



# Northumberland

## County Council

**Your ref:**

**Our ref:**

**Enquiries to:** Rebecca Little

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

**Tel direct:** 01670 622611

**Date:** Wednesday, 11 October 2023

Dear Sir or Madam,

Your attendance is requested at a meeting of the **NORTH NORTHUMBERLAND LOCAL AREA PLANNING COMMITTEE** to be held in **MAIN HALL - ST JAMES'S URC, POTTERGATE, ALNWICK, NE66 1JW** on **THURSDAY, 19 OCTOBER 2023** at **2.00 PM**.

Yours faithfully

Dr Helen Paterson  
Chief Executive

**To North Northumberland Local Area Planning Committee members as follows:-**

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



**Dr Helen Paterson, Chief Executive**  
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## AGENDA

### PART I

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

1. **PROCEDURE TO BE FOLLOWED AT A PLANNING COMMITTEE** (Pages 1 - 2)

2. **APOLOGIES FOR ABSENCE**

3. **MINUTES** (Pages 3 - 6)

Minutes of the meeting of the North Northumberland Local Area Committee held on Thursday, 21 September 2023 as circulated, to be confirmed as a true record and signed by the Chair.

4. **DISCLOSURE OF MEMBERS' INTERESTS**

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

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

- e. Where Members have or a Cabinet Member has an Other Registerable Interest or Non Registerable Interest in a matter being considered in exercise of their executive function, they must notify the Monitoring Officer and arrange for somebody else to deal with it.

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

**5. DETERMINATION OF PLANNING APPLICATIONS**

(Pages 7  
- 10)

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>***

- 6. 22/04503/FUL**  
**Residential development - 9no. affordable homes**  
**Land South West Of St Cuthbert Close, Main Street, North**  
**Sunderland, Northumberland**

(Pages  
11 - 42)

- 7. 22/03766/VARYCO**  
**Removal of condition 18 (street lighting) on approved application**  
**20/03446/VARYCO to allow streetlights to be turned off or removed**  
**Farm Buildings East of North Farm, Rennington Village, Rennington,**  
**Northumberland**

(Pages  
43 - 54)

- 8. 23/00583/FUL**  
**Change of use of existing public house (Sui Generis) to provide 3no.**  
**residential apartments (Use Class C3) and erection of 4no. dwellings**  
**(Use Class C3) to rear, utilising existing access off E Ord Road, with**  
**associated parking, hard and soft landscaping**  
**The Salmon Inn, East Ord, Berwick-Upon-Tweed, Northumberland**  
**TD15 2NS**

(Pages  
55 - 74)

- 9. TREE PRESERVATION ORDER**  
**TOWN AND COUNTRY PLANNING ACT 1990**  
**Northumberland County Council**  
**(Land at St Peters Close, Glanton, Northumberland)**  
**Tree Preservation Order 2023**  
**(no. 3 of 2023)**

(Pages  
75 - 78)

**10. APPEALS UPDATE**

(Pages  
79 - 92)

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

**11. S106 UPDATE**

(Pages  
93 - 96)

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

**12. DATE OF NEXT MEETING**

The next meeting of the North Northumberland Local Area Planning Committee is scheduled for Thursday, 23 November 2023.

**13. URGENT BUSINESS**

**IF YOU HAVE AN INTEREST AT THIS MEETING, PLEASE:**

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

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

## Registering Interests

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

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

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

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

### Non participation in case of disclosable pecuniary interest

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

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

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

### Disclosure of Other Registerable Interests

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

### Disclosure of Non-Registerable Interests

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

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

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

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

**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](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
<b>Sponsorship</b>	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.
<b>Contracts</b>	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.
<b>Land and Property</b>	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.
<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
<b>Corporate tenancies</b>	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>
<b>Securities</b>	<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"> <li>i. the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</li> <li>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.</li> </ul>

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

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

## Table 2: Other Registrable Interests

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

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



## Northumberland County Council

### PROCEDURE AT PLANNING COMMITTEE

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#### A Welcome from Chairman to members and those members of the public watching on the livestream

Welcome to also include reference to

- (i) Fact that meeting is being held in a Covid safe environment and available to view on a live stream through You Tube Northumberland TV
- (ii) Members are asked to keep microphones on mute unless speaking

#### B Record attendance of members

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

#### C Minutes of previous meeting and Disclosure of Members' Interests

#### D Development Control

##### APPLICATION

##### Chair

Introduces application

Site Visit Video (previously circulated) - invite members questions

##### Planning Officer

Updates – Changes to recommendations – present report

Public Speaking

Objector(s) (up to 5 mins)

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

Applicant/Supporter (up to 5 mins)

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

**Committee members' questions to Planning Officers**

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

**Debate (Rules)**

Proposal

Seconded

DEBATE

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

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

**Vote(by majority or Chair's casting vote)**

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

## NORTHUMBERLAND COUNTY COUNCIL

### NORTH NORTHUMBERLAND LOCAL AREA PLANNING COMMITTEE

At the meeting of the **North Northumberland Local Area Planning Committee** held at Main Hall - St James's URC, Pottergate, Alnwick, NE66 1JW on Thursday, 21 September 2023 at 2.00 pm.

#### PRESENT

G Castle (Chair) (in the Chair)

#### MEMBERS

T Clark  
G Renner-Thompson  
C Hardy  
M Swinbank

G Hill  
C Seymour  
I Hunter

#### OFFICERS

M Bulman  
V Cartmell

R Little  
D Love  
I McCaffery

Solicitor  
Planning Area Manager - Development  
Management  
Assistant Democratic Services Officer  
Senior Planning Officer  
Built Heritage & Design Officer

Around 6 members of the press and public were present.

#### 27      **PROCEDURE TO BE FOLLOWED AT A PLANNING COMMITTEE**

**RESOLVED** that this was noted.

#### 28      **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Bridgett, Mather, Pattison, Thorne, and Watson.

#### 29      **MINUTES**

**RESOLVED** that the minutes of the meeting of the North Northumberland Local Area Committee held on Thursday 24 August 2023, as circulated, were confirmed as a true record, and were signed by the Chair.

30 **DISCLOSURE OF MEMBERS' INTERESTS**

Councillor Hunter advised that she had a personal non prejudicial interest in application 20/03156/FUL.

31 **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.

32 **20/03156/FUL**

**Demolition of redundant Community Club and construction of 6No. residential units  
Belford Community Club, West Street, Belford, NE70 7QE**

D. Love – Senior Planning Officer, Introduced the application with the aid of a presentation and gave the committee the following updates:

- An additional condition stating “Prior to the commencement of any demolition works the developer shall provide evidence of a contract to commence the building of the 6 new dwelling houses including a commencement date. Works shall proceed as per these details. Reason: In the interests of protecting the integrity and value of the conservation area as per Local Plan policy ENV 7.”
- An error in Condition 24 referenced 50% of new dwellings, this should have been 20% as per the policy wording.
- Conditions 12 and 13 were updated to reflect the recently updated bat mitigation information.
- Condition 5 was updated to include a single additional requirement “Photographs of the surface water system being installed as per the agreed scheme including flow controls, storage structures and any other SuDS components.
- Confirmation that the County Ecologist had raised no objections to the proposals, subject to the updated conditions.
- Confirmation that the derogation tests set out in the Ecologist response had formed part of the officer assessment and did not alter the recommendation set out in the report.

Kerry Noble spoke on behalf of Belford Parish Council and gave the committee the following information:

- The application site had become an eyesore in the conservation area.
- A revised Planning Statement should be submitted detailing the protection of the Grade II listed War Memorial and gardens, during and after development.

- The Parish Council suggested that the applicant should place a covenant on the six properties, making them for permanent residency only.
- The Parish Council requested that the applicant made a voluntary contribution of affordable homes.
- The plan showed a “No Parking” sign to be affixed to the West wall of the War Memorial which would be highly inappropriate. The wall was in the ownership of the Parish Council and would not be allowed.
- The plan showed that the East vehicular entrance was to be closed off, the pavement reinstated and the Memorial wall and garden to be extended to cover. The Parish Council requested assurance that the work would be carried out to match the existing structure of the Grade II site and would be at no cost to the Council.

Committee members were then invited to ask the planning officers questions on the application at hand. The following information was then provided:

- The application site was owned by a private individual, the applicant.
- The application did not reach the trigger point to enforce HOU10 policy on restricting second homes.
- A phasing condition could be added to ensure works to the Memorial wall would require to be completed prior to occupation of the development.
- The applicant had agreed to the S106 agreement, and the additional condition stated in the officers’ updates.
- An informative could be added regarding the “No Parking” sign and the ownership of the West wall of the War Memorial.
- A condition could be added to ensure the window materials were timber.
- The application site was thought to be highly unlikely to gain a listed building status as it had lost the majority of the interior and the exterior had received an extension.
- The applicant had demonstrated that there was no viable use for the building, in accordance with policies ENV9 and ENV10.
- The War Memorial was Grade II listed.
- The War Memorial would be retained and expanded.
- The application site was thought to be beyond reasonable economical repair.

Councillor Renner-Thompson proposed to accept the officers recommendation to approve the application with the conditions outlined in the report and updated by the planning officer along with the additional condition stating “ Prior to the commencement of any demolition works the developer shall provide evidence of a contract to commence the building of the 6 new dwelling houses including a commencement date. Works shall proceed as per these details.

Reason: In the interests of protecting the integrity and value of the conservation area as per Local Plan policy ENV 7.”

and further conditions to ensure timber windows and doors, natural slate roofing and rain water guttering materials to be agreed with the exact wording of the condition be delegated to the planning officer, an informative to the applicant in regards to the “No Parking” sign and a phasing condition with the exact wording of the condition to be delegated to the planning officer. This was seconded by Councillor Castle.

A vote was taken, and it was FOR; 6, AGAINST; 2, ABSTAIN; 0.

Ch.’s Initials.....

**RESOLVED** that the application be **GRANTED** subject to the conditions outlined in the report and updated by the planning officer along with the additional condition stating “ Prior to the commencement of any demolition works the developer shall provide evidence of a contract to commence the building of the 6 new dwelling houses including a commencement date. Works shall proceed as per these details.

Reason: In the interests of protecting the integrity and value of the conservation area as per Local Plan policy ENV 7.”

and further conditions to ensure timber windows and doors, natural slate roofing and rain water guttering materials to be agreed with the exact wording of the condition be delegated to the planning officer, an informative to the applicant in regards to the “No Parking” sign and a phasing condition with the exact wording of the condition to be delegated to the planning officer.

33 **APPEALS UPDATE**

**RESOLVED** that this was noted.

34 **S106 UPDATE**

**RESOLVED** that this was noted.

35 **DATE OF NEXT MEETING**

The next meeting of the North Northumberland Local Area Planning Committee was scheduled for Thursday, 19 October 2023.

36 **URGENT BUSINESS (IF ANY)**

**CHAIR**.....

**DATE**.....





## Northumberland County Council

### NORTH NORTHUMBERLAND LOCAL AREA PLANNING COMMITTEE

19 OCTOBER 2023

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#### DETERMINATION OF PLANNING APPLICATIONS

##### Report of the Director of Housing and Planning

Cabinet Member: Councillor C Horncastle

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##### Purpose of report

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

##### Recommendations

**The Local Area Planning Committee 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 Planning Committee 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 Committee 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 Planning Committees.

### **Important Copyright Notice**

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### **BACKGROUND PAPERS**

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

### **IMPLICATIONS ARISING OUT OF THE REPORT**

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

Report author : Rob Murfin  
 Director of Housing & 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.

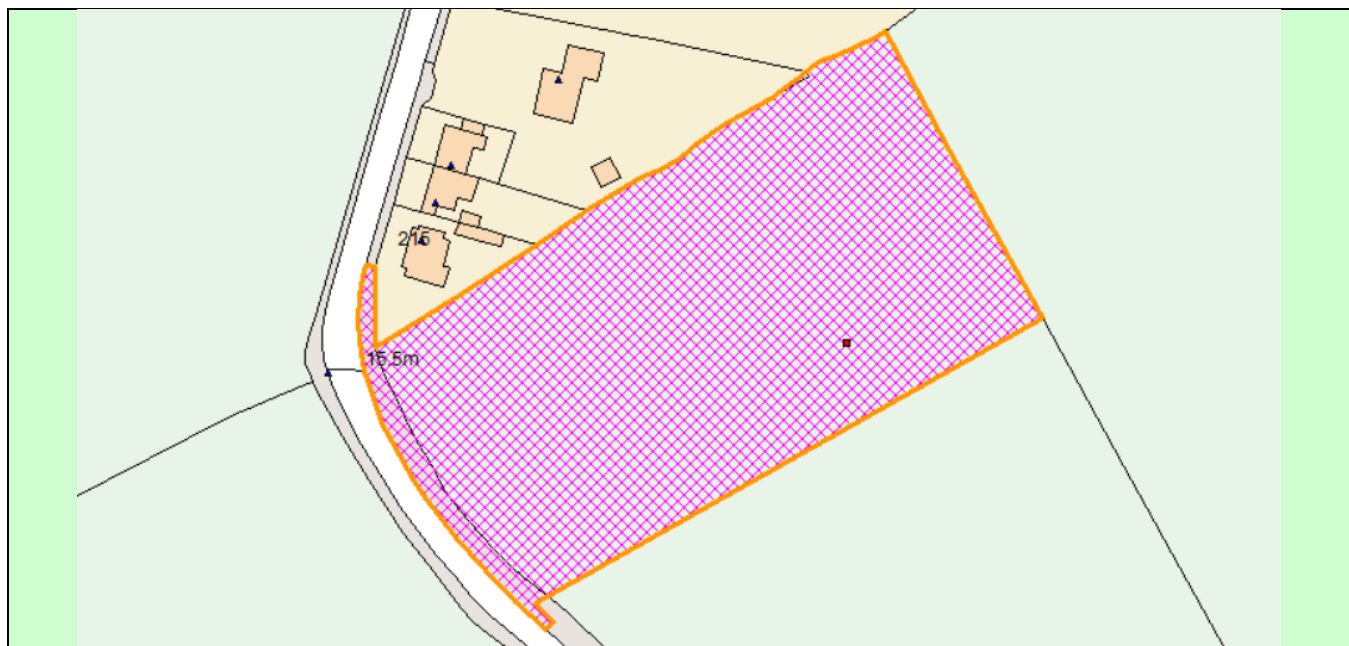


## Northumberland County Council

### North Northumberland Local Area Planning Committee 19<sup>th</sup> October 2023

<b>Application No:</b>	22/04503/FUL		
<b>Proposal:</b>	Residential development - 9no. affordable homes		
<b>Site Address</b>	Land South West Of St Cuthbert Close, Main Street, North Sunderland, Northumberland		
<b>Applicant:</b>	Mrs S Carr And Mr W Dunn Bernicia Homes C/O Agent	<b>Agent:</b>	Ms Stephanie Linnell 4-6 Market Street, Alnwick, NE66 1TL
<b>Ward</b>	Bamburgh	<b>Parish</b>	North Sunderland
<b>Valid Date:</b>	4 January 2023	<b>Expiry Date:</b>	31 July 2023
<b>Case Officer Details:</b>	Name: Mr Jon Sharp Job Title: Senior Planning Officer Tel No: 07966331971 Email: Jon.Sharp@northumberland.gov.uk		

**Recommendation:** That this application be GRANTED permission subject to a Section 106 legal agreement to secure affordable housing, primary occupancy and a financial contribution of £5535 to the Council's Coastal Mitigation Service.



