms and proposes to increase the floor space of the pub/restaurant by 120sqm. The applicant proposes to utilise the existing access into the site and there are no proposed changes to this, visibility from the site access is considered acceptable. As mentioned earlier, the site currently has 22 car parking spaces and there is nearby town centre car parking available when the car park reaches its capacity, this is considered acceptable for a town centre located development. The traffic expected to be generated from the proposed development is not considered to have a harmful impact on the highway network.

7.47 Subject to conditions and following receipt of the further information, the Highways Development Management Team have not raised any concerns in relation to this planning application that cannot be dealt with via planning conditions. Although this may appear contrary to policy 8 of the Neighbourhood Plan, the Highways Development Team consider that nearby car parks are sufficient to cater for any excess parking that may overflow from the proposal. It is understood, that on the basis of this assumption the proposal is compliant with policy 8 of the Neighbourhood Plan. The proposed development is therefore considered acceptable in highway terms with the development plan and relevant policy and material considerations, subject to conditions. Therefore, the proposed development can be suitably conditioned to ensure acceptability on behalf of the Highway Authority.

7.48 It is therefore deemed that the proposal is considered to be compliant with NPPF Paragraph 110, 111 and 112.

7.49 Comments have been received from nearby occupiers in relation to local parking issues which are either in relation to the existing users of the premises or which would potentially be caused by the expansion of the business. North Sunderland and Seahouses Parish Council have also commented and *“are strongly opposed to this application. The Council feels this is an over development of the property and the car parking arrangements at present are inadequate for the number of vehicles using the premises. The additional vehicles that will inevitably arrive with additional bedrooms and extended dining facilities will have a hugely negative impact on the surrounding area. This will have a huge impact on the already stretched on street parking and cause great disturbance to the residents of the Crumstones area.”*

7.50 Further to this the Northumberland Coast AONB Partnership have commented that *“problems with parking in the villages of the AONB is one of the most significant issues within the designated landscape and faced by communities living within the AONB. The increase of 18 bedrooms and pub / restaurant floor*

space with no additional dedicated parking is of concern as this is very likely to have knock-on effects on the parking problems experienced in Seahouses. Whilst there is a large public car park near the hotel, in the holiday season this car park is regularly full, and parking inevitably spills over into the village. The Conservation Area appraisal, written in the early 2000s, notes how the increasing vehicular traffic has "resulted in the erosion of the quality of the streets and open spaces in Seahouses by the intrusion of parked cars". This situation has amplified rather than abated since the appraisal was written and the North Northumberland Coast Neighbourhood Plan responds to this concern specifically in that Policy 8, section C requires sufficient car parking space to be provided within the curtilage of a development to ensure no additional on-street parking."

7.51 As can be seen from the commentary above, and the consultation response provided by NCC Highways Development Management, it is considered that this can either be dealt with via on-site parking provision, or the use of nearby Town Centre Car Parks. It is therefore considered that, in this location, a lack of parking provision, would not form a suitable reason for refusal in this instance.

7.50 Further to this, comments have also been received commenting on the potential difficulties the emergency services may have in accessing the site or properties in the vicinity as a result of the proposal being implemented. The comments of the Fire and Rescue Service, and the Northumbria Police Service have been sought in relation to this application, and they have confirmed that they have no comments/objections to the proposal. It is therefore not deemed that this matter would form a reasonable reason for the refusal of the application.

7.51 In relation to matters relating to the Emergency Services, comment has been received in relation to potential vehicular damage that has been potentially caused by users of the Bamburgh Castle Inn to vehicles belonging to (or used by) nearby occupiers. Northumbria Police have not raised an objection to the proposal, nor have NCC Highways Development Management raised issues in relation to road safety, and it is therefore not deemed that this should be a suitable reason for withholding planning permission for the proposal.

7.52 Further to the above, and following consultation with the Highways Development Management Team, the proposal is deemed to be in compliance with the relevant local and national policy from a highways and transport perspective, in particular paragraphs 110-112 of the NPPF and policy M14 of the BLP, and those of the emerging Northumberland Local Plan, where these can be given weight in the decision-making process.

