

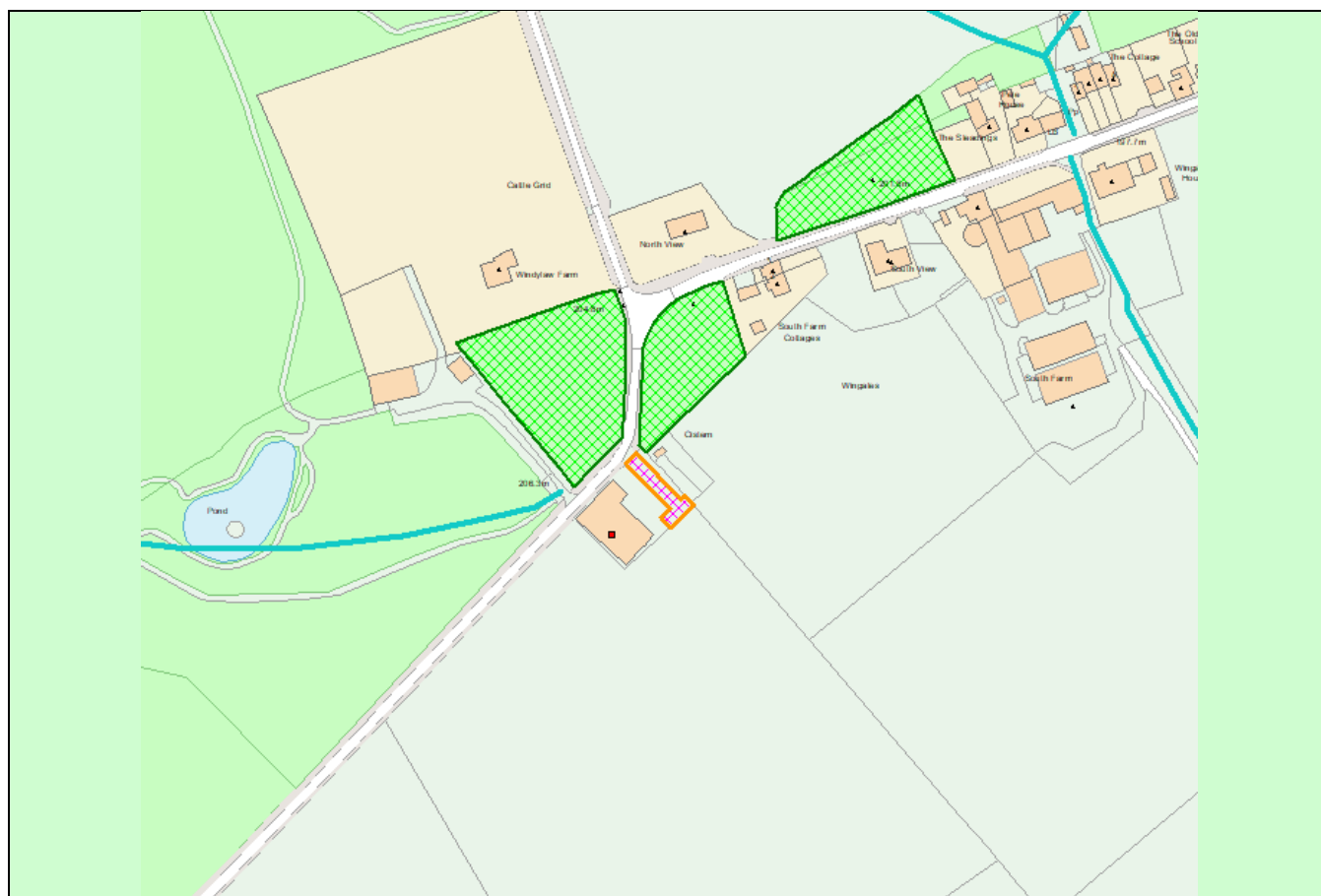


Northumberland County Council

North Northumberland Local Area Council Planning Committee
18th August 2022

Application No:	22/01252/FUL		
Proposal:	Replace portacabin (office) with permanent residential unit including new site office		
Site Address	Wingates Sawmill, Wingates, Morpeth, Northumberland NE65 8RW		
Applicant:	Mr David Troup Wingates Sawmill, Wingates, Morpeth, Northumberland NE65 8RW	Agent:	Mr Stephen Thompson The Letch, Gorfenletch, Morpeth, Northumberland NE61 3DW
Ward	Longhorsley	Parish	Nunnykirk
Valid Date:	16 May 2022	Expiry Date:	11 July 2022
Case Officer Details:	Name: Mrs Hannah Nilsson Job Title: Planning Officer Tel No: 01670 620332 Email: hannah.nilsson@northumberland.gov.uk		

Recommendation: That this application be REFUSED permission



1. Introduction

1.1 This application falls to be determined by North Northumberland Local Area Council Planning Committee due to recommendation for refusal contrary to parish council support.