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## 1. Introduction

1.1 This application falls to be determined by the North Northumberland Local Area Planning Committee following a call in request by the local member as a matter of significant local interest.

## 2. Description of the Proposals

2.1 Full planning permission is sought for the erection of 9no affordable dwellings on land South West Of St Cuthbert Close, Main Street, North Sunderland.

2.2 The proposed dwellings would comprise the following which would be laid out with 3no sets of semi detached dwellings (Plots 1-6) facing the site frontage, with a parking court to the rear and a short terrace of 3no dwellings (Plots 7-9) to the south of the internal access road, which includes a hammerhead to facilitate the turning of large vehicles within the site.

Plots 1 & 2 - 2no two storey semi detached houses  
Plots 3 & 4 - 2no 1 1/2 storey semi detached houses  
Plots 5 & 6 - 2no semi detached bungalows  
Plots 7, 8 & 9 - 3no terraced bungalows

2.3 To the east of the site land is proposed to be retained as open amenity space and as an area for the SuDS basin. This takes advantage of the natural topography of the site which slopes gently to the east before rising again on land outside of the site boundary.

2.4 The application site is located on the south western edge of North Sunderland and is comprised of a parcel of agricultural land of approximately 0.88ha. It is bound by existing residential development to the north, by open fields to the east and south and by Main Street to the west with open countryside beyond. Access to the site would be gained via an existing field access onto the C68 at the southern corner of the site.

2.5 Site constraints include;

Area of Outstanding Natural Beauty  
Coal Authority High Risk Area  
Coastal Mitigation Zone  
Heritage Coast  
Neighbourhood Planning Area  
Occupancy Restriction  
SSSI Impact Risk Zone

2.6 The application site previously benefited from outline approval (17/01819/OUT) for 20no dwellings, which extended over a larger area to the north east of the current site and was to be accessed via St Cuthbert Close, however it has now expired and as such there is no extant planning permission on the land.

## 3. Planning History

**Reference Number:** 17/01819/OUT

**Description:** Outline Permission with All Matters Reserved; Development of up to 20 dwellings (100% affordable) - Amended 30/04/18

**Status:** Permitted

**Reference Number:** 22/00801/FUL

**Description:** Residential development of 20no. affordable homes

**Status:** Refused

#### 4. Consultee Responses

North Sunderland And Seahouses PC	The Parish Council is in favour of this application and fully supports the provision of affordable housing in North Sunderland and Seahouses
Highways	<p>The application site lies beyond the settlement boundary and does not offer a genuine choice of transport modes in accordance with the NPPF (2021) and TRA 1 and 2 of the Northumberland Local Plan (Adopted 2022), with reliance on private vehicles, lack of suitable pedestrianised connectivity to existing infrastructure and inadequate details regarding access and highway safety.</p> <p>Further details will be required before HDM can progress further including revised internal layout, swept path analysis, surface water drainage, access arrangements and details of proposed offsite highway works.</p>
County Archaeologist	<p>Taking into account the absence of significant recorded archaeological remains in the vicinity, the results of the geophysical survey and the relatively small scale of development proposed, the risk of significant unrecorded archaeological remains being damaged or destroyed by the proposed development is considered to be low.</p> <p>There are no objections to the proposed development on archaeological grounds. No further archaeological work is recommended.</p>
Coal Authority	The Coal Authority considers that the content and conclusions of the information prepared by Dunelm Geotechnical and Environmental Ltd is sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.
County Ecologist	<p>Objection - the following information should be submitted within the next 14 days to enable ecological advice to be provided:</p> <ul style="list-style-type: none"><li>o A revised Ecological Impact Assessment which reflects current scheme design</li><li>o Updated landscaping plans showing biodiversity enhancement measures</li><li>o Architectural plans updated to show in-built enhancement measures (bat and bird provision)</li></ul> <p>Any approval which may be issued would also require a contribution to the Coastal Mitigation Service (CMS).</p>
County Ecologist (2)	No objection subject to conditions - the proposed development may impact on protected or notable species, designated nature conservation sites or priority habitat in the absence of

	<p>mitigation, which is proposed in the ecological report (Ecological Impact Assessment, Land to South West of North Sunderland, E3 Ecology Ltd., 1.2.22'). This mitigation should be secured by condition.</p> <p>In accordance with planning policy the development should provide a net gain for biodiversity which can be achieved through delivery of the proposed landscaping scheme and bat, breeding bird, and hedgehog provision, secured through further planning conditions.</p> <p>As the proposals involve the creation of new residential units of accommodation with 10km of the coast, a contribution to the Coastal Mitigation Service (CMS) will be required</p>
Highways	<p>The application site lies beyond the settlement boundary and does not offer a genuine choice of transport modes in accordance with the NPPF (2021) and TRA 1 and 2 of the Northumberland Local Plan (Adopted 2022), with reliance on private vehicles, lack of suitable pedestrianised connectivity to existing infrastructure and inadequate details regarding access and highway safety.</p> <p>Further details will be required before HDM can progress further including revised internal layout, swept path analysis, surface water drainage, access arrangements and details of proposed offsite highway works.</p>
Highways (2)	<p>Highways DM's objection remains outstanding, and the submission of details have not addressed these issues. Further information will be required as identified in this response before we can proceed further.</p>
Highways (3)	<p>The applicant has addressed most of the issues raised previously however confirmation is still required that the Parish Council have been engaged with in terms of the consideration of the speed signage and gateway feature. Written confirmation is required regarding the maintenance of the private shared driveways and the VP bay opposite plot 9 needs to be revised.</p>
Highways (4)	<p>No objection subject to conditions and informatives</p>
Lead Local Flood Authority (LLFA)	<p>The LLFA object to application 22/04503/FUL on flood risk and drainage grounds.</p>
Lead Local Flood Authority (LLFA) (2)	<p>Defra / Environment Agency updated the climate change allowances for flood risk assessments on 10th May 2022. The 2022 changes centre around peak rainfall intensity allowances (surface water). The guidance is now based on river catchments rather than a blanket countrywide allowance. Please can the drainage strategy, drawings and hydraulic calculations be updated to reflect this.</p>
Lead Local Flood Authority (LLFA) (3)	<p>The LLFA have no objection to application 22/04503/FUL subject to the following conditions and documents being listed as approved.</p>
Natural England	<p>No objection subject to appropriate mitigation</p>



Northumberland Coast AONB	<p>If the principle of the development is found to be acceptable, the AONB Partnership is generally supportive however further consultation on elements of the scheme is requested.</p> <p>The AONB Partnership recognises the need for affordable housing in North Sunderland and Seahouses. It is worth stating that as for 22/00801/FUL, the proposed scheme is not considered to constitute major development in the AONB in terms of NPPF paragraph 177 and footnote 60.</p> <p>Advice on the access, appearance, landscaping, layout and scale of the development was given for the previous application, much of which has been carried through into the current, smaller scheme. However, concerns remain in relation to the site layout and boundaries; architectural detailing; and landscaping, in particular the drainage and amenity area.</p>
Northumberland Coast AONB (2)	The applicant has responded to our previous concerns and this is welcomed. The proposed footpath connection should use whinstone setts rather than concrete and we would request consultation on a proposed street lighting plan.
Northumberland & Newcastle Society	Whilst the Society would support any provision of affordable housing in a settlement so obviously and urgently in need of it, this is possibly the worst siting for it. The application constitutes ribbon development on an important approach, reminiscent of the piecemeal but unrestrained proliferation along roads in the 1920/30s. As a site with poor integration, safety and active/public transport, this development constitutes an unacceptable greenfield incursion. We believe the planning authority must carefully scrutinise this application against compliance with both the Northumberland Local Plan and the Seahouses / North Sunderland Neighbourhood Plan.
Public Protection	No objection. Conditions are recommended in order to protect public health and prevent loss of amenity.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	22
Number of Objections	9
Number of Support	3
Number of General Comments	0

### Notices

General site notice, posted 13th January 2023  
No Press Notice Required.

### Summary of Responses:

9no objections received raising concerns including,

All of the reasons given for refusal of the previous proposal remain,  
Other more suitable sites available within the village which are closer to amenities and services,  
Impact on AONB,  
Site is in open countryside beyond the defined settlement boundary,  
Highway safety particularly in relation to cyclists,  
Visual impact, proposed properties not in keeping with existing character,  
Negative impact on landscape,  
If approved reassurances or a condition are needed to stop further development taking place especially on the two amenity open spaces,  
A Section 106 agreement should be agreed to secure principal occupancy.

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=RMERMNQSLN400>

## **6. Planning Policy**

### 6.1 Development Plan Policy

Northumberland Local Plan (2022)

STP 1 - Spatial strategy (Strategic Policy)  
STP 2 - Presumption in favour of sustainable development (Strategic Policy)  
STP 3 - Principles of sustainable development (Strategic Policy)  
STP 4 - Climate change mitigation and adaptation (Strategic Policy)  
STP 5 - Health and wellbeing (Strategic Policy)  
HOU 2 - Provision of new residential development (Strategic Policy)  
HOU 3 - Housing requirements for neighbourhood areas (Strategic Policy)  
HOU 4 - Housing development site allocations (Strategic Policy)  
HOU 7 - Exception sites  
HOU 9 - Residential development management  
QOP 1 - Design principles (Strategic Policy)  
QOP 2 - Good design and amenity  
QOP 3 - Public realm design principles  
QOP 4 - Landscaping and trees  
QOP 5 - Sustainable design and construction  
QOP 6 - Delivering well-designed places  
TRA 1 - Promoting sustainable connections (Strategic Policy)  
TRA 2 - The effects of development on the transport network  
TRA 4 - Parking provision in new development  
ICT 2 - New developments  
ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)  
ENV 2 - Biodiversity and geodiversity  
ENV 3 - Landscape  
ENV 4 - Tranquillity, dark skies and a sense of rurality  
ENV 5 - Northumberland Coast Area of Outstanding Natural Beauty  
WAT 2 - Water supply and sewerage  
WAT 3 - Flooding  
WAT 4 - Sustainable Drainage Systems

POL 1 - Unstable and contaminated land  
POL 2 - Pollution and air, soil and water quality  
POL 3 - Best and most versatile agricultural land  
MIN 4 - Safeguarding mineral resources (Strategic Policy)  
INF 6 - Planning obligations

## 6.2 National Planning Policy

NPPF - National Planning Policy Framework (2023)

PPG - Planning Practice Guidance (2021, as updated)

## 6.3 Neighbourhood Planning Policy

North Northumberland Coast Neighbourhood Plan (2018)

Policy 1: Sustainable development

Policy 5: Design in new development

Policy 9: Sustainable development outside the settlement boundaries

Policy 14: Principal residence housing

Policy 24: Broadband infrastructure

## 6.4 Other Documents/Strategies

National Design Guide (2019)

National Model Design Code (2021)

North Northumberland AONB Management Plan (2020)

North Northumberland AONB Design Guide

## **7. Appraisal**

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises the Northumberland Local Plan (NLP) (2022) and the North Northumberland Coast Neighbourhood Plan (NLCNP) (2018). The National Planning Policy Framework (NPPF) (2023) 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,  
Housing Need,  
Impact on Character of Area,  
Design,  
Amenity,  
Highways,

Impact on AONB,  
Archaeology,  
Ecology,  
Public Protection,  
Mineral Safeguarding,  
Water Management,  
Sustainable Construction,  
Broadband Connections,  
Agricultural Land Classification,  
Planning Obligations,  
Other Matters, and  
Procedural Matters.

### Principle of Development

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 Seahouses/North Sunderland as a "service centre" which will accommodate employment, housing and services that maintains and strengthens their roles.

7.4 The principle of development in North Sunderland would be acceptable, however the site is beyond the settlement boundary, defined in the Neighbourhood Plan, and is therefore in Open Countryside, where development is restricted and needs to demonstrate that it meets a policy test.

7.5 It is acknowledged that the settlement boundary is not intended to stifle development and there are circumstances where housing development beyond a boundary may be appropriate. For example, the plan supports rural exception sites (Policy HOU 7) which would help address pressing affordable housing needs of rural communities by enabling the release for development of small sites that would not normally be used for housing. Policy STP 1(1)(g) states that development in the open countryside will be supported if it can be demonstrated that it provides for residential development in accordance with Policy HOU 7.

7.6 Policy HOU 7 states that the development of small Rural Exception Sites that would not normally be used for housing within, adjacent to or well-related to an existing settlement will be supported, where:

- a. The local need for affordable housing is clearly justified and evidenced in an up-to-date local housing needs assessment or other evidence of local housing needs verified by the Council as being necessary to meet local community needs for households who are either current local residents or have an existing family or employment connection to the particular area in which the development is proposed to take place;
- b. The affordable housing is secured in perpetuity through a Section 106 agreement;
- c. The development is well-related to local services and facilities, including those outside the settlement where the development is proposed to be located; and
- d. The development is in scale and keeping with the form, character and landscape setting of the settlement in which it takes place and does not unjustifiably adversely impact on the natural, built and historic environment.