Ecological Matters

7.53 NPPF, Chapter 15, Paragraph 174 requires the planning system to contribute to and enhance the natural and local environment. Paragraph 180 requires Local Planning Authorities to encourage opportunities to incorporate biodiversity in and around developments.

7.54 Policy 3 of the NNCNP is the relevant local policy in relation to Ecology. The County Ecologist advises that the site is located within the Impact Risk Zone for the protected coastal sites and will require mitigation for impacts. This has been discussed with the agent and it has been agreed that mitigation will be in the form of a financial contribution to the Council's Coastal Mitigation Service. The contribution

will be secured via a S106 Unilateral Undertaking along with the principle occupancy requirement.

7.55 Further to the above, the proposal has been submitted with appropriate ecology surveys, the County Ecologist and Natural England have been consulted

7.56 Therefore, the on-site ecological impacts arising from the proposal can be suitably mitigated in accordance with Policy 3 of the NNCP and the NPPF.

7.57 The appropriate policy in the emerging NLP in relation to this matter is Policies ENV1 and ENV2 weight has been apportioned with regards to these policies in line with paragraph 48 of the NPPF.

7.58 Subject to the above, the proposal is deemed to be in compliance with the relevant development plan policies and material considerations e.g. NPPF, emerging plan and the National Design Guide.

Off Site Ecological Matters

7.59 The site lies within 10km of Northumbria Coast Special Protection Area (SPA) /Ramsar sites, Northumberland Marine SPA, North Northumberland Dunes SAC and Berwickshire and North Northumberland Coast SAC which are internationally designated sites as well as further nationally designated sites which are; Northumberland Shore SSSI, Howick to Seaton Point SSSI, Alnmouth Saltmarsh and Dunes SSSI, Warkworth Dunes & Saltmarsh SSSI, Castle Point to Cullernoise Point SSSI.

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

7.61 The NPPF sets out that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

7.62 There is consideration of increasing levels of recreational disturbance such as off-lead dog-walking affecting bird species which are the interest features of the range of sites on the coast which are protected under national and international legislation. Recreational pressure is also adversely affected dune grasslands which are also protected under national and international legislation, especially through the spread of the non-native pirri-pirri bur. The Local Planning Authority has legal duties to ensure that the capacity of these protected areas to support features for which they were designated is not compromised.

7.63 The impact from new development cumulatively across the stretch of the Northumberland Coast is considered significant. To address this, developments within 10km of protected sites along the coastal zone are required to demonstrate that adequate mitigation for increasing recreational pressure can be provided, either

through their own schemes or by funding relevant coastal wardening activity by the Council.

7.64 Contribution to the Coastal Mitigation Service enables a conclusion of no adverse effect on site integrity to be reached when a planning application is subject to appropriate assessment, without the developer having to commission any survey or mitigation work. Similarly, it enables a conclusion of no adverse effect on the interest features of coastal SSSIs. The contribution for major developments (10 or more units) is set at £615 per unit within 7km of the coast. However, to calculate the contribution of hotels the number of rooms is converted into an equivalent number of dwellings by taking a standard 2 guests per hotel room and dividing the total number of guests by 2.4, which is the ONS figure for the average size of a household. A discount is then applied to reflect hotel occupancy, based on a running mean of Northumberland Tourism's average occupancy data for the past 3 years (currently 56%) - so a household equivalent in a hotel pays 56% of the amount that is paid for a dwelling house. Therefore, for this development of 18 additional hotel rooms a contribution of £5,166 is required.

7.65 From this, the off-site ecological impacts of the development on designated sites can be suitably addressed. The needs of the Habitats Regulations can therefore be deemed to be satisfied.

Equality Duty

7.66 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

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

Human Rights Act Implications

7.68 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.

7.69 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.