1.2 In accordance with the Council's Scheme of Delegation the application has been reviewed by the Committee Chairs and the Director of Planning who requested that the application be determined by committee for the reason that it does raise issues of strategic, wider community or significant County Council Interest.

2. Description of the Proposals

2.1 Planning permission is sought for the replacement of a portacabin (office) with permanent residential unit including new site office at Wingates Sawmill, Wingates, Northumberland.

3. Planning History

Reference Number: A/88/A/74

Description: Sawmill development

Status: REF

Reference Number: A/2003/0146

Description: Sawmill and woodstore replacement of building

Status: PER

4. Consultee Responses

Nunykirk Parish Council	Support but ask whether any extra parking provision would be available for staff parking within the site.
Highways	Object, concerns so significant that no reasonable action is likely to address the concern.
County Ecologist	No objection subject to a condition.
Public Protection	No response received.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	4
Number of Objections	0
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, 7th June 2022
No Press Notice Required.

Summary of Responses:

No representations have been received.

The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=R9VJCEQS0MZ00>

6. Planning Policy

6.1 Development Plan Policy

STP 1 - Spatial strategy (Strategic Policy)

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

STP 3 - Principles of sustainable development (Strategic Policy)

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

STP 5 - Health and wellbeing (Strategic Policy)

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

HOU 5 - Housing types and mix

HOU 8 - Isolated residential development in the open countryside

HOU 9 - Residential development management

QOP 1 - Design principles (Strategic Policy)

QOP 2 - Good design and amenity

QOP 5 - Sustainable design and construction

TRA 1 - Promoting sustainable connections (Strategic Policy)

TRA 2 - The effects of development on the transport network

TRA 4 - Parking provision in new development

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

ENV 2 - Biodiversity and geodiversity

ENV 3 - Landscape

WAT 2 - Water supply and sewerage

INF 1 - Delivering development related infrastructure (Strategic Policy)

INF 6 - Planning obligations

ICT 2 - New developments

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

PPG - Planning Practice Guidance (2021, as updated)

6.3 Other Documents/Strategies

N/A.

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, and following its recent adoption by the council, the development plan comprises policies in the Northumberland Local Plan (NLP).

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

- Principle of the development
- Design, Scale and Visual Impact
- Impact upon residential amenity
- Highway Access and Safety
- Ecology
- Sewage
- Noise/Contamination
- Broadband Connectivity

Principle of the Development

7.3 Policy STP 1 of the NLP sets the spatial strategy for the county. Part d. of Policy STP 1 sets out that in order to support the social and economic vitality of rural areas and recognising that development in one village can support services and facilities in other nearby villages, Small Villages listed in Appendix A will support a proportionate level of development subject to Green Belt policy considerations where relevant. Wingates is defined as a Small Village in Appendix A.

7.4 Notwithstanding this, it is considered that the application site is clearly separate from the built form of the village. It is therefore considered that the application site would fall within the definition of open countryside, as set out in paragraph 4.48 of the preamble to Policy STP 1 of the NLP "Land not within, or immediately adjacent to the built up form of Main Towns, Service Centres, Service Villages or Small Villages..." Therefore Part 1 (g) of Policy STP 1 applies.

7.5 Part 1 (g) lists forms of development that will be supported in countryside locations. The most relevant of these criteria is part i. which supports the sustainable growth and expansion of existing businesses or the formation of new businesses in

accordance with Policy ECN 13, as the proposal includes a small office for the site and part iv. Which provides for residential development in accordance with Policies HOU 7 or HOU 8 as the proposal is for a new dwelling.

7.6 Turning to Policy ECN 13, this sets out that in the countryside development that will generate employment opportunities, proportionate to the rural location, will be supported where all of the specified criteria apply. The second part of this policy outlines that particular support will be given to (amongst other things) d. proportionate well related development, necessary for the continued operation in situ of an existing rural business.

7.7 Whilst it is considered that the proposed office element of the proposed building would meet with part d of this policy, this is only a small element of the proposed building and as such is considered to be ancillary. As the new buildings use would primarily be residential, the main issue therefore is whether the proposal would comply with part iv. of STP 1.

7.8 As outlined part iv. of STP 1 provides for residential development in accordance with Policy HOU 8 of the NLP. HOU 8 sets out that the development of isolated homes in the open countryside will only be supported where: a. there is an essential and clearly established need for a full-time rural worker to live permanently at or near their place of work; or b. represents the optimal viable use of a heritage asset; or c. re-uses redundant or disused buildings; or d. involve the appropriate sub-division of an existing residential dwelling; or e. the design is of exceptional quality.