7.7 Development adjacent to the settlement of North Sunderland would help to deliver some economic benefits through new housing in the area and in social terms would help to sustain the existing community and associated services, as well as being able to contribute to improvements to existing services. The policy specifically provides support for small exception sites and a development of 9no dwellings in this location would fit this criteria.

7.8 Policy 1 of the NNCNP supports small-scale development which provides new Principal Residence dwellings (Policy 14), including affordable housing to meet local needs, self-build units, live-work units, housing for older people and schemes which provide for a range of house types, including two, three and four bedroom dwellings and bungalows.

7.9 The supporting text to the policy notes that Policy 1 makes reference to small scale housing development being the preferred means by which new housing will be delivered in the Neighbourhood Area. It states that small scale should be seen in general terms as applying to a scheme that is modest and limited in scope or extent and concludes that 'small-scale' for the purposes of housing in the plan area is schemes of up to 9 dwellings.

7.10 Policy 9 of the NNCNP relates to sustainable development outside the settlement boundaries which could still make a positive contribution to sustainable communities in the Neighbourhood Area. This reflects the intention of national policy and guidance and therefore, proposals such as 'exception' sites for 100% affordable housing provision, are supported through this policy.

7.11 Paragraph 79 of the NPPF seeks to promote sustainable development in rural areas and states that housing should be located where it will enhance or maintain the vitality of rural communities.

7.12 It is evident that there is clear policy support for the delivery of exception sites out with defined settlement boundaries and it is clear that the proposed development would meet the requirement for such developments to be "small-scale". Issues of visual and landscape impact and impacts on designated areas are discussed further below, however the principle of a small exception site development in this location is accepted.

### Housing Need

7.13 Policy HOU 3 of the NLP sets a requirement for the North Northumberland Coast Neighbourhood Plan area to provide a minimum of 110 net additional dwellings over the plan period 2016-2036. The previous outline planning permission (17/01819/OUT) would have been factored into this figure, however, now that has lapsed, it may be considered that there is now an additional need for development to meet this requirement. However, there were 25 completions in the first 6 years of the plan period (2016-2022) and the council's 5 year housing land supply monitoring shows that, at the end of March 2022, there were extant permissions for 30 new dwellings in Seahouses (including the 20 on this site) with the possibility of some additional small sites of less than 5 dwellings too which aren't specifically picked up in the SHLAA, giving at least 55 dwellings permitted at that time (now cut to 35 due to the outline permission on this site lapsing).

7.14 Policy HOU 4 of the NLP also allocates a large site at Broad Road in Seahouses for 80-100 dwellings. When combined with the 25 completions to date, circa 35 outstanding to be built on other permitted sites, plus the allocated site for 80-100 dwellings and even having knocked out the lapsed 20 dwellings on this site, there would still be more than sufficient committed development in the pipeline to meet the identified minimum requirement set out in the NLP. Therefore there is no pressing need to seek to re-permit housing on this edge-of-settlement site in order to meet the NLP requirement. Notwithstanding this, the number set out in the plan is not a ceiling and so the proposal cannot be refused on such grounds.

#### Impact on Character of Area

7.15 The application site is located on an area of greenfield land on the south west edge of the village. It is bound by built development to the north but borders open countryside to the east, south and west (on the opposite side of the highway). The site comprises part of an open agricultural field which falls away to the east (before rising again beyond the application site) and has a strong relationship with the open countryside beyond, following established field boundaries.

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

7.17 Policy ENV 3 of the NLP seeks to ensure that the impact of development on the setting and surroundings of the County's historic towns and villages will be assessed, ensuring that new development on the edge of settlements does not harm the landscape character of the settlement edge and, where possible that it has a net positive impact. It goes on to say that where it is considered that landscape character may be adversely affected, or aspects of this character that warrant protection would be degraded as a result of a proposed development, then the weight given to the harm caused will be in accordance with the importance of the designation.

7.21 Policy 2 of the NNCNP states that development proposals within or affecting landscape character areas must demonstrate how they respect the particular features of the landscapes identified in the Northumberland Landscape Character Assessment (2010) and National Character Areas and the Historic Landscape Characterisation.

7.22 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.

7.23 The proposed development comprises 9no dwellings on 0.88ha of greenfield land, though the dwellings would be focused in an area of approximately 0.4ha to the front of the site. This is a far greater density than the previously approved scheme and is noticeably at odds with the existing low density edge of settlement development in this part of North Sunderland. However it is recognised that the proposed affordable housing is much needed in the area and whilst the proposals do

not respond as well as we might like to local character and distinctiveness, on balance the proposals for an “exception site” in this location would be acceptable.

7.24 The availability or otherwise of alternative sites within the village (Broad Road & the old school) are not material to the assessment of the application at hand and whilst some of the refusal reasons given for the previous proposals on this site are still valid, it is clear that this revised scheme is acceptable as an exception site, with the provision of nine affordable dwellings outweighing concerns regarding character and landscape. The sensitivities of the edge of settlement site are noted, particularly in the context of being within the outer edge of the more sensitive Northumberland Coast AONB and North Northumberland Heritage Coast designations, however it is officer opinion that the proposals are now acceptable in accordance with LP Policies QOP 1, ENV 3 and ENV 5, NP Policy 2 and the NPPF.

### Design

7.25 This section considers the appearance of the proposed development independently and as part of the immediate streetscene.

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

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

7.28 In addition to the overarching design principles set out in Policy QOP 1, Policy QOP 3 states that, where relevant, the design of the public realm will be expected to:

- Create diverse, vibrant buildings and spaces which contribute to supporting a range of public activity;
- Be physically and socially accessible and inclusive;
- Be clearly defined from private spaces;
- Have a clear hierarchy of routes and spaces, which are faced by active frontages and maximise natural surveillance;
- Prioritise pedestrian and cycle movement and facilitate access to public transport wherever possible;
- Avoid dominance of vehicles and ensure that parking, where included, is sensitively integrated;
- Maximise urban greening, including the use of street trees and other vegetation as appropriate;
- Respond to opportunities to incorporate public art where possible; and
- Incorporate appropriate street furniture, lighting and surface materials.

7.29 Policy HOU 9 of the NLP seeks to support residential developments where they contribute to a sense of place, provide functional space and facilities for refuse and recycling storage as appropriate for the development and are constructed to a high

quality of design. HOU 11 meanwhile seeks to ensure that new homes are accessible and adaptable to meet the needs of residents now and in the future, 20% of new open market dwellings and 50% of affordable dwellings will be required to 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).

7.30 Policy 5 of the NNCNP states that new development in the Neighbourhood Area should incorporate high quality design and demonstrate how it meets a range of criteria including respecting local context and character in terms of scale, density, height, massing, and layout,

7.31 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.

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

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

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

7.34 The design of the proposed dwellings is acceptable insofar as they are of standard construction with reconstituted stone and/or rendered facing walls under concrete tiled gabled roofs incorporating solar PV panels. Artstone cills and lintols would add an element of visual interest. The properties are grouped into a series of semi-detached properties to the site frontage and a short terrace of bungalows to the east of the access road. Varying plot designs also add character. Amenity space would be provided for each property giving sufficient space for residential paraphernalia and private enjoyment. Car parking would be provided in a communal parking court for plots 1-6 with plots 7-9 benefiting from in curtilage parking. The area to the north and east of the dwellings is shown as open amenity space on the proposed site plan and an area to the north east edge of the site is set aside for a SuDS basin.

7.35 Whilst the design of the individual properties is acceptable the density of the overall development is much greater than that of the adjacent built form. As such it could be seen to be at odds with the existing characteristics of its surroundings in



this sensitive edge of settlement location. The proposals would not therefore reinforce its surroundings by conserving and enhancing the character and appearance of the landscape and townscape, however this needs to be weighed against the nature of the development being proposed, acknowledging that affordable housing, by necessity, needs to make more efficient use of land and will not therefore benefit from the large curtilages that characterise adjacent properties. It is worth noting the nearby and relatively recent St Cuthbert Close development, which saw the construction of a modern form of residential development into an infill site adjacent to the cemetery. Whilst this development consists of larger detached dwellings than those proposed here and this is reflected in the density of the site (approx 16 dwellings per ha), it gives a useful visual indication of what is now proposed, albeit with smaller properties and plot sizes.

### Amenity

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

7.37 Policy 5 of the NNCNP also seeks to ensure that proposed development does not result in an unacceptable loss of light or overshadowing, or other adverse amenity impacts on existing or future residents.

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

7.39 Due to the site's location and the proposed layout of the development, there would not be any substantive impacts on residential amenity resulting from the proposals in terms of loss of light, outlook, overbearing, privacy or noise. Separation distances between the proposed and existing dwellings are acceptable and sufficient amenity space is provided within the development for the use of future occupiers. As such the proposal is considered to be in accordance with Policy QOP 2 of the NLP, Policy 5 of the NNCNP and the NPPF in this respect.

### Highways

7.40 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.

7.41 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.

7.42 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.

7.43 The Local Highway Authority responded to initial consultation noting that the site does not offer a genuine choice of transport modes in accordance with the NPPF or Policies TRA 1 and TRA 2 of the NLP, with reliance on private vehicles, lack of suitable pedestrianised connectivity to existing infrastructure and inadequate details regarding access and highway safety. Following receipt of additional details in respect of access, swept path analysis and off site works, the technical objection has been withdrawn, subject to the conditions and informatives set out below. The concerns regarding the sustainability of the location in highways terms remains, however it is recognised that proposals are otherwise acceptable when reading the development plan as a whole. As noted above the proposals offer no permeability through the site, however with the proposed dwellings being located close to the front of the site the extended footpath along Main Street would provide a suitable link for those wishing to walk or cycle to nearby facilities.

7.44 On the basis of the revised proposals the development may be considered to be acceptable in accordance with Policies TRA 1, TRA 2 and TRA 4 of the NLP and the NPPF.

### AONB

7.45 Policy ENV 5 of the NLP relates to the Northumberland Coast AONB and states 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.

7.46 Policy 1 of the NNCNP states that major development in the AONB will not be supported except in exceptional circumstances and where it can be demonstrated to be in the public interest and where there is no alternative location which could absorb the development without a significant adverse impact on the AONB.

7.47 Policy 2 of the NNCNP places great weight on the conservation of local landscapes, the Heritage Coast and the scenic beauty of the coast including views into and out of the Northumberland Coast AONB.

7.48 Paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in [...] Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

7.49 Paragraph 177 goes on to say that when considering applications for development within [...] Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. This is caveated by Footnote 60 which states that for the purposes of paragraphs 176 and 177,

whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

7.50 The AONB Partnership has responded to consultation recognising the need for affordable housing in North Sunderland and Seahouses and noting that the proposed scheme is not considered to constitute major development in the AONB in terms of NPPF paragraph 177 and footnote 60, insofar as it would not cause a major impact on the special qualities of the AONB, as it is reasonable to conclude that landscape and visual effects in relation to the proposed development would be localised. Whilst the proposals are supported, a number of concerns were raised in relation to the site layout and boundaries, architectural detailing and landscaping. It is noted that the applicant has responded to these concerns however the Partnership would welcome the opportunity to have input in respect of materials and street lighting should planning approval be granted.

7.51 Therefore the proposals are acceptable in this respect in accordance with Policies ENV 1 and ENV 5 of the NLP, Policies 1 and 2 of the NNCNP and the NPPF.

### Archaeology

7.52 Policy ENV 7 of the NLP states that development proposals which will affect a site of archaeological interest, or a site which has the potential to be of archaeological interest, will require an appropriate desk-based assessment and, where necessary, a field evaluation.

7.53 Paragraph 194 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. It goes on to say that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

7.54 The County Archaeologist has responded to consultation noting the absence of significant recorded archaeological remains in the vicinity, the results of the geophysical survey and the relatively small scale of development proposed, the risk of significant unrecorded archaeological remains being damaged or destroyed by the proposed development is considered to be low. Taking account of the known archaeological baseline and the information submitted with the application, the risk of significant unrecorded archaeological remains being damaged or disturbed by the proposed development is considered to be low. There are no objections to the proposed development on archaeological grounds and no further archaeological work is recommended.

### Ecology

7.55 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.

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

7.57 The County Ecologist responded to initial consultation requesting further information, including a revised ecological impact assessment, updated landscape plans and architects plans showing inbuilt biodiversity enhancements. Following receipt of this information no objections are raised subject to conditions recommended below. On this basis the proposals are acceptable in accordance with Policy ENV 2 and the NPPF in this respect.

#### Public Protection

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

7.59 Policy POL 2 seeks to ensure that development proposals are not put at an unacceptable risk of harm from or are adversely affected by pollution by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances.

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

7.61 The Council's Environmental Protection team has responded to consultation stating that they have no objections to the proposals subject to conditions in order to protect public health and prevent loss of amenity.

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

#### Mineral Safeguarding

7.63 The whole site lies within a wider Minerals Safeguarding Area for carboniferous limestone, with the eastern part of the site also within an MSA for coal. Policies MIN 4 and MIN 5 require consideration to be given to the prior extraction of minerals where practical and viable, however given the site location on the edge of an established settlement, it is unlikely that proposals for limestone quarrying (or coal extraction) would be welcomed and it could be argued that, short of not developing the site at all, there are no reasonable alternative options which would avoid or minimise the sterilisation of the minerals. Furthermore, the overall social, economic and environmental benefits of the proposed development would likely outweigh the potential loss of the mineral resource.

7.64 The Coal Authority has responded to consultation noting the submitted information. It is considered that the content and conclusions of the report are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development.

#### Water Management

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

7.66 The LLFA responded to initial consultation objecting to the proposal on flood risk and drainage grounds, requesting that the submitted Drainage Strategy be updated to reflect updated climate change allowances for flood risk assessments which were introduced in 2022. Following receipt of this information the earlier objection has been withdrawn subject to conditions as set out below. On this basis the proposals are in accordance with Policies WAT 2 and WAT 4 of the NLP and the NPPF in this respect.