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

8. Conclusion

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

8.2 It is therefore considered that the proposal will result in an acceptable form of development that will be consistent with the appearance and character of the existing host property and surrounding area, without causing unacceptable detriment on amenity or on the appearance of the surrounding area. As such the proposal is considered to be in accordance with the National Planning Policy Framework and policies of the North Northumberland Cost Neighbourhood Plan and saved policies Berwick upon Tweed Borough Local Plan

9. Recommendation

That this application be GRANTED subject to the following conditions and a legal agreement for £5,166:

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. Except where modified by the conditions attached to this planning permission, the development hereby approved relates to and shall be carried out in accordance with the following approved plans:

Combined Proposed Layout and Elevations Dwg No. 712-(P)-02 Date November 2020 Rev B Dated 05/07/21

Proposed Elevations Dwg No. 712-(P)-09 Date November 2020 Rev A Dated 05/07/21

Proposed Overall Roof Plan Dwg No. 712-(P)-11 Dated November 2020

Proposed Block Plan Dwg No. 712-(P)-13 Dated November 2020

Site Location Plan "The Bamburgh Castle Inn & Coble Cottage Seahouses"
[uploaded to DMS 16th December 2020]

Reason: To ensure the development is carried out in accordance with the approved plans, in the interests of proper planning.

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

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

04. 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.

05. Notwithstanding any description of the materials in the application, no installation of materials shall occur until precise details, to include samples, of the materials to be used in the construction of the external walls and / or roof(s) of the building(s), windows and their frames, and balustrade have been submitted to, and approved in writing by, the Local Planning Authority. All roofing and / or external facing materials, windows and their frames, and balustrades 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 and in accordance with the provisions of 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. 'All species of bat and their roosts (whether occupied or not) are strictly protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. Similarly, 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.

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.

If protected species such as bats or nesting birds are encountered during development, then works should cease immediately and professional advice should be sought straight away.

Applicants and contractors can obtain advice on bats by telephoning Natural England's bat advice line on 0345 1300 228.'

Date of Report:

Background Papers: Planning application file(s) 20/03697/FUL

This page is intentionally left blank



Northumberland County Council

Appeal Update Report

Date: May 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?
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>Delegated Decision - Officer Recommendation: Refuse</p>	No
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 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> <p>Committee Decision – Officer Recommendation: Approve</p>	No

Planning Appeals Split Decision

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

Planning Appeals Dismissed (permission refused)

Reference No	Proposal and main planning considerations	Award of costs?
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</p>	No – claim refused

	<p>impacts on the open countryside and landscape.</p> <p>Delegated 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>Committee Decision – Officer Recommendation: Approve</p>	No
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>Delegated Decision - Officer Recommendation: Refuse</p>	No – claim refused
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>Delegated Decision - Officer Recommendation: Refuse</p>	No
22/00262/FUL	<p>Demolition of existing extension and rebuilding an extension – 1 Sandridge, Newbiggin-by-the Sea</p>	No

	<p>Main issues: unacceptable design with detrimental loss and alteration of a historic building group with harm to the Conservation Area.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	
21/04426/FUL	<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>Appeal against non-determination</p>	No
22/01675/FUL	<p>Erection of 1 no. Dwelling (C3 use) - land south of Old Smithy, Widdrington Village</p> <p>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.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No

Planning Appeals Withdrawn

Reference No	Proposal and main planning considerations	Award of costs?
22/01250/FUL	<p>Retrospective: Construction of a stable building – land north and east of Horsley Banks Farm, Horsley</p> <p>Main issues: Appeal against non-determination of application, but decision subsequently issued.</p> <p>Delegated Decision - Officer Recommendation: Approve</p>	No

Planning Casework Unit Referrals

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

Planning Appeals Received

Appeals Received

Reference No	Description and address	Appeal start date and decision level
19/04687/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>
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</p>	<p>2 November 2022</p> <p>Delegated Decision - Officer</p>

	<p>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>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>
22/00913/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>Main 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>
22/03313/AGTRES	<p>Prior notification for change of use and conversion of agricultural building to single dwelling – The March Barn, Welton</p> <p>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.</p>	<p>21 December 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/01833/FUL	<p>Development of 60 no. Pitches for holiday accommodation comprising touring caravan/campervan pitches and tents – land</p>	<p>10 January 2023</p> <p>Delegated</p>

