



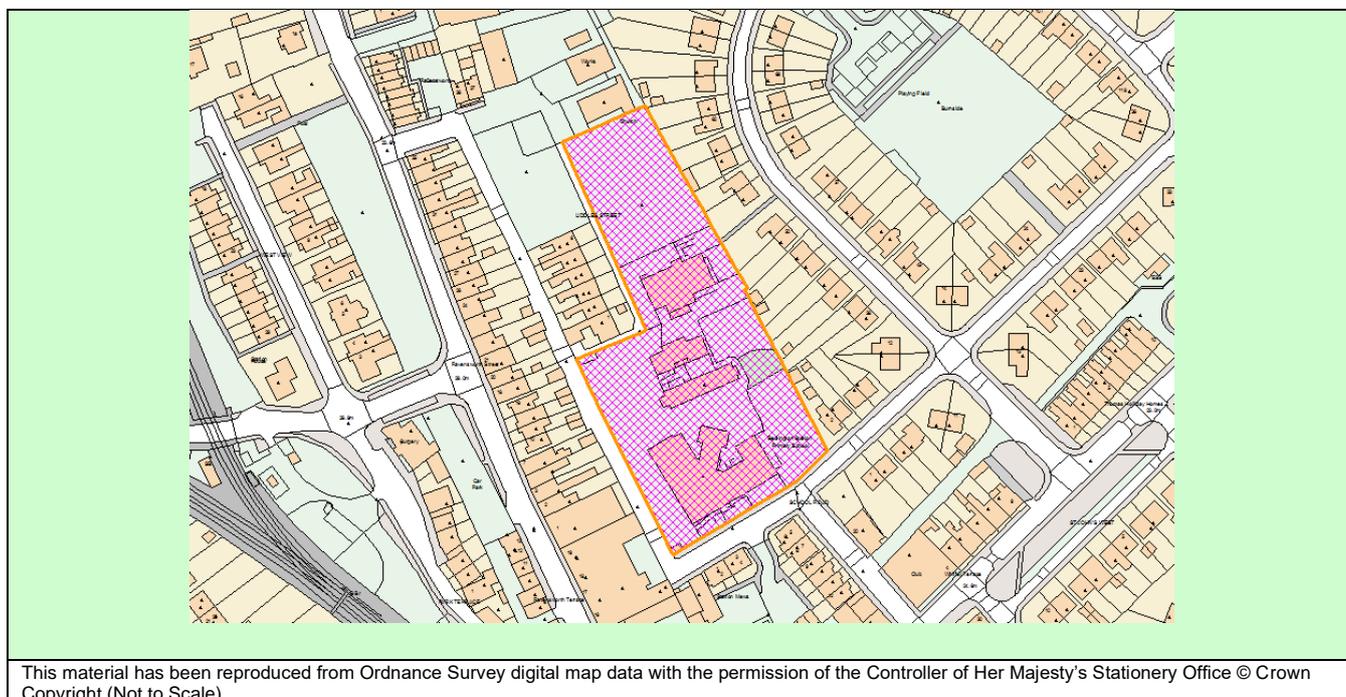
# Northumberland

## County Council

### Cramlington, Bedlington and Seaton Valley Local Area Council, 19 October 2022

<b>Application No:</b>	22/02237/CCD		
<b>Proposal:</b>	Construction of new single storey modular building to house reception and Nursery provision including necessary improvements to boundary fencing for safeguarding and landscaping (soft and hard) to improve circulation and outdoor play space in line with DfE requirements		
<b>Site Address</b>	Bedlington Station Primary School, School Road, Bedlington, Northumberland, NE22 7JQ		
<b>Applicant:</b>	Mr Mark Elliott County Hall, Loansdean, Morpeth, Northumberland NE61 2EF	<b>Agent:</b>	Mr Graeme Race Albany Court, Monarch Road, Newcastle Business Park, Newcastle NE4 7YB
<b>Ward</b>	Sleekburn	<b>Parish</b>	East Bedlington
<b>Valid Date:</b>	30 June 2022	<b>Expiry Date:</b>	20 October 2022
<b>Case Officer Details:</b>	Name: Mr Ryan Soulsby Job Title: Planning Officer Email: Ryan.Soulsby@northumberland.gov.uk		

**Recommendation:** That this application be GRANTED permission



## 1. Introduction

- 1.1 This application was referred to the Director of Planning and Chairs of the relevant Local Area Council committee for a decision on how the application was to be determined due to Northumberland County Council being the applicant. It was confirmed that the application should be referred to members for a Local Area Council committee decision