7.9 Turning to each of these criteria in turn, with regards the need for an essential full-time rural worker to live permanently at or near the site, as part of this, it has to be demonstrated that i. the business is financially sound and viable and ii. that the functional need could not be fulfilled by an existing dwelling on the landholding unit or any other existing accommodation in the immediate area.

7.10 There has been no evidence submitted with this application that demonstrates the business is financially sound and viable. Similarly, no evidence that there is a lack of other available suitable dwellings in the immediate or wider local area that could be purchased or rented by the applicant and the applicant could not be accommodated in such has been submitted with this application. Given that proposals have to meet both tests to demonstrate a need for an essential full time rural worker and this proposal has demonstrated neither, it is considered that the proposal would not meet with criteria a. of Policy HOU 8. Furthermore, the proposal would not meet with any of the remaining criteria of Policy HOU 8.

7.11 Whilst it is noted that the applicant has put forward that the proposal would remove the need for travel to and from the site and increase security with a permanent resident, it is considered that the needs of the business outlined by the applicant, particularly given the small scale of the business, are not such that they would warrant a need for a permanent presence on the site. In addition, it is considered that the number of trips that would be generated to and from the site in connection with the needs of the business would not be such that the sustainability of the business would be greatly improved by the granting of a permanent dwelling on the site.

7.12 Notwithstanding the concerns regarding security and travel outlined by the applicant, it is not outlined why the proposed scheme is necessary now and was not before and is not backed up by evidence of any thefts etc. It is also notable that there are no details of why any alternative security arrangements that could be/have been

put in place would not be workable in securing the site to an acceptable level. In any event, even if this could be further detailed with reliable evidence this wouldn't address the criteria set out within Policy HOU 8 of the NLP.

7.13 The proposed development would also set an unnecessary precedent, making it more difficult for the council to resist similar residential development proposals, the cumulative impact of which would be to undermine the objectives of the councils' adopted policies. Consequently, there is a soundly based policy objection to the proposal.

7.14 Policy STP 3 of the NLP identifies a number of sustainable development principles to which development proposals will be expected to adhere to where appropriate. Whilst the proposal would meet with the majority of the principles outlined in Policy STP 3 of the NLP, it would not adhere to part e. and part j. due to its location not being accessible other than by private car both of which will be further detailed below.

7.15 Given the above, it is therefore considered that the proposal would be contrary to Policies STP 1, STP 2 and STP 3 of the NLP and the aims of the NPPF as a matter of principle.

Design, Scale and Visual Impact

7.16 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.

7.17 Local Plan Policy QOP 1 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.

7.18 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.

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

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

7.21 Wingates is characterised by traditional stone cottages which are a combination of terraced, semi-detached and detached. It is considered that the proposed design and materials would be appropriate and in-keeping with the existing dwellings in the locale. Furthermore, the proposed dwelling would be seen in the context of the existing buildings at the sawmill and there would therefore be no additional impact on the immediate or wider landscape as a result. It is therefore considered that the proposed dwelling would be acceptable with regards Policy HOU 9. Whilst the proposal would meet with some of the design principles outlined in Policy QOP 1, it would not meet with part i. in terms of amenity which will be further detailed below.

7.22 It is therefore considered that overall the proposal would be contrary to Policy QOP 1. Notwithstanding this it is considered that the proposal would be acceptable in relation to HOU 9 of the NLP and would be acceptable in relation to Policy QOP 5 subject to a condition should the application have been recommended for approval.

Impact upon Residential Amenity

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

7.24 Given the distance between the proposed development and the existing residents of Wingates, there would not be an unacceptable impact on amenity on such.

7.25 However, there are a number of factors which means that the proposed dwelling would not have an acceptable level of amenity. The first of these is that there would be no private amenity space within the site for the occupants of the proposed dwelling and it is considered that this would lead to unacceptable living conditions.

7.25 Furthermore, the application site is part of the Wingates Sawmill and there are two industrial buildings for the sawmill outwith the redline but within the ownership of the applicant which are sited in close proximity to the proposed house. These would have an unacceptable overbearing impact on the proposed dwelling. In addition, the proposed dwelling would share an access with the sawmill, and it is considered that this would result in a lack of privacy and amenity as there would be no segregation between deliveries to the site and employees of the sawmill from residents of the proposed dwelling. Furthermore, the day-to-day operation of the sawmill in itself involves the use of noisy machinery and operations which would again lead to an unacceptable level of amenity.

7.26 As such, the proposal is considered to be contrary to Policies QOP 1 and QOP 2 of the NLP and the principles of the NPPF in relation to impact upon residential amenity.

Highways Access and Safety

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

7.28 In response to the consultation on this application, the councils Highways Advisor has raised an objection to the proposed development as the development is

considered to be in an unsustainable location for travel due to the lack of choice of transport and the development would solely rely on private vehicle use to access the property contrary to Paragraph 112 of the NPPF and Policy TRA 1 of the NLP.