### Climate Change

7.67 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.

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

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

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

### Broadband Connections

7.71 Policy ICT 2 of the NLP requires provision of full fibre broadband connections in new developments. Where this cannot be provided, alternative solutions may be appropriate where justified. The policy states that where no broadband provision is included, developers will be required to demonstrate, including through consultation with broadband providers, that connections are not deliverable, and/or viable.

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

7.73 Sufficient information has been submitted with the application to show that full-fibre broadband connections are proposed. The proposals are therefore acceptable in accordance with Policy ICT 2 of the NLP and Paragraph 114 of the NPPF.

#### Agricultural Land Classification

7.74 The quality of agricultural land is classified by Defra and Natural England using the Agricultural Land Classification (ALC). The best and most versatile land is defined as Grades 1, 2 and 3a in the NPPF. Policy POL 3 of the NLP has regard to the wider economic and other benefits of the best and most versatile agricultural land when considering any irreversible loss in accordance with national policy. Where significant development of such land is demonstrated to be necessary, the policy states that areas of poorer quality land should be preferred to those of higher quality.

7.75 The application documents identify the site as being Grade 3, however it is unclear whether it is 3a or 3b. The agent has provided further information noting that higher level maps indicate Grade 3 in the general area, however more detailed survey data is not available. It is understood that the site has been used as grazing land for over 20 years as it is not suitable to sustain arable crops. On this basis it is most likely that the site would fall within the 3b classification (or perhaps even grade 4) and would not therefore be classed as best and most versatile for the purposes of the NPPF or Policy POL 3.

#### Planning Obligations

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

#### *Coastal Mitigation*

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

7.78 Contribution to the Coastal Mitigation Service enables a conclusion of no adverse effect on site integrity to be reached when a planning application is subject to appropriate assessment, without the developer having to commission any survey

or mitigation work. Similarly it enables a conclusion of no adverse effect on the interest features of coastal SSSIs.

7.79 The contribution per residential unit in this location would be £615 giving a total for the proposed development of £5,535. This should be payable upon occupation of the first dwelling.

#### *Primary occupancy*

7.80 Policy 14 of the NP requires first and future occupation of all new housing to be restricted in perpetuity to ensure that each new dwelling is occupied only as a Principal Residence. That is housing which is occupied as the sole or main home of the occupants and where the occupants spend the majority of their time when not working away from home. These restrictions will be secured prior to the grant of planning permission through appropriate Planning Obligations.

#### *Affordable housing*

7.81 Policy HOU 6 of the LP states that affordable housing will be secured by a Section 106 planning obligation agreement. For affordable housing for rent, discount market sales housing, or where public grant funding is provided towards other affordable routes to home ownership, the Section 106 agreement will ensure that the on-site provision remains affordable in perpetuity. The tenures and dwelling types of the affordable homes will be negotiable within reason on a site-by-site basis to ensure affordability and to reflect local housing needs.

#### Other Matters

7.82 The comments made in the representations received are noted and have been taken into account in the assessment of the application.

#### Procedural Matters

##### *Equality Duty*

7.83 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*

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

##### *Human Rights Act Implications*

7.85 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.

7.86 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.

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

## **8. Conclusion**

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

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

## **9. Recommendation**

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

- Affordable Housing
- Primary Occupancy
- A financial contribution of £5,535 towards Coastal Mitigation

### Conditions/Reason

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

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

02. Approved Plans



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

1. Drawing No 3994-L.01-P01 - Location Plan
2. Drawing No 3994-HMH-DD-SPXX-DR-A-1002-P11 - Proposed Site Plan
3. Drawing No 3994-HMH-DD-2BXX-DR-A-1010-P03 - Proposed Plans - Plots 1 & 2
4. Drawing No 3994-HMH-DD-3BXX-DR-A-1020-P02 - Proposed Plans - Plots 3 & 4
5. Drawing No 3994-HMH-DD-BUXX-DR-A-1030-P03 - Proposed Plans - Plots 5 & 6
6. Drawing No 3994-HMH-DD-B3XX-DR-A-1070-P03 - Proposed Plans - Plots 7, 8 & 9
7. Drawing No 2106-01F - Proposed Landscaping Plan
8. Drawing No 21213-CK-XX-XX-DR-C-52-30-P2 - SuDS Details
9. Drawing No 21213-CK-XX-XX-DR-C-52-15-P4 - Drainage Layout
10. North Sunderland Flood Risk Assessment Rev C dated 03/03/2023 Produced by CK21

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

### 03. Materials

The facing materials and finishes to be used in the construction of the development shall be in accordance with details contained in the application documents. 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 provisions of Policy QOP 1 of the NLP and the NPPF.

### 04. Finished Floor Levels

Prior to construction of the dwellings hereby approved, details of finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

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

### 05. Sustainable Building

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

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

#### 06. Accessible Homes

Prior to the construction of any dwelling above damp proof course level, a scheme to demonstrate how at least 20% of new market dwellings and 50% of new affordable 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.

#### Highways

#### 07. Construction Method Statement (including Plan) (Pre-Commencement)

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

#### 08. Implementation of car parking area

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

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

#### 09. Means of vehicular access to be constructed

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

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

#### 10. Completion of highway works before occupation

Development shall not be occupied until details of the proposed highway works have been submitted to and approved in writing by the Local Planning Authority. The building(s) shall not be occupied until the highway works have been constructed in accordance with the approved plans.

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

#### 11. Management and Maintenance of Estate Streets

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

Reasons: To ensure estate streets serving the development are completed in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework and Policies TRA1 and TRA2 of the Northumberland Local Plan.

#### 12. 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.

#### 13. Implementation of cycle parking

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

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

#### 14. Surface water drainage

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

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

#### 15. Implementation of Electric Vehicle Charging

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

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

#### 16. Refuse - No external refuse outside of the premises

No external refuse or refuse containers shall be stored outside of the approved refuse storage area 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.

#### Ecology

#### 17. Ecological Mitigation

No works shall be undertaken other than in accordance with the measures detailed within Section E of 'Ecological Impact Assessment, Land to South West of North Sunderland, E3 Ecology Ltd., 1.2.22' including but not limited to:

- Light levels around retained and newly installed potential roost locations (including retained trees) and foraging/commuting areas will be low level, below 2m in height, and low lux (below 1 lux 5m from the light source).
- Warm-light LEDs with very low UV will be used, with cowls designed to accurately target which areas are lit.
- A pre-commencement check for nesting birds will be undertaken by a suitably experienced ornithologist if vegetation clearance is undertaken between March and August inclusive.
- A checking survey will be undertaken within 3 months prior to works commencing to confirm badger setts remain absent. Works will be undertaken to a precautionary badger method statement.

- Close boarded fences will be avoided, or gaps 13cm x 13cm will be provided in fences between gardens and landscaped areas to allow hedgehogs to forage and commute across the site.
- Any excavations left open overnight will have a means of escape for wildlife that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45°

Reason: To avoid harm to protected species in accordance with Local Plan policy ENV2 and the NNPF

## 18. Landscaping Plan

Unless otherwise agreed in writing with the LPA, the proposed landscaping scheme as detailed on 'Detailed landscape proposals, Drawing no c-2106-01-Revision F' shall be implemented in accordance with the submitted details and specifications in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site in accordance with Policies QOP4 and ENV2 of the Northumberland Local Plan.

## 19. Protected Species Mitigation

In-built bat and breeding bird provision shall be installed in accordance with the details provided on 'Proposed Site Plan, 3994-HMH-DD-SPXX-DR-A-1002, P11' and provision of hedgehog refugia in accordance with the details provided on 'Detailed landscape proposals, Drawing no c-2106-01-Revision F'. Reason: To protect and enhance biodiversity in accordance with the requirements of Local Plan policy ENV2 and the NNPF.

LLFA

## 19. SuDs Features

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

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

## 20. Surface Water

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

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

## 21. Drainage Verification

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

- As built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc);
- Construction details (component drawings, materials, vegetation);
- \*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

## Environmental Protection

### 21. Contaminated Land Assessment

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

- a) A Phase 2 intrusive site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/ or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. The site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.
- b) A written remediation strategy detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the Local Planning Authority, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without express written agreement of the Local Planning Authority.

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

### 22. Ground Gas Protection

No foundation works shall be commenced until a report detailing the proposed protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the standard required in BS8485:2015+A1:2019 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), or to a minimum of Characteristic Situation 2 level of protection, has been submitted to and approved in writing by the Local Planning Authority. The report shall specify to the Local Planning Authority's satisfaction how the annulus of service ducts will be sealed to prevent gas ingress into the living space of the dwelling. The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases)

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

### 23. Verification of Ground Gas Protection

No building shall be brought into use or occupied until the applicant has submitted a verification report to the approved methodology in Condition 22. The verification report shall be approved in writing by the LPA.

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

### 24. Validation and Verification of the Sealing of Service Duct Annulus

Prior to the occupation of any habitable dwelling, the applicant shall submit to the Local Planning Authority for approval in writing, a statement with evidence of how the service ducts were sealed.

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

### 25. Construction Noise

No external site machinery or plant shall be operated, no works of demolition or construction carried out and no deliveries received or dispatched from the site, except between the hours of: • 0800 to 1800 on Monday to Friday and • 0800 to 1300 on Saturday. • No development shall take place on Sundays, Public or Bank Holidays unless agreed in writing with the Local Planning Authority.

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

## **Informatives**

### Highways

New vehicle crossing point – Type Access C (S184)

The applicant should note that under the Highways Act 1980 a vehicle crossing point is required. These works should be carried out before first use of the development. To

arrange the installation of a vehicle crossing point (and to make good any damage or other works to the existing footpath or verge) please contact the Highways Area Office at: North Northumberland [northernareahighways@northumberland.gov.uk](mailto:northernareahighways@northumberland.gov.uk)

#### Section 38 Agreement and adoption of highways

The applicant is advised to contact the Council's Highway Development Management team at [highwaysplanning@northumberland.gov.uk](mailto: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

The applicant is advised that offsite highway works required in connection with this permission are under the control of the Council's Technical Services Division and will require an agreement under section 278 of the Highway Act 1980. These works should be carried out before first occupation of the development. All such works will be undertaken by the Council at the applicant's expense. Please contact Highway Development Management at [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk) to progress this matter.

#### Highway condition survey

Please 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 please contact Highway Development Management at [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk).

#### Highway works under Section 278 Agreement

The following highway works will be agreed under the terms of Section 278 of the Highways Act 1980: delivery of vehicular and pedestrian access to NCC specifications, new footpath connectivity works, alterations to existing signage and provision of new signage, speed limit alterations and Traffic Regulation Order at the applicant's expense, road markings, drainage, street lighting, gateway feature and all other associated works.

#### Contact Traffic Management

The applicant is advised to contact the Council's Traffic Management Section at [streetworks@northumberland.gov.uk](mailto:streetworks@northumberland.gov.uk) before and during the construction period in respect of any necessary temporary traffic control measures required.

#### 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. The applicant is advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.

#### Technical Approval of Highway Structures

The applicant should note that Technical Approval of Highways Structures is required. Please contact Highways Development Management at [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk)



## Contact Local Highway Authority - Management and Maintenance of Estate Streets

The applicant is advised that to discharge condition 11 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](mailto: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 12 of this permission. You can contact the Highway Development Management at [highwaysplanning@northumberland.gov.uk](mailto: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

Please note that Road Safety Audits are required to be undertaken. Northumberland County Council offers this service. Please contact [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk)

## Street Naming

The applicant is 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).

## Ecology

### Protected Species

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). 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.

Amphibians, reptiles and mammals such as hedgehog and red squirrel also have legal protection, with great crested newt afforded additional protection under the Conservation of Habitats and Species Regulations 2017 (as amended).

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 chance of encountering protected species during works.

If protected species such as bats, great crested newt or nesting birds are encountered during development then works should cease immediately and professional advice should be sought straight away from the Project Ecologist.

The applicant should note that where sites are very overgrown or have features such as log piles or piles of stones there may be risk of causing harm to species protected under law from killing or injury such as reptiles, or species of principal importance such as hedgehogs. Any vegetation or materials clearance be carried out gradually and with due care and attention.

#### Bat and Bird Provision:

Ready-made integrated bird and bat boxes built into new buildings provide long lasting roosting/nesting features. Most boxes consist of a self-contained concrete roost chamber; however, options are available which will allow bats access into the roof space or wall cavity of the building. Examples of boxes can be readily seen online (e.g., <https://www.nhbs.com/equipment>). Swift brick/boxes are a good option, being able to accommodate a range of smaller cavity nesting birds (house sparrows, blue tits, great tits). Bat boxes are best located on south or east elevations and bird boxes on north and east elevations of buildings.

#### Native Landscaping:

Using native species in landscaping schemes has many advantages. They are the most likely to support the most wildlife and avoid the risk of the problems that invasive species bring. Many of them are just as attractive as ornamental varieties and will bring a sense of local distinctiveness to planting schemes. A list of plant species native to Northumberland can be found online. A list of suitable trees is available online from Northumberland Wildlife Trust. Please note Field Maple is not considered locally native to Northumberland and should not be widely planted, and it is no longer recommended to include Ash in planting schemes due to the prevalence of ash die back disease (Chalara).

#### Coal Authority Standing Advice

#### Environmental Protection

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.

#### Statutory Nuisance

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.