## **2. Description of the Proposals**

- 2.1 Planning permission is sought for the construction of a single storey modular building at Bedlington Station Primary School.
- 2.2 The proposed building would replace 2no existing modular structures that are to be demolished on site. The local planning authority (LPA) granted prior approval for the demolition of the buildings under application ref no. 22/02848/DEMGDO. The new building will provide upgraded reception and nursery provision.
- 2.3 The modular building would consist of an L shaped form, measuring a maximum 23.2 metres in width by 24.4 metres in length. A flat roof would be incorporated upon the structure that measures 3.54 metres to the highest point. Materials upon the modular building would consist of a through coloured render with aluminium framed fenestration and doors.
- 2.4 The application also proposes minor alterations to existing hardstanding within the curtilage of the school to improve circulation and outdoor play space. Fencing repairs are also proposed. These works are recognised as permitted development, not requiring planning permission, and have therefore not been assessed as part of the proposals.
- 2.5 The proposed development would be located within the existing curtilage of Bedlington Station Primary School.

## **3. Planning History**

**Reference Number:** C/09/00177/CCD

**Description:** Single storey extension and alterations to form increased kitchen space

**Status:** Permitted

**Reference Number:** 12/02526/CCD

**Description:** Relocation of a mobile modular building onto school playing field and an extension to the existing school hall

**Status:** Permitted

**Reference Number:** 22/02848/DEMGDO

**Description:** Prior approval for demolition for 2No. single storey classroom buildings to be demolished to make way for the construction of new early years facility which is under separate application.

**Status:** Prior approval not required

## 4. Consultee Responses

East Bedlington Parish Council	No response received.
Highways	No objection subject to recommended condition.
The Coal Authority	No objection subject to recommended conditions.
Public Protection	No objection subject to recommended conditions.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	64
Number of Objections	0
Number of Support	0
Number of General Comments	0

### Notices

No Site Notice Required.

No Press Notice Required.

### Summary of Responses:

None received

## 6. Planning Policy

### 6.1 Development Plan Policy

Northumberland Local Plan 2016 - 2036 (Adopted March 2022) (NLP)

Policy STP 1 - Spatial strategy (strategic policy)

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

Policy STP 3 - Sustainable development (strategic policy)

Policy STP 4 - Climate change mitigation and adaption (strategic policy)

Policy STP 5 - Health and wellbeing (strategic policy)

Policy QOP 1 - Design principles (strategic policy)

Policy QOP 2 - Good design and amenity

Policy QOP 4 - Landscaping and trees

Policy TRA 2 - The effects of development on the transport network

Policy ENV 2 - Biodiversity and geodiversity

Policy POL 1 – Unstable and contaminated land

Policy POL 2 – Pollution and air, soil and water quality

Policy WAT 4 - Sustainable drainage systems

### 6.2 National Planning Policy

National Planning Policy Framework (2021) (NPPF)

National Planning Practice Guidance (2022) (NPPG)

## 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) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

- Principle of development;
- Design and visual character;
- Residential amenity;
- Highway safety;
- Land contamination, stability and ground gas.

### Principle of development

7.2 Policy STP 1 of the NLP, read in conjunction with the Policies Map which accompanies the Plan, identifies main towns, service centres and service villages across the county where sustainable development can be located. Bedlington/Bedlington Station is recognised as a main town where there will be a focus for employment, housing, retail and services. The application site is located within the existing settlement of Bedlington Station.

7.3 The proposed works constitute the siting of a replacement building which would be located within the existing curtilage of Bedlington Primary School. The proposal would provide upgraded classroom facilities for pupils with the previous modular buildings being located on site beyond their initial expectancy. The principle of development is acceptable in accordance with policy STP 1 of the NLP and the NPPF.

### Design and visual character

7.4 Policy QOP 1 of the NLP states that development proposals should '*make a positive contribution to local character and distinctiveness and contribute to a positive relationship between built and natural features, including landform and topography*'. The NPPF at paragraph 126 recognises good design as a key aspect of sustainable development.

7.5 The proposals represent an acceptable form of development that would not be harmful to the visual character of the application site or wider area. Whilst the modular building may not constitute exceptional design, its appearance mirrors the existing modular buildings on site, albeit at a larger scale, which do not detract from the appearance of the site and its surroundings. The proposal accords with relevant local and national planning policies in relation to design.

### Residential amenity

7.6 Policy QOP 2 of the NLP 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'. Paragraph 130, part f) of the NPPF states that planning decisions should ensure that developments 'create places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing and future users'.*

- 7.7 As part of the application assessment, a site visit was undertaken by the planning officer to assess the application site and the wider area. The primary school is bounded by residential development however, the scale, massing and use of the proposed structure ensures that there would be no adverse impacts caused to the amenity of neighbouring properties. Appropriately worded conditions have been recommended by the local authority's environmental protection team to ensure the amenity of residents is not adversely impacted upon during construction works at the site.