7.29 The Highways Advisor has also confirmed that the submitted plans fail to show existing and proposed parking spaces on the plans, details of cycle parking nor EV charging. Should the application have been acceptable in all other regards these details would have been requested during the course of the application or where appropriate conditions attached to any permission.

7.30 It is therefore considered that the proposed development would be unacceptable in relation to Policies TRA 1 and TRA 4 of the NLP and the aims of the NPPF.

Ecology

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

7.32 In response to the consultation on this application, the councils Ecology advisor has confirmation they have no objection subject to a condition which would have been attached and sought should the application have been recommended for approval.

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

Sewerage

7.34 Under Policy WAT 2, non-mains drainage should only be employed where the development is sufficiently remote from sewered areas. The policy also sets out that where non-mains drainage systems meet the "very exceptional circumstances" and are the only solution, careful consideration of their precise siting and design will be required to ensure that there is no adverse impact upon groundwater, water quality or existing ecosystems.

7.35 The application proposes that foul sewage will be disposed of via a new cess pit, however no information via an FDA 1 form has been submitted with this application and no information has been provided to demonstrate suitable disposable of sewerage in accordance with the drainage hierarchy. Furthermore, Policy WAT 2 sets out that the construction of infrastructure must be to the British Standard BS EN 12566 or any future issues of that standard and information demonstrating this has not been submitted with this application.

7.36 It is therefore considered that the proposed development would be contrary to Policy WAT 2 of the NLP and is unacceptable in these regards.

Noise/Contamination

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

7.38 Policy POL 2 of the NLP aims to protect new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution.

7.39 As set out above, the application site is currently a sawmill and it is therefore considered that given this use, it is considered that there is great potential for the site to have experienced some form of contamination. No information regarding this has been submitted during the course of this application and given this, it is considered that there is insufficient information with regards to unknown contamination on the site.

7.40 It is also considered that the proposed dwelling would be put at an unacceptable risk of harm from pollution by virtue of the noise and particles from the operations on the site and would also be unacceptable for this reason.

7.41 It is therefore considered that the proposed development would be contrary to Policies POL 1 and POL 2 of the NLP.

Broadband Connectivity

7.42 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.

7.43 The current application does not state whether full-fibre broadband connections are proposed. Should the application have been recommended for approval, further details of the proposed broadband connectivity for the development would have been secured by condition, in accordance with Policy ICT2 of the Northumberland Local Plan and Paragraph 114 of the NPPF.

Equality Duty

7.44 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

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

Human Rights Act Implications

7.47 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's

peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

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

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

8. Conclusion

8.1 The principle of the development is unacceptable.

8.2 The proposed development would result in an unacceptable level of amenity for future occupiers of the proposed dwelling. It would also involve the disposal of foul sewage via a new cess pit which would be unacceptable. In addition it would have the potential to be affected by noise and contamination from the existing sawmill operations at the site.

8.3 The proposed development would be acceptable in relation to broadband connectivity and ecology subject to conditions which would have been imposed should the application have been recommended for approval.

8.4 The development would be contrary to the policies of the Development Plan and the National Planning Policy Framework.

9. Recommendation

That this application be REFUSED permission subject to the following:

Conditions

1. The proposal by virtue of its location in the open countryside, would result in the construction of a new unrestricted dwelling in an unsustainable location and outside of any settlement identified within the Northumberland Local Plan. There has been no demonstrated need, justification or other material consideration that would justify the construction of new dwelling in this unsustainable location. The proposal would therefore be contrary to Policies STP 1, STP 2, STP 3 and HOU 8 of Northumberland Local Plan and paragraph 78 of the NPPF.
2. Due to the siting of the proposed dwelling at an operational sawmill, future occupants would be exposed to an unacceptable level of noise and

disturbance. It would thus fail to provide an acceptable level of amenity and be contrary to Policies QOP 1 and QOP 2 of the NLP.

3. The proposed development fails to provide sufficient private outdoor amenity space for a two bedroom dwelling house. It would thus result in unacceptable living conditions for future occupants and be contrary to Policy QOP 1 of the Northumberland Local Plan.
4. The proposed development has been used for operations that have the potential to result in contaminated land. The applicant has provided insufficient information to assess the risk of potentially contaminated land on future residential occupiers. The proposal is therefore contrary to the advice in paragraph 185 of the NPPF and policies POL 1 and POL 2 of the Northumberland Local Plan.
5. The proposed development would dispose of foul sewage via a cess pit. Insufficient information has been submitted to demonstrate suitable disposal of sewerage in accordance with the drainage hierarchy and that this would not result in pollution in accordance with BS EN 12566 contrary to Policy WAT 2 of the Northumberland Local Plan and the NPPF.

Background Papers: Planning application file(s) 22/01252/FUL