**Background Papers:** Planning application file(s) 22/04503/FUL

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# Northumberland

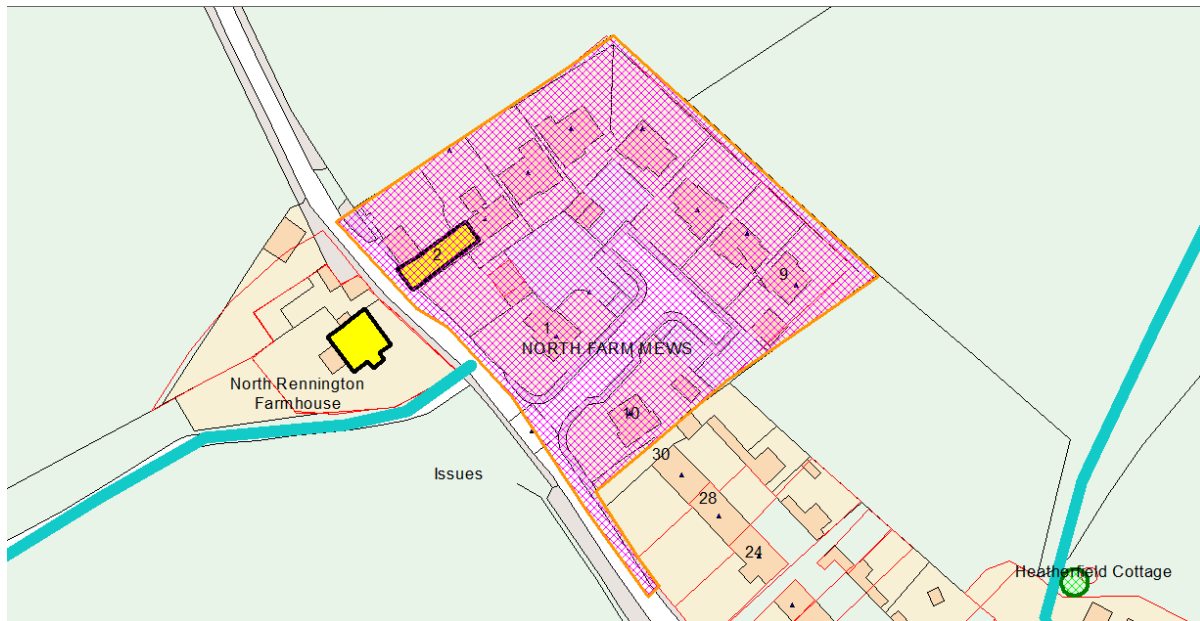
County Council

North Northumberland Local Area Planning Committee

19<sup>th</sup> October 2023

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

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 (Area of Outstanding Natural Beauty).

## 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 Renington 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=RJMSJHQSOIS00>

## **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 approach 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 (Northumberland Local Plan) 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 and consistent with guidance on impact on bats.

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 last 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.

### Discussions

7.24 The council's Street Lighting team has offered a negotiated position to remove some of the existing lights and drop the height of those in the residential development.

There remains a question of who would pay for this work. Regardless, this offer has not been accepted by the Parish Council.

## Equality Duty

7.25 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

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

## Human Rights Act Implications

7.27 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.

7.28 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.

7.29 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 nighttime 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 approach, 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

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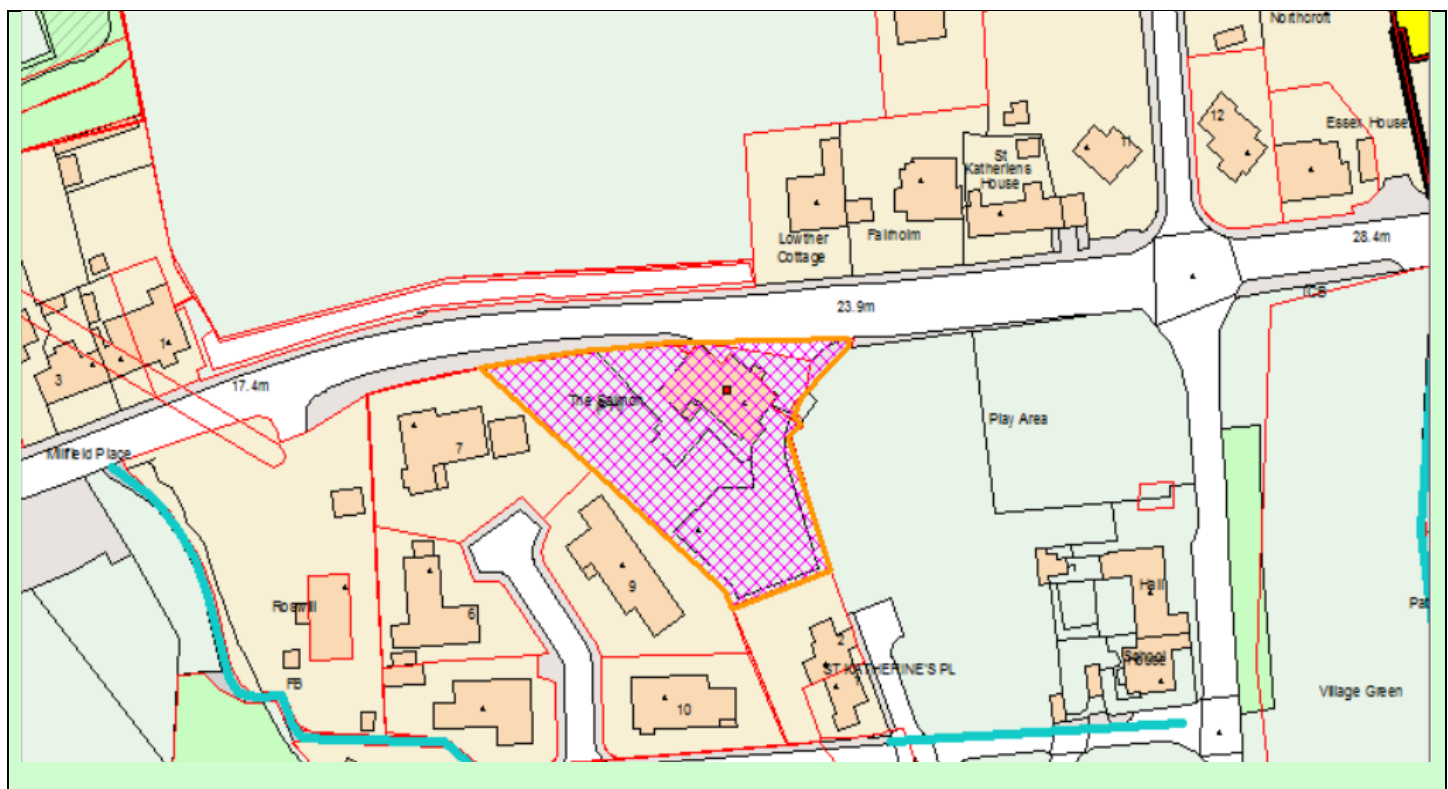


## Northumberland County Council

### North Northumberland Local Area Planning Committee 19<sup>th</sup> October 2023

<b>Application No:</b>	23/00583/FUL		
<b>Proposal:</b>	Change of use of existing public house (Sui Generis) to provide 3no. residential apartments (Use Class C3) and erection of 4no. dwellings (Use Class C3) to rear, utilising existing access off E Ord Road, with associated parking, hard and soft landscaping		
<b>Site Address</b>	The Salmon Inn, East Ord, Berwick-Upon-Tweed, Northumberland TD15 2NS		
<b>Applicant:</b>	Punch Partnerships (PML) Limited C/O Agent	<b>Agent:</b>	Miss Francesca Pepper Unit 3 Broadbridge Business Centre , Delling Lane , Bosham , PO18 8NF
<b>Ward</b>	Berwick West With Ord	<b>Parish</b>	Ord
<b>Valid Date:</b>	2 March 2023	<b>Expiry Date:</b>	31 August 2023
<b>Case Officer Details:</b>	Name: Mr James Hudson Job Title: Senior Planning Officer Tel No: 07971511133 Email: James.Hudson@northumberland.gov.uk		

**Recommendation:** That this application be GRANTED permission subject to a developer contribution of £4305 towards the Coastal Mitigation Service.



## 1. Introduction

1.1 Following an objection received from the parish council contrary to officer recommendation the application was referred to the Director of Planning and the Chairs of Planning Committee where it was resolved that the application should be determined by the Planning Committee.

## 2. Description of the Proposals

2.1 Planning permission is sought for the change of use of the existing public house (Sui Generis) to provide 3no. residential apartments (Use Class C3) and erection of 4no. dwellings (Use Class C3) to rear, utilising existing access off E Ord Road, with associated parking, hard and soft landscaping at The Salmon Inn, East Ord, Berwick-Upon-Tweed.

2.2 The 0.18ha application site is located on the southern side of East Ord Road, towards the western edge of Berwick-upon-Tweed, about 300m east from the East Ord Roundabout on the A1. The site includes the existing two-storey, stone-built Salmon Inn public house (238sqm internal floorspace), together with its car park to the south and rear beer garden to the south-west. Several trees and hedgerows bound the site. To the south-west is a cul-de-sac of large, detached bungalows at Glenside Park, with a pair of semi-detached houses at St. Katherine's Place to the south. To the east is an area of protected public open space, with a pedestrian access adjacent to the Salmon Inn car park access road, with East Ord Village Hall beyond to the south-east. There are residential dwellings on the northern side of East Ord Road to the north-east, with an agricultural field to the north.

2.3 The change of use of the public house would accommodate 3.no apartments in total. The proposed plans indicate that the pub building would be converted to a 1-bed apartment and a 2-bed apartment on the ground floor, with the first floor converted into a 2-bed apartment (with two of the bedrooms knocked through to create a living/dining room), together with some shared external communal amenity garden space.

2.4 The proposed development site for the four three-bedroom dwellings is an area of land currently serving as the garden and car park to the rear of the pub. The dwellings will be two story in height and constructed from stone with quoin detailing around the openings, with white sash windows and stone lintels, slate roof tiling with chimney stacks. Each dwelling will have a residential garden with other landscaped features surrounding the parking area which will accommodate 15 spaces arranged in an internal parking court for the 7 dwellings.

## 3. Planning History

**Reference Number:** 15/04252/ADE

**Description:** Advertisement consent for 3 no. new signs to replace existing and 1 no. hanging sign, 1 no. bull nosed A board, 2 no. internally lit menu units, 1 no. new bull nosed amenity board, 2 no Correx boards mounted on frame in a 'V' shape configuration, 1 no. additional directional car park signs to the front elevation of the premises, 2 no. station style lanterns to illuminate the

front and rear entrance and 6 no. low energy LED floodlights across front and side elevation

**Status:** PER

**Reference Number:** N/78/B/0072/P

**Description:** Alterations, extension and additional car parking

**Status:** PER

**Reference Number:** N/86/B/0098/P

**Description:** Proposed illuminated fascia and signs

**Status:** PER

**Reference Number:** N/78/B/72

**Description:** Alterations, extension and additional car parking

**Status:** PER

**Reference Number:** N/92/B/0295/P

**Description:** Proposed kitchen extension.

**Status:** PER

**Reference Number:** N/97/B/0787/P

**Description:** Proposed porch extension and internal structural alterations.

**Status:** PER

**Reference Number:** N/91/B/0051/P

**Description:** Extension to provide restaurant kitchen & enlarge bar area; revised 08.03.91.

**Status:** PER

#### 4. Consultee Responses

Public Protection	No objection, subject to condition.
Lead Local Flood Authority (LLFA)	No objection, subject to condition.
Ord Parish Council	<p>Ord Parish Council have considered the above amended Planning Application and Parish Councillors have agreed to object to this planning application on the following grounds:</p> <p>This is overdevelopment.</p> <p>There will be a loss of a valuable amenity within Ord village.</p> <p>4.2 of the marketing &amp; viability report refers to The Plough on the hill as an available restaurant. This facility is closed.</p> <p>The impact on neighbouring properties.</p> <p>All parking related to the properties must be onsite parking.</p> <p>Highways safety, there is a blind bend to the left as vehicles exit the site.</p>

	<p>This development will have an impact on climate change and carbon emissions, as the residents will need a vehicle to access work and services. The only public transport which is available in East Ord village is the No 67 bus service.</p> <p>This development must include renewables and low carbon energy in line with government and local planning guidelines to meet the climate change emission and carbon footprint reduction.</p> <p>An ACV application has been submitted on this property.</p> <p>Ord Parish Council supports the Lead Local Flood Authority's objection to this planning application.</p> <p>If Northumberland County Council are minded granting permission for the above planning application there must be a condition requesting a contribution towards local NHS services, as there are currently issues accessing services local due to available capacity.</p>
Highways	No objection, subject to condition.
County Ecologist	No objection, subject to condition and developer contribution towards coastal mitigation service.
Natural England	No objections, subject to developer contribution towards coastal mitigation service.
Public Protection	No objection subject to condition.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	8
Number of Objections	7
Number of Support	0
Number of General Comments	0

Copies of all representations received are available in the Member's Lounge and will also be made available at the meeting of the Committee

### Notices

General site notice, 22nd March 2023  
No Press Notice Required.

## Summary of Responses:

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=RQ4PWIQSFJ300>

## **6. Planning Policy**

### 6.2 Local Planning Policy

Northumberland Local Plan 2016-2036 (Adopted March 2022)

Policy STP 1 - Spatial Strategy (Strategic Policy)  
Policy STP 2 - Presumption in Favour of Sustainable Development (Strategic Policy)  
Policy STP 3 - Principles of Sustainable Development (Strategic Policy)  
Policy ENV 2 - Biodiversity and Geodiversity  
Policy ENV 3 - Landscape  
Policy HOU 2 - Provision of New Residential Development (Strategic Policy)  
Policy HOU 3 - Housing Requirements for Neighbourhood Plan Areas (Strategic Policy)  
Policy HOU 9 - Residential Development Management  
Policy HOU 11 - Homes for older and vulnerable people  
Policy QOP 1 - Design Principles (Strategic Policy)  
Policy QOP 2 - Good Design and Amenity  
Policy QOP 4 - Landscaping and Trees  
Policy QOP 6 - Delivering Well-Designed Places  
Policy TRA 1 - Promoting Sustainable Connections (Strategic Policy)  
Policy TRA 2 - The Effects of Development on the Transport Network  
Policy TRA 4 - Parking Provision in New Development  
Policy WAT 2 - Water Supply and Sewerage  
Policy WAT 4 - Sustainable Drainage Systems  
Policy INF 2 - Community Services and Facilities  
Policy INF 3 - Local village convenience shops and public houses  
Policy INF 4 - Assets of Community Value  
Policy INF 6 – Planning Obligations

### 6.2 National Planning Policy

National Planning Policy Framework (2023) NPPF  
Planning Policy Guidance (2021) PPG

### 6.3 Other Documents/Strategies

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

## **7. Appraisal**

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the

development plan, unless material considerations indicate otherwise. In this case the development plan comprises of the Northumberland Local Plan (NLP). The National Planning Policy Framework (NPPF) (2023) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 The key issues in determining this application are;

Principle of Development  
Scale, Design and Visual Impact;  
Residential Amenity;  
Highway Safety;  
Ecology;  
Climate Change  
Broadband Connectivity  
Flood Risk and Drainage  
Other Matters

### Principle of Development

7.3 The proposed development is located within the settlement boundary of Berwick-upon-Tweed. Policy STP 1 of the NLP (Northumberland Local Plan) places Berwick-upon-Tweed as a Main Town where development should be focused. Policy STP 2 is the presumption in favour of sustainable development and should meet sustainable development principles, this is echoed by the NPPF. These principles are set out in Policy STP 3.