	<p>at Elwick Farm, Belford</p> <p>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.</p>	<p>Decision - Officer</p> <p>Recommendation: Refuse</p>
22/00394/FUL	<p>Retrospective: Construction of pergola and decking within existing beer garden – The Dyvels Hotel, Station Road, Corbridge</p> <p>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.</p>	<p>13 January 2023</p> <p>Delegated</p> <p>Decision - Officer</p> <p>Recommendation: Refuse</p>
22/01812/FUL	<p>Proposed detached single storey garage and store with associated formation of driveway – Eland Close, Eland Land, Ponteland</p> <p>Main issues: inappropriate development in the Green Belt and the open countryside.</p>	<p>24 January 2023</p> <p>Delegated</p> <p>Decision - Officer</p> <p>Recommendation: Refuse</p>
21/02287/FUL	<p>Convert and extend redundant cow byre to residential use (C3) for holiday let – Waterside Cottage, Acklington</p> <p>Main issues: development in an unsustainable location within the open countryside; insufficient information to justify non-mains foul drainage; insufficient information to demonstrate the proposal would not sterilise and identified sand and gravel resource; absence of suitable mitigation to address recreational disturbance with adverse effects on the Northumbria Coast SPA and Ramsar Site and the North Northumberland Dunes SAC; and loss of ancient woodland with no exceptional circumstances or suitable compensation strategy.</p>	<p>25 January 2023</p> <p>Delegated</p> <p>Decision - Officer</p> <p>Recommendation: Refuse</p>
22/03609/AGTRES	<p>Notification of Prior Approval to convert an existing but now redundant agricultural building on the Guyzance Estate for permanent residential use – land south of Waterside Cottage, Acklington</p> <p>Main issues: impacts on adjacent ancient semi-natural woodland and River Coquet and Coquet Valley Woodland SSSI; and absence of suitable mitigation to address recreational disturbance with adverse effects on the</p>	<p>25 January 2023</p> <p>Delegated</p> <p>Decision - Officer</p> <p>Recommendation: Refuse</p>

	Northumbria Coast SPA and Ramsar Site and the North Northumberland Dunes SAC.	
22/03324/FUL	Erect a feed barn for storage of animal feed – Eastside, Partnership Field, Springwell, Ovington Main issues: inappropriate development in the Green Belt.	13 February 2023 Delegated Decision - Officer Recommendation: Refuse
22/04634/FUL	Demolition of detached garage and construction of side extension – Middlesteads Farm, Longhirst Main issues: design does not respect the character of the existing dwelling or its locality, would fail to remain subordinate and would result in unacceptable adverse impact on the character of the dwelling and its setting.	16 February 2023 Delegated Decision - Officer Recommendation: Refuse
22/01297/FUL	Development of 4 no. residential dwellings including associated access, landscaping and all other ancillary works – land north of junction of Station Road, South End, Longhoughton Main issues: would fail to preserve the setting of the Grade I listed Church of St Peter and St Paul; harmful impact on the character and appearance of the area; and absence of suitable mitigation to address recreational disturbance with adverse effects on the Northumbria Coast SPA and Ramsar Site and the North Northumberland Dunes SAC.	21 February 2023 Delegated Decision - Officer Recommendation: Refuse
22/02704/CLEXIS	Certificate of Lawful Development – Existing use for the siting of a caravan for residential purposes – land north of east of South Linden House, Longhorsley Main issues: it is not possible to conclude that the building has been used for a continuous period of 4 years as a dwelling.	27 February 2023 Delegated Decision - Officer Recommendation: Refuse
22/02969/FUL	Proposed new rear/side fence. (Retrospective) - 4 Admington Court, Sherbourne Park, Stakeford, Choppington Main issues: scale and design of the development are out of character in the street scene with detrimental visual appearance; and situated on adopted highway verge with insufficient evidence to demonstrate it will not harm the current and future maintenance of utilities and other associated works.	20 March 2023 Delegated Decision - Officer Recommendation: Refuse