7.4 Policy HOU2 supports the delivery of new open market dwellings where it is consistent with the spatial strategy for Northumberland.

7.5 Policy HOU5 seeks to ensure that any new housing helps contribute to meeting identified local needs, and supports the provision of good quality, energy-efficient homes. Community-led housing, including individual and group self-build and custom housebuilding, will be supported and facilitated, particularly where they will contribute to meeting local housing needs.

7.6 Policy INF 2 relates to proposals involving the loss of community services and facilities that provide for the health and wellbeing, social, educational, spiritual, recreational, leisure or cultural needs of the community. This could therefore relate to public houses. Part 1 only supports their loss where:

- a. appropriate alternative provision is made; or
- b. suitable and sufficient evidence can be provided to demonstrate that there is no longer a need for the facility to serve the community in its existing use or as an alternative community use; and
- c. suitable and sufficient evidence can be provided to demonstrate that its continued current use is no longer economically viable.

7.7 Therefore either of criteria a or b need to be satisfied while criterion c would need to be satisfied in all cases. In this case, as no alternative provision is being made, it is therefore criteria b and c that the loss should be assessed against.

7.8 The agent's Planning/Design & Access Statement advises that the pub is currently closed and economically inactive with no plans to re-open. It states at

para.1.4 that “The Salmon Inn is not a viable business and has been extensively marketed by Everard Cole for a period of 8 months at the time of this application, to all known pub operators, local and national pub companies and local investors with no interest. The only interest shown to date has been for alternative use to convert the existing building into a residential dwelling and new build residential dwellings in the land/car park to the rear. Consequently, a new use for the site is needed”.

Para.5.31 further advises that, as backed up by their submitted independent Marketing & Viability Report, “Everard Cole has been openly marketing the Salmon Inn since 23rd May 2022 and have sent 412 sets of sales particulars resulting in four viewings which no offers have been made, all interest was for alternative use. None of the viewings were for existing pub use.” They therefore consider that, given the changing market conditions and consumer trends over recent years, together with the pre-closure decline in trading performance, “the pub is seen to have very limited life as a public house”.

7.9 Their Statement goes on to list 17 other public houses, as well as 5 other community facilities, within a 3km catchment of the application site which they consider sufficiently provide for the area’s community needs and would effectively mitigate the loss of this pub, with the expansion of one competitor pub having ultimately contributed to the decreased vitality and viability of The Salmon Inn as trade reduced dramatically. It notes that the independent Marketing & Viability Report found that “residents will not suffer a shortfall in their ability to meet their day-to-day leisure needs, by virtue of the abundance of public houses and other premises in nearby Villages”.

7.10 It is therefore considered that the applicant has evidenced that there is no longer a need for the pub to serve the community in its existing use or as an alternative community use, and that suitable and sufficient evidence has been provided to demonstrate that its continued use as a public house is no longer economically viable. The requirements of Policy INF 2 have therefore been satisfied.

7.11 Subsequent to this application being submitted (and presumably in direct response to it), the Salmon Inn in East Ord was (on 12 May 2023) added to the Council’s current public register of Assets of Community Value, where Policy INF 4 would be applicable. However, this decision has been reviewed by the Economy and Regeneration Service and they have advised that the application to nominate the Property as an ACV did not meet a minimum evidential threshold. Insufficient evidence was provided to support a conclusion that the Property was being used to further the social wellbeing or social interests of the local community and therefore the statutory criteria for land of community value set out in section 88 of the Localism Act has not been met. It is therefore considered that the Salmon Inn cannot be assessed as an ACV and policy INF 4 is not applicable.

7.12 Having assessed the proposal against the policies of NLP and the NPPF it is considered that the conversion of the public house and the construction of 4.no dwellings is acceptable in this location. The principle of development is therefore acceptable and in accordance with the NLP and NPPF.

#### Scale, Design and Visual Impact

7.13 Policies QOP 1, QOP 2, QOP 4 and QOP 5 of the NLP are relevant to the proposals in relation to achieving high quality, sustainable design and well-designed places in accordance with the NPPF.

7.14 In addition to achieving good design, Policy QOP 2 of the NLP requires development to provide a high standard of amenity for existing and future users of the development itself and preserve the amenity of those living in the local area.

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

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

7.17 The proposal for the conversion of the existing public house into 3 apartments will see some external alterations - current fenestration including new window and door openings, a proposed concrete staircase to the north west elevation, and a juliet balcony with metal railings to replace an existing door. A shared amenity space will be located on the northern boundary of the site along with cycle storage. Overall it is considered that the conversion of the public house building will not have a negative impact upon the immediate site or the wider area and the external alterations will retain the character and appearance of the building.

7.18 With respect to the construction of the 4 dwellings, they will be located on land behind the public house to the south, which currently serves as the car park and garden. The layout of the proposal is for two semi-detached dwelling (Plots 1 and 2) to the north of the site, behind the public house and the amenity space for the proposed apartments and two semi-detached dwellings (Plots 3 and 4) will be located on the southern boundary of the site, where the existing car park is located. Car parking for 15 vehicles will be located centrally within the site and a shared with the layout proposing soft landscaping features such as grass verges, hedges and trees.

7.19 With respect to design and visual impact, the development will be seen in the context of the surrounding residential dwellings to the north and south of the site and the overall design of the proposal will retain the character and appearance of the surrounding residential area. The density of development will see the construction of 4.no dwellings and 3.no apartments on a site area of 0.18ha, which is considered acceptable in the context of the site and not considered an overdevelopment to warrant refusal.



7.20 It is therefore considered that the proposal is in accordance Policies QOP 1, QOP 2, QOP 4 and QOP 5 and HOU9 of the NLP and the principles of Chapter 12 of the NPPF.

### Residential Amenity

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

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

7.23 The nearest dwellings to the proposed development are that of 7 and 9 Glensdale Park located to the west of the site and 2 St Katherine's Place to the South of the site. Plot 1 will have a separation distance of approximately 9m from its side/rear elevation to the side elevation of 7 Glensdale Park and a separation distance of 12m from the side/front elevation to the rear elevation of 9 Glensdale Park. The current proposed plan shows a separation distance of approximately 17m from the rear elevations of plots 3 and 4 to the rear elevation of 9 Glensdale Park. However, following concerns raised by Officers, the applicant has agreed to move the plots forward in order to achieve a distance in line with industry standards (20 metres). Amended plans will be available for Members to consider at the committee meeting on 19<sup>th</sup> October. A separation distance of 10m from the side elevation of Plot 4 to the side elevation of 2 Katherine's Place. It is acknowledged that proposed dwellings of Plots 1 and 2 will be in close proximity to the side and rear properties of Glensdale Park, however the orientation of Units 1 and 2 will be such that it is considered that the proposed dwellings would not result in any substantive concerns regarding neighbouring amenity with regard to matters such as overlooking and loss of privacy, overbearing impacts, overshadowing or outlook.

7.24 Further to the above Northumberland's Environmental Protection (EP) Team have undertaken a technical review of the submitted information and have assessed the environmental impacts which are relevant to the development. They have advised that they have no objections to the development subject to the implementation of planning conditions in relation to noise and dust, construction hours and land contamination. The proposal is therefore considered to be in accordance with Policy QOP 2 of the Northumberland Local Plan and the NPPF.

### Highways Safety

7.25 Paragraph 110 of the NPPF looks to ensure that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; that safe and suitable access to a site can be achieved by all users; and that any significant impacts from development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree.

7.26 Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.27 Paragraph 112 also sets out that developments should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas, and second – so far as possible – facilitate access to high quality public transport. It also requires development to address the needs of people with disabilities and reduced mobility; create places that are safe and attractive; allow for efficient delivery of goods, and access by service and emergency vehicles; and enable charging of plug-in and other ultra-low emission vehicles.

7.28 Policies STP 3 and STP 4 of the NLP also cover matters in relation to the accessibility of schemes and reducing the need to travel by car and incorporate electric vehicle charging facilities. Policies TRA 1, TRA 2 and TRA 4 of the NLP are relevant to the development in terms of promoting sustainable connections, considering effects on the transport network and parking provision. Appendix E of the NLP sets out relevant parking standards for new development.

7.29 Northumberland highways team were consulted on the proposed development and initially objected due to insufficient information in respect to the site access, visibility splays, boundary treatments, vehicle parking and pedestrian connectivity. Subsequently the planning agent submitted additional information to address highways comments and the highways team responded advising that they have no objections to the proposal subject to the imposition of conditions and informative with regards to access, boundary treatments, car parking, cycle parking, construction method and refuse storage. Therefore, subject to conditions, the proposed development it is considered to accord with paragraphs 110, 111 and 112 of the National Planning Policy Framework (NPPF) and Policy TRA1 and TRA2 of the Northumberland Local Plan.

### Ecology

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

‘Development proposals affecting biodiversity and geodiversity, including designated sites, protected species, and habitats and species of principal importance in England (also called priority habitats and species), will:

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

7.30 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 site is within the buffer zone for recreational disturbance impacts on the interest features of a number of designated sites along the Northumberland coast including the Northumberland Shore SSSI, Lindisfarne Special Protection Area (SPA) and Northumbria Coast SPA. As a result, any net increase in holiday units requires mitigation via Northumberland County Councils Coastal Mitigation Service. The applicant in this case has agreed to the development contribution of £4305 towards the Council's Coastal Mitigation Service.

7.32 The county ecologist has been consulted on the proposal and have no objection to the proposed development subject to the developer contribution towards the Coastal Mitigation Service and a condition in respect to the development being in accordance with the tree protection plan as identified in the submitted Arboricultural Implications Assessment and Method Statement. Having assessed the proposal in context of the comments from the ecologist and subject to a developer contribution towards to Coastal Mitigation Service it is considered that the proposal is in accordance with the NLP and NPPF in relation to Biodiversity and Geodiversity

### Climate Change

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

7.34 Local Plan Policy QOP1 sets out 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.

7.35 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.

7.36 The supporting documents which accompany the application do not provide any information with respect to sustainable design and construction. However in this instance it is considered that given the scale of the works and minor alterations being proposed that the proposal generally accords with sustainability requirements of the NLP and does not require a condition to ensure that the proposal will be constructed in accordance the requirements of Local Plan Policies QOP1 and QOP5.

### Broadband Connectivity

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

7.38 The current application does not state whether full-fibre broadband connections are proposed. It is recommended that further details of the proposed broadband

connectivity for the development be secured by condition, in accordance with Policy ICT2 of the Northumberland Local Plan and Paragraph 114 of the NPPF.

### Flood Risk and Drainage

7.39 The NPPF advises that development should be directed towards areas at lowest risk from flooding and that Local Planning Authorities should ensure that development does not increase flood risk elsewhere. The site lies within Flood Zone 1 and is therefore considered to be at low risk of flooding.

7.40 The application site is located within Flood Zone 1, with a low risk from fluvial flooding. The Council's LLFA team has been consulted on this application and initially objected to the proposal and advised that there is existing surface water flood risk in the area and requested a Drainage Strategy to be submitted. Subsequently the applicant/agent has submitted a FRA/Drainage Strategy and a SUDS assessment to address the initial concerns raised by the Council's LLFA team. After receiving additional information, the LLFA have removed their objection to the proposal and recommended conditions.

7.41 It is therefore considered that subject to condition the proposal is acceptable from a flood risk management perspective and is in accordance with Policies WAT 3 and WAT 4 of the Northumberland Local Plan and the NPPF.

### Other Matters

7.42 During the consultation period 7.no neighbour objections were received, the main objection is in regard to the loss of the public house, these matters are addressed in the principle of development section of this report. Concerns are also raised in respect to highways safety, these matters have been addressed by Northumberland highways team and it is considered that subject to the recommended conditions the development will be safe from a highways perspective. With respect to comments from East Ord Parish Council, there is no policy requirement in this instance to secure a contribution towards NHS services and it would be unreasonable to request this as part of the planning process.

### Equality Duty

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

### Crime and Disorder Act Implications

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

### Human Rights Act Implications

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

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

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

## **8. Conclusion**

8.1 It is considered that the proposal will result in an acceptable form of development that will be consistent with the appearance and character of the area without causing unacceptable detriment on amenity levels or on the appearance of the surrounding street scene. Subject to a legal agreement in relation to coastal mitigation and conditions in respect to ecology, highways safety, design and drainage the proposal is in accordance with the Northumberland Local Plan and National Planning Policy Framework.

## **9. Recommendation**

That this application be GRANTED permission subject to a developer contribution of £4305 towards the Coastal Mitigation Service and subject to the following:

### Conditions

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

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

02. The development hereby permitted shall not be carried out other than in complete accordance with the following approved plans and documents:

Site Location Plan drawing - 23.3405.000\_P2  
Proposed First Floor Plan drawing 23.3405.102\_P1  
Proposed Roof Plan drawing - 23.3405.103\_P1  
Proposed Floor and Roof Plan Plots 1 and 2 drawing - 23.3405.104\_P2  
Proposed Elevations Plots 1 and 2 drawing - 23.3405.105\_P3  
Proposed Floor and Roof Plan Plots 3 and 4 drawing - 23 3405 106 REV P2  
Proposed Elevations Plots 3 and 4 drawing - 23 3405 107 REV P3  
Proposed North East and North West Elevation - Conversion drawing - 23.3405.109  
REV P2 dated April 2023  
Proposed South West and South East Elevation - Conversion drawing - 23.3405.110  
REV P2 dated April 2023  
Proposed Ground Floor Plan - Conversion - drawing 23.3405.100 REV P11 dated  
July 2023  
Proposed Ground Floor Plan - Conversion - drawing 23.3405.101 REV P4 dated July  
2023  
Proposed Site Section - drawing 23.3405.108 - REV P10 -dated July 2023  
Proposed Street Scene E Ord- drawing - 23.3405.111 REV P6 - dated June 2023  
Drainage and FRA document - 23079 - dated 26/7/2023  
SuDS Georeport ref - BGS\_333816/46606  
Transport Assessment - uploaded 28 Jul 2023  
Topographic Survey drawing - 23.3405.001 REV P1 - dated Feb 2023  
Swept Path Analysis - drawing 2301-010 SP13A  
Swept Path Analysis - drawing 2301-010 SP14A  
Swept Path Analysis - drawing 2301-010 SP15A  
Swept Path Analysis - drawing 2301-010 SP16A  
Swept Path Analysis - drawing 2301-010 SP17A  
Swept Path Analysis - drawing 2301-010 SP18A  
Swept Path Analysis - drawing 2301-010 SP19A  
Swept Path Analysis - drawing 2301-010 SP20A  
Swept Path Analysis - drawing 2301-010 SP21A

Reason: To ensure the development is carried out in accordance with the approved plans and in accordance with Local and National Planning

03. Development shall not commence until a Construction Method Statement, together with supporting plan has been submitted to and approved in writing by the Local Planning Authority. The approved [Demolition and / or Construction Method Statement] shall be adhered to throughout the demolition/ construction period. The [Demolition and/ or 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 saved Policies TRA2 of the Local Plan.

04. The development shall not be/ No dwelling shall be occupied 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 saved Policies TRA 4 of the Local Plan.

05. Development shall not commence until details of the proposed highway works have been submitted to and approved in writing by the Local Planning Authority. The building(s) shall not be occupied until the highway works have been constructed in accordance with the approved plans.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and saved Policy TRA 2 of the Local Plan.

06. The development shall not be/ No dwelling shall be occupied until cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times

Reason: In the interests of highway safety ,residential amenity and sustainable development, in accordance with the National Planning Policy Framework and saved Policies TRA 1 of the Local Plan

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

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

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

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

09. No external refuse or refuse container 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 saved Policies of the Local Plan.

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

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

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

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

Reason: To ensure that risks from land contamination are minimised, in accordance with the NLP and NPPF.

11. Prior to the development being brought into use or continuing in use the applicant shall submit a verification report to the Local Planning Authority for its written approval. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved remediation strategy. Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met. [Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition].

Reason: To ensure that risks from land contamination are minimised, in accordance with the NLP and NPPF.

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

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



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

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

Reason: To ensure that risks from land contamination are minimised, in accordance with the NLP and NPPF.

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

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

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

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

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

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

Reason: To ensure a commensurate level of protection against dust in accordance with the NLP and NPPF.

15. No development will take place unless in accordance with the tree protection measures included in the report Arboricultural Implications Assessment and Method Statement for The Salmon Inn, East Ord, Berwick upon Tweed (EcoUrban Arboricultural, February 2023).

Reason: to maintain the biodiversity and landscape value of the site in accordance with polices ENV2 and QOP4 of the Northumberland Local Plan.

16. 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.

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.

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

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

18. Prior to the construction of any dwelling above damp-proof course level, a scheme to demonstrate how at least 20% of the market dwellings and 50% of the affordable dwellings on the site 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 implemented and 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.

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

Reason: To retain control over the external appearance of the development in the interests of amenity and in accordance with the provisions of the NLP and NPPF.

20. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification), no extensions, porches, dormer windows, roof lights or free standing buildings or structures shall be added to or constructed within the curtilage of the dwellings hereby permitted without the prior grant of planning permission from the Local Planning Authority.

Reason: In order that the impact on the appearance of the dwelling house and on neighbouring properties of any additions or curtilage buildings may be properly assessed in the interests of amenity and in accordance with QOP 1 and QOP 2 of the NLP.

## Informatives

1. You are advised that offsite highway works required in connection with this permission are under the control of the Council's Technical Services Division and will require an agreement under section 278 of the Highway Act 1980. These works should be carried out before first occupation of the development. All such works will be undertaken by the Council at the applicant's expense. You should contact Highway Development Management at [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk) to progress this matter.
2. You should note that a highway condition survey should be carried out before the commencement of construction vehicle movements from this site. To arrange a survey contact Highway Development Management at [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk).
3. The following highway works will be agreed under the terms of Section 278 of the Highways Act 1980: \*\*\*\*
4. 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.
5. In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.
6. You should note that Road Safety Audits are required to be undertaken. Northumberland County Council offer this service. You should contact [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk) or 01670 622979.
7. 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.
8. 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.
9. 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 (as amended) 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. Amphibians, reptiles and mammals such as hedgehog and red squirrel also have legal protection, with great crested newt afforded additional protection under the Conservation of Habitats and Species Regulations 2017 (as amended).

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 good chance of encountering protected species during works.

Care should be taken when removing any roof coverings, window frames or other external features which may support bats or nesting birds.

If protected species such as bats, great crested newt 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 the National Bat Helpline on 0345 1300 228

<https://www.bats.org.uk/advice/bat-found-during-building-works>

The Chartered Institute of Ecology and Environmental Management has an online professional directory should assistance be required.

<https://cieem.net/i-need/finding-a-consultant/>

10. The applicant should note that where sites are very overgrown or have features such as log piles or piles of stones there may be risk of causing harm to species protected under law from killing or injury such as reptiles, or species of principal importance such as hedgehogs. Any vegetation or materials clearance be carried out gradually and with due care and attention.

All works on sites close to watercourses will follow the guidance contained in the Pollution Prevention Guidelines: Works and maintenance in or near water. Further information can be found at this link: <https://www.gov.uk/guidance/pollution-preventionfor-businesses> All fuel and chemicals used on site should be kept on an impervious base within a secondary containment system such as a bund, not within 10m of any watercourse, and above flood water level.

**Background Papers:** Planning application file(s) 23/00583/FUL

# NORTHUMBERLAND

Northumberland County Council

**NORTHUMBERLAND COUNTY COUNCIL  
North Northumberland Local Area Planning Committee  
19<sup>TH</sup> October 2023**

## **ITEM FOR DECISION**

### **TREE PRESERVATION ORDER TOWN AND COUNTRY PLANNING ACT 1990**

**Northumberland County Council  
(Land at St Peters Close, Glanton, Northumberland)  
Tree Preservation Order 2023  
(no. 3 of 2023)**

#### **1. Introduction**

1.1 The purpose of the report is to consider confirming the above Tree Preservation Order following expiry of the statutory period for objections.

#### **2. Implications**

2.1 Policy: Recommendation accords with Northumberland Local Plan and the NPPF 2023.

Finance: There is a risk of a claim for compensation for refusal of consent under the TPO.

Personnel: Officer time assessing the proposal, preparing and serving documentation.

Property: No Council property is affected.

Human Rights: The individual's rights to the enjoyment of their property is affected.

#### **3. Background**

3.1 A provisional Tree Preservation Order (TPO) was made on 9 trees (Sycamore, Ash and Oak) within the newly completed St Peters Close, Glanton on 18<sup>th</sup> May 2023 under delegated powers. The provisional TPO was made following a request from Glanton Parish Council. At the time of the request the site was under development for the creation of 6no. new dwellings. The original application of 17/00209/FUL has had several variations,

21/02289/VARYCO  
21/04081/VARYCO  
22/01688/VARYCO

22/00087/VARYCO

The variations have related to the layout of the site, and changes to tree protection plans and tree survey updates to reflect changes on the site and the passage of time since the original tree survey was undertaken in 2017.

This application was reported to virtual Strategic Committee in August 2020 where it was approved subject to conditions and a S106 agreement to secure a replacement playing pitch, a coastal mitigation contribution, affordable housing contribution, education contribution, healthcare contribution and an obligation to provide public open space in perpetuity and the provision of a children's play area either on site or off site. The S106 has not yet been finalised and the application is therefore pending a decision.

3.2 The Town Council made the request for the TPO on the basis that the trees are an integral part of the street scene and are at risk of removal because of the proposed development.

3.3 The request submitted also asked for around 13 or so smaller trees of mixed species to be covered by TPOs and some other larger trees at the existing site entrance off Prudhoe Street. Officers considered the inclusion of these trees however it was determined that the individual trees were either not well placed to make a strong positive contribution or were not of a suitable condition to be retained. Therefore, the provisional TPO was created to cover the 204 Lime trees that bound the site.

#### **4. Planning History**

17/00209/FUL Construction of 6 no. residential units with associated garaging -  
Amended 30/10/17  
Land South Of The Juries The Causeway Glanton Northumberland  
Status: Permitted

21/04081/VARYCO Variation of condition : 15 (Tree protection) in order to update  
tree survey take into account passage of time on approved application  
17/00209/FUL  
Land South Of The Juries The Causeway Glanton Northumberland  
Status: Refused

21/03690/DISCON Discharge of condition 15 (Tree Protection Plan) on approved  
application 17/00209/FUL.  
Land South Of The Juries The Causeway Glanton Northumberland  
Status: Refused

21/02289/VARYCO Variation of condition 2 (approved plans) on approved  
application 17/00209/FUL to substitute housing to bungalows in "farmstead" layout  
Land South Of The Juries The Causeway Glanton Northumberland  
Status: Permitted

21/00360/DISCON Discharge of condition : 18 (archaeology) on approved application 17/00209/FUL  
Land South Of The Juries The Causeway Glanton Northumberland  
2021 | Status: Decided

21/00355/DISCON Discharge of condition 18 (archaeology) of application 17/00209/FUL  
Land South Of The Juries The Causeway Glanton Northumberland  
Status: Decided

21/00314/DISCON Discharge of condition 13 (foul and surface water) of application 17/00209/FUL  
Land South Of The Juries The Causeway Glanton Northumberland  
Status: Permitted

21/00305/DISCON Discharge of condition 8 (street maintenance) of application 17/00209/FUL  
Land South Of The Juries The Causeway Glanton Northumberland  
Status: Permitted

21/00315/DISCON Discharge of condition 14 (landscaping plan) of application 17/00209/FUL  
Land South Of The Juries The Causeway Glanton Northumberland  
Status: Permitted

## **5. Planning Policy**

### 4.1 National Planning Policy

National Planning Policy Framework (2023)

Planning Practice Guidance (2021 as updated)

### 4.2 Development Plan Policy

QOP4 Landscaping and trees

### 4.3 Other Documents/Strategies

Planning Practice Guidance Suite: Tree Preservation Orders and Trees in Conservation Areas, 6th March 2014.

## **6. Representations**

6.1 A letter has been received from the owner of 2 St Peters Close, Mr Smith. The letter queries the requirement for the TPO and the detail of the TPO itself in the following points:

1. There are two Ash trees located within the curtilage of 2 St Peters Close. Both trees are of concern to the owner as they are in poor condition.

2. One tree has been identified as having Ash Dieback and has been pollarded prior to the creation of the TPO following professional advice. The other has a large split in the trunk and is held together by use of strapping.

## 7. Assessment

7.1 Taking the points above the response is as follows:

1. The provisional TPO was created as an Area TPO without any formal assessment of the 9no. trees within the area. This approach is valid and was utilised on this occasion as it was acknowledged that the trees would be vulnerable to works being carried out in the time between the trees being assessed and the TPO created. The trees are not within the Glanton Conservation Area and as such there were no other protections in place prior to the creation of the TPO.
2. It is noted by Officers that there are significant defects with both of the trees in the garden of 2 St Peters Close and when they have been formally assessed they do not meet the required standard to be deemed suitable for a TPO.
3. The TPO is therefore proposed to be modified to be taken from an Area TPO covering 9no. trees to a TPO with 7 individual trees identified. The trees in the curtilage of 2 St Peters Close will not be included in the revised TPO for the reasons stated above.

7.2 The other 7no. trees on this site are worthy of protection through the creation of the TPO as they are an intrinsic feature within the landscape and to not protect them against removal now and in the future could cause detriment to the character and appearance of the street scene and the wider landscape.

## 8. Recommendation

It is **recommended** that the Tree Preservation Order be confirmed with the specified modification for the reasons set out at paragraphs 7.1 – 7.2 above.

**Background Papers:** Planning application file(s) 17/00209FUL  
21/02289/VARYCO  
21/04081/VARYCO  
22/01688/VARYCO  
22/00087/VARYCO





# Northumberland County Council

## Appeal Update Report

Date: October 2023

### Planning Appeals

**Report of the Director of Planning**

**Cabinet Member:** Councillor CW Horncastle

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#### **Purpose of report**

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

#### **Recommendations**

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

#### **Link to Corporate Plan**

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

#### **Key issues**

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



# Recent Planning Appeal Decisions

## Planning Appeals Allowed (permission granted)

Reference No	Proposal and main planning considerations	Award of costs?
22/01992/OUT	<p>Outline permission (all matters reserved) for erection of 1no. dwellinghouse with granny annex (C3 use class) - land north west and south east of The Haven, Back Crofts, Rothbury</p> <p>Main issues: fails to address highway safety matters in relation to site access and manoeuvrability.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
22/03217/FUL	<p>Erection of a forestry shelter and the location of a storage container (retrospective) - land east of Aydon Dipton Woods, Corbridge</p> <p>Main issues: development in the open countryside and inappropriate development in the Green Belt.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No
22/03876/FUL	<p>A storage shed and polytunnel to support existing woodland maintenance – land at south east of Pit Allotment Wood, Corbridge</p> <p>Main issues: inappropriate development in the Green Belt.</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>	No – claim refused.