22/03417/OUT	<p>Outline application with some matters reserved for development of one residential dwelling (Self Build); all matters reserved other than access – land north of Hill Top Cottage, Morpeth</p> <p>Main issues: development within the open countryside; inappropriate development in the open countryside; fails to promote the use of sustainable travel; fails to demonstrate that safe access can be achieved; and fails to demonstrate potential impacts on protected species and how these can be mitigated.</p>	<p>21 March 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/04124/FUL	<p>Erection of stables, tackroom and associated horse paddock – land east of Oakfield Lodge, Eachwick</p> <p>Main issues: inappropriate development in the Green Belt; and visually intrusive and harmful impact on the character and appearance of the site and surrounding landscape.</p>	<p>21 March 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/01121/FUL	<p>Proposed new dwelling house and outbuilding with associated works to building plots 1 and 2 – Plots 1 and 2, land south west of Castle Hills Farm Cottages, Castle Hills, Berwick-upon-Tweed</p> <p>Main issues: development in the open countryside; and absence of suitable mitigation to address recreational disturbance with adverse effects on the Northumbria Coast SPA and Ramsar Site and the North Northumberland Dunes SAC</p>	<p>22 March 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/03696/FUL	<p>Retrospective application for works carried out to add pillars with metal railings between at front boundary wall; stone face side wall between front and rear garden and construction of raised timber deck – Woodstock, Mill Lane, Haltwhistle</p> <p>Main issues: harm to the character and appearance of the Conservation Area; and harmful impact on residential amenity.</p>	<p>22 March 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/04592/FUL	<p>Demolition of 2 no. youth hostel cabins and erection of 8 no. caravan pitches and children's play area (as amended) - Hareshaw Linn Caravan Park, Bellingham</p> <p>Main issues: harmful visual impacts on the character and appearance of the site and surrounding area; and harmful impacts on residential amenity.</p>	<p>23 March 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

22/04246/FUL	Proposed single storey garage extension including a study and a shower room – 57 Church Street, Amble Main issues: scale and design results in adverse impact on the character and appearance of the existing dwelling and the surrounding area.	23 March 2023 Delegated Decision - Officer Recommendation: Refuse
22/04507/FUL	Demolition of existing ground floor rear extension and replacement with two storey rear extension – The Coach House, Fenwicks Close Farm, Earsdon Main issues: inappropriate development in the Green Belt; and disproportionate addition that would be incongruous with the character of the area.	3 April 2023 Delegated Decision - Officer Recommendation: Refuse
22/00637/FUL	Alterations and extension – 2 West Hedgeley, Powburn Main issues: design would be out of scale and character with the existing property and surrounding area, and would harm the setting of Grade II listed buildings.	4 April 2023 Delegated Decision - Officer Recommendation: Refuse
22/04665/FUL	Proposed first floor extension over existing sun room and installation of a fixed window to the southern gable wall at high level – 63 Merley Gate, Loansdean, Morpeth Main issues: the extension would constitute an incongruous addition that would be out of character with the dwelling and built context; and harmful impact upon residential amenity.	12 April 2023 Delegated Decision - Officer Recommendation: Refuse
22/00437/FUL	Change of use of land from equestrian grazing use to campsite use – land north east of Bolam Lake Boat House Wood Car Park, Belsay Main issues: inappropriate development in the Green Belt.	13 April 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		No

Enforcement Appeals Withdrawn

Reference No	Description and address	Award of costs?
None		

Enforcement Appeals Received

Appeals Received

Reference No	Description and address	Appeal start date
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
22/00571/ENDEVT	Unauthorised siting of a caravan – land south-west of Hartburn Bridge, Morpeth	1 February 2023

20/00481/ENDEVT	Change of use of a forestry building for use as residential - English/Wheelings Wood, Corbridge	2 March 2023
21/00865/BRCOND	Construction of retaining wall – Woodlands Rise, Corbridge Road, Hexham	23 March 2023

Inquiry and Hearing Dates

Reference No	Description and address	Inquiry/hearing date and decision level
18/03994/REM	<p>Reserved Matters Application relating to 16/00078/OUT - Development of Phase 1 of proposals which include Trunk Road Service Area, Hotel and Innovation Centre plus associated access, parking, landscaping and other associated infrastructure – land west of Lancaster Park, Pinewood Drive, Lancaster Park, Morpeth</p> <p>Main issues: the design fails to preserve or make a positive contribution to local character and distinctiveness, and the site's surroundings, and fails to create or contribute to a strong sense of place. The development does not demonstrate high quality sustainable design, is not visually attractive, does not incorporate high quality materials and detailing, and is substantially altered from the approved outline planning application.</p>	<p>27 June 2023</p> <p>Committee Decision - Officer Recommendation: Approve</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

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

This page is intentionally left blank