## 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?
None		

## Planning Appeals Withdrawn

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

## Planning Casework Unit Referrals

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

## Planning Appeals Received

### Appeals Received

Reference No	Description and address	Appeal start date and decision level
21/03396/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 &amp; 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</p>	<p>2 November 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

	<p>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>	
21/03397/LBC	<p>Listed Building Consent for demolition of existing outbuilding(s) and extension(s) to 4 &amp; 5 Front Street with replacement extension(s), internal alterations and alterations to boundary walls – 4 and 5 Front Street, Capheaton</p> <p>Main issues: proposals result in harm to the heritage assets without clear and convincing justification of this harm or public benefits to outweigh the harm.</p>	<p>2 November 2022</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/01833/FUL	<p>Development of 60 no. Pitches for holiday accommodation comprising touring caravan/campervan pitches and tents – land 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>10 January 2023</p> <p>Delegated Decision - Officer 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 Decision - Officer 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>25 January 2023</p> <p>Delegated Decision - Officer Recommendation:</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 Northumbria Coast SPA and Ramsar Site and the North Northumberland Dunes SAC.</p>	Refuse
22/04634/FUL	<p>Demolition of detached garage and construction of side extension – Middlesteads Farm, Longhirst</p> <p>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.</p>	<p>16 February 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/01297/FUL	<p>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</p> <p>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.</p>	<p>21 February 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/02704/CLEXIS	<p>Certificate of Lawful Development – Existing use for the siting of a caravan for residential purposes – land north of east of South Linden House, Longhorsley</p> <p>Main issues: it is not possible to conclude that the building has been used for a continuous period of 4 years as a dwelling.</p>	<p>27 February 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
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</p>	<p>21 March 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

	mitigated.	
22/01012/FUL	<p>Conversion of agricultural buildings to create one dwelling including a link extension and detached garage – development site at Barley Hill House Barn, Kiln Pit Hill, Consett</p> <p>Main issues: design fails to reflect the character or appearance of the listed farm building and results in harm to the character and appearance of the listed building.</p>	<p>17 May 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/04060/FUL	<p>Erection 2no 2-storey 4 bed detached dwellings (validated 06/01/23, notice served) - land south west of 21 Front Street, East Bedlington</p> <p>Main issues: fails to demonstrate that safe access and egress for vehicular, cyclist and pedestrian traffic can be achieved; fails to demonstrate appropriate off-street car parking provision; fails to demonstrate that appropriate ground gas protection has been incorporated into the development; fails to demonstrate how surface water and flood risk will be mitigated on site; and absence of completed planning obligation securing a contribution to the Council's Coastal Mitigation Scheme or other suitable mitigation to address effects on the Northumbria Coast SPA and Northumberland Shore SSSI.</p>	<p>26 May 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/04096/OUT	<p>Outline planning permission for residential development for up to four dwellings (All Matters Reserved) with demolition of existing structures - resubmission of application 19/01511/OUT - land at Moor Farm Estate, Station Road, Stanington</p> <p>Main issues: proposal would permanently urbanise an open site to the detriment of the rural, dispersed, open character of the site and its surroundings.</p>	<p>5 June 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/02870/FUL	<p>Construction of 8no. bungalows with associated access, parking and landscaping – land north of Hartford Court, East West Link Road, Cramlington</p> <p>Main issues: loss of open space; design, density, siting and layout does not respect the character of the area or contribute to a strong sense of place; impacts on residential amenity; fails to demonstrate how surface water and flood risk will be mitigated on site; fails to demonstrate that safe access and</p>	<p>7 June 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

	egress for vehicular, cyclist and pedestrian traffic can be achieved; fails to promote the use of sustainable travel within the development; and absence of completed planning obligation securing a contribution to the Council's Coastal Mitigation Scheme or other suitable mitigation to address effects on the Northumbria Coast SPA and Northumberland Shore SSSI.	
22/03128/FUL	Proposed construction of 3 bedroom dormer bungalow – land south east of 4 Studley Drive, Swarland  Main issues: loss of landscaping and detrimental impact on the character and appearance of the area; and subdivision of the plot would have a harmful impact on the character and appearance of the area.	13 June 2023  Delegated Decision - Officer Recommendation: Refuse
23/00732/FUL	Retrospective - Proposed full timber decking outdoor seating area with timber frame outbuilding / shed for outdoor store and service area – The Schooner Hotel, 8 Northumberland Street, Alnmouth  Main issues: harm to heritage asset and no public benefits have been demonstrated to outweigh the identified harm.	15 June 2023  Delegated Decision - Officer Recommendation: Refuse
23/01214/VARYCO	Removal of condition 3 (Footpath 1 (HDM)) and 4 (Footpath 2 (HDM)) on approved application 21/04875/FUL - land north of Southcroft Stables, The Croft, Ulgham  Main issues: the proposed removal would not promote sustainable connectivity between the wider development and existing infrastructure.	26 June 2023  Delegated Decision - Officer Recommendation: Refuse
22/04676/LBC	Listed Building Consent for alterations comprising inserting one window with shutter in South facing gable wall, and the replacement of existing window with fully glazed panel and shutter on West elevation (Amended Description) - The Cottage, Riding Home Farm, Acomb, Hexham  Main issues: less than substantial harm to the character and significance of the listed building that has not been justified.	27 June 2023  Delegated Decision - Officer Recommendation: Refuse
23/01138/ADE	Advertisement consent for 1no. totem sign – Lidl, Hexham Gate Retail Park, Hexham  Main issues: harm to the visual amenity of the site and wider area, including the setting of designated heritage assets and the townscape.	5 July 2023  Delegated Decision - Officer Recommendation: Refuse



22/04675/FUL	<p>Proposed 1.5 storey extension to the rear will provide a new staircase; two extensions onto the west gable will provide two storeys of additional living accommodation, plus a single storey link to the updated outbuilding to be clad in timber; the two storey and 1.5 storey extensions to have roof pitches; double garage with timber clad; the landscape and ground levels will be updated to provide access to the garage and accommodate the extensions - The Hott, Thorngraston, Hexham</p> <p>Main issues: design would not be in keeping with the traditional character and appearance of the dwelling, existing buildings and surrounding area and would be detrimental to visual amenity and fails to preserve the significance of non-designated heritage assets; and insufficient information to consider the archaeological impacts of the development.</p>	<p>17 July 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/04104/FUL	<p>Change of use, conversion and alteration of the existing buildings to create 6 holiday let units, including landscaping and boundary treatments – 58-60 Middle Street, Spittal</p> <p>Main issues: lack of detail in respect of parking and ecology; and design has not been informed by a structural survey and results in harm to heritage assets.</p>	<p>18 July 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/04526/FUL	<p>Erection of single dwelling with associated access and residential garden – land south-east of The Courtyard, Matfen</p> <p>Main issues: unsustainable and isolated location within the open countryside; insufficient information to fully consider the ecological impacts of the proposal; and insufficient information to fully consider the impact on existing trees.</p>	<p>16 August 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
23/00494/FUL	<p>Removal of conservatory to west elevation and construction of two storey side and rear extensions and raising of ridge height – 32 Linden Way, Darras Hall, Ponteland</p> <p>Main issues: inappropriate design with detrimental impact on the character and visual appearance of the existing dwelling and street scene.</p>	<p>17 August 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
20/00230/FUL	<p>Full planning permission for 63 no. dwellings with associated infrastructure and landscaping (as amended) - land south of</p>	<p>17 August 2023</p> <p>Committee Decision – Officer</p>



	<p>Broomhouse Lane, Station Road, Prudhoe</p> <p>Main issues: insufficient information to demonstrate that the development would deliver an appropriate mix of housing to meet local housing need; new access with associated disturbance and visual impacts would have a harmful impact on the character and visual amenity of the area and the amenity and living conditions of residents; and insufficient information in respect of energy efficiency measures.</p>	<p>Recommendation: Approve</p>
22/03923/FUL	<p>Proposed first floor extension to dwelling house (as amended 25.05.2023) - 14 Castle Street, Norham</p> <p>Main issues: the development fails to conserve and enhance the Norham Conservation Area and results in harm to the Conservation Area that is not outweighed by public benefits.</p>	<p>18 August 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
22/04546/CLEXIS	<p>Certificate of existing lawful development for the siting of a twin unit caravan for ancillary residential use as an annexe within the existing residential curtilage – Old Field, Catton, Hexham</p> <p>Main issues: the caravan is not within the residential curtilage so would require planning permission and would have a significant degree of permanency constituting development – the caravan would not be lawful.</p>	<p>24 August 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
21/04346/FUL	<p>Replace existing building (3no flats/14 no bed sit spaces) with 3no detached houses with 18 bed spaces to be used as holiday accommodation (as amended 20th April 2023) - On the Beach, Harbour Road, Beadnell</p> <p>Main issues: the proposed units would not enhance and reinforce the local distinctiveness of the conservation area and would not integrate with the surrounding built environment; and identified harm is less than substantial but it has not been demonstrated the public benefit outweighs the harm.</p>	<p>29 August 2023</p> <p>Committee Decision - Officer Recommendation: Approve</p>
22/04752/FUL	<p>Change of use and siting of 2no. chalets to be used as holiday accommodation – Rookwood House, Widdrington Village</p> <p>Main issues: development within the open countryside; harm to the setting of the adjacent Grade I listed church; incongruous</p>	<p>30 August 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

	additions in the open countryside resulting in an urbanising effect of a rural environment; and a unilateral undertaking has not been completed to secure contributions to the coastal mitigation service.	
23/01093/FUL	Proposed single storey rear extension, extend above roof above and rear dormer addition – Pethfoot Lodge, Cragside  Main issues: incongruous and inappropriate form of development that would be out of character with the existing property and have a harmful impact upon the character and appearance of the site and surrounding area.	5 September 2023  Delegated Decision - Officer Recommendation: Refuse
23/02030/FUL	Proposed erection of holiday dwelling with associated access and residential garden – land south east of The Courtyard, Matfen  Main issues: development in the open countryside; and insufficient information to fully consider the ecological impacts of the proposal.	15 September 2023  Appeal against non-determination

## Recent Enforcement Appeal Decisions

### Enforcement Appeals Allowed

Reference No	Description and address	Award of costs?
None		

### Enforcement Appeals Dismissed

Reference No	Description and address	Award of costs?
None		

### Enforcement Appeals 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
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
22/01092/COU	Construction of a multi use arena, erection of an animal shelter and provision of gravelled parking area	25 April 2023
21/00080/ENDEVT	Installation of hardcore - land to north of Kiln Cottage, Newton-on-the-Moor	13 June 2023

## Inquiry and Hearing Dates

Reference No	Description and address	Inquiry/hearing date and decision level
21/02077/FUL	<p>Proposed construction of 13no dwellings (including 2no affordable dwellings), creation of new access, car parking and soakaways (amended description) - land south east of The Manor House, Riding Mill</p> <p>Main issues: harm to the character and appearance of the site and surrounding area and curtilage listed boundary wall; harm to residential amenity; does not make sufficient provision for affordable housing on the site;</p>	<p>Hearing – 12-13 September 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>

	insufficient information to fully assess the impacts of the proposed development on ecology and biodiversity and net gain for biodiversity; does not secure necessary planning obligations in respect of affordable housing, open space and education.	
21/03915/LBC	<p>Listed Building Consent for demolition of a section of existing curtilage listed boundary wall to create access for residential development – land south east of The Manor House, Riding Mill</p> <p>Main issues: loss of historic fabric and unacceptable alteration of the historic curtilage listed boundary wall.</p>	<p>Hearing 12-13 September 2023</p> <p>Delegated Decision - Officer Recommendation: Refuse</p>
19/01362/REM	<p>Reserved matters application for appearance, landscaping, layout and scale for proposed 150 residential dwellings (use class C3) including 30% affordable housing, countryside park including car park, pursuant to approved outline planning application 16/00078/OUT (revised description 8th August 2022) - land west of Lancaster Park, Pinewood Drive, Lancaster Park, Morpeth</p> <p>Main issues: by virtue of the layout, scale and appearance, the design fails to preserve or make a positive contribution to local character and distinctiveness and the site's surroundings and does not demonstrate high quality sustainable design; and there is no effective and safe access and egress to the existing transport network.</p>	<p>Hearing – 30 August 2023</p> <p>Committee Decision - Officer Recommendation: Approve</p>

## Implications

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

### Background papers

Planning applications and appeal decisions as identified within the report.

### Report author and contact details

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# Northumberland

## County Council

# S106 Agreements Update Report

## August 2023

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

**Cabinet Member:** Councillor Colin Horncastle

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### **Purpose of report**

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

### **Recommendations**

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

### **Link to Corporate Plan**

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

### **Key issues**

This month's report provides details on new S106 agreements and unilateral undertakings completed during the month of August 2023



## New Agreements

<b>August</b>	<b>New Agreements completed during month</b>
23/00695/FUL	Plessey Hall Stables, Plessey Hall Farm, Shotton Lane, Cramlington,
22/04429/ful	14 Castle View Seahouses
23/00507/FUL	The Horseshoes, Rennington, Alnwick, NE66 3RS
21/00759/FUL	Land at Former Ammonite Windmill, Haggerston, Dovecote, Berwick-Upon-Tweed
21/001817/ful	Land South of 2 Wembley Gardens, Cambois,
23/00705/OUT	Land West of 2 Wembley Gardens, Cambois,
23/01797/FUL	Land at Bucklaw Cottage, Alnwick
22/04104/FUL	58-60 Middle Street, Spittal, Berwick Upon Tweed, TD15 1RZ (Appeal)
21/04043/ful	Marshall Meadows County House Hotel Berwick
22/04374/FUL	Hunting Hall Farm, U1042 Road to Hunting Hall, Lowick,
22/04276/ful	Fenwick Granary Farmhouse Belford
DofV 1901346OUT	Rogerson Road Belford

## Payment of Awards August 2023

<b>Awards Paid Out</b>	<b>Project</b>	<b>Amount Paid</b>
BARNESBURY CYCLING CLUB	New cycling starter gates	£10,400
HEXHAM TENNIS CLUB	Padle Court	£21,000
CORBRIDGE TENNIS CLUB	New flood lights	£5,234

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



# Implications

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

## Background papers

Planning applications and 106 Agreements

## Report author and contact details

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