### **Highway safety**

- 7.8 Paragraph 111 of the NPPF 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'*.
- 7.9 Consultation was undertaken with highways development management (HDM), who raised no objection to the application proposals subject to a recommended condition that would secure the submission of a construction method statement prior to works commencing on site. This document, once approved, would ensure highway safety during the construction phase on site. There are no alterations proposed to existing access or parking arrangements at the site.

### **Land contamination, stability and ground gas**

- 7.10 Policy POL 1 of the NLP outlines 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'*.
- 7.11 Policy POL 2 of the NLP is also relevant within this assessment and states that *'Development proposals in locations where they would cause, or be put at unacceptable risk of harm from, or be adversely affected by pollution by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances will not be supported'*. Both of these provisions are mirrored within the NPPF.
- 7.12 The application site is located within an area subject to former coal mining activity, thus ensuring consultation was required with The Coal Authority (TCA) as part of the application assessment. Within the consultation response provide by TCA, they raise no objection to the proposals, subject to recommended conditions which ensure appropriate remediation work on site. Prior to first use of the development, a signed statement or declaration must be submitted to the local authority by a suitably competent person, confirming that the site has been made safe and stable for the development.

- 7.13 Conditions were also recommended by the local authority's environmental protection team to ensure appropriate ground gas protection is incorporated within the development. Ground gas has the potential to impact upon the amenity of future users of the development, therefore it is vital appropriate protection is installed within the proposed building. Subject to recommended conditions, the LPA consider the proposal accords with both local and national planning policy in relation to land stability and ground contamination.

### **Equality Duty**

- 7.14 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**

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

### **Human Rights Act Implications**

- 7.16 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.
- 7.17 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.
- 7.18 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 proposals represent an acceptable form of development in accordance with both local and national planning policy. The application is therefore recommended for approval, subject to appropriate conditions.

## 9. Recommendation

That this application be GRANTED permission subject to the following:

### Conditions/Reason

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

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

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

- 1) Location plan drawing no. 5133347.083-NCC-BED-001 (received 22<sup>nd</sup> June 2022)
- 2) Proposed floor plan drawing no. 5133347.083-NCC-BED-003 (received 22<sup>nd</sup> June 2022)
- 3) External area plan drawing no. 5133347.083-NCC-BED-002 (received 22<sup>nd</sup> June 2022)
- 4) Proposed elevations drawing no. 22009-MOD-B1-EL-DR-A\_350001 (received 22<sup>nd</sup> June 2022)
- 5) Phase 2 site investigation S220108 (received 18<sup>th</sup> July 2022)
- 6) Phase 1 desk study part 1 S220108 (received 29<sup>th</sup> June 2022)
- 7) Phase 1 desk study part 2 S220108 (received 29<sup>th</sup> June 2022)
- 8) Ground gas risk assessment S220108/GAS (received 18<sup>th</sup> July 2022)
- 9) Gas membrane letter (received 18<sup>th</sup> July 2022)
- 10) Proposed site layout drawing no. NCC/BED/002 (received 11<sup>th</sup> August 2022)
- 11) Construction phase plan rev. A (received 5<sup>th</sup> September 2022)

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

03. During the demolition and construction period, there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside the hours:

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

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

04. Deliveries to and collections from the demolition and/or construction phase of the development shall only be permitted between the hours:  
Monday to Friday - 08:00 to 18:00  
Saturday - 08:00 to 13:00

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

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

05. Prior to the construction of the modular building above damp proof course level a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS2 standard specified in BS8485:2015 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings) must be submitted to and approved in writing by the Local Planning Authority. The aforementioned report must also detail 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. Furthermore, 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 potentially be prejudicial to the health & amenity of the occupants of the respective properties.

06. No building shall be brought into use or occupied until the applicant has submitted a validation and verification report to the approved methodology in Condition 5 which has been approved in writing by the LPA.

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

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

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

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

08. No development shall commence (excluding the demolition of existing structures and site clearance) until remedial treatment works to address land instability arising from shallow coal mining legacy have been carried out in full in order to ensure that the site is made safe and stable for the development proposed. The remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: The formulation and implementation of an appropriate scheme of remedial measures before building works commence on site is necessary to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

09. Prior to the first use of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the remedial works and any mitigatory measures necessary to address the risks posed by past coal mining activity.

Reason: The formulation and implementation of an appropriate scheme of remedial measures before building works commence on site is necessary to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

### **Informatives**

- 1) You should note that a highway condition survey should be carried out before the commencement of demolition vehicle movements from this site. To arrange a survey contact Highway Development Management at [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk)
- 2) Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.
- 3) In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

**Date of Report:** 28<sup>th</sup> September 2022

**Background Papers:** Planning application file(s) 22/02237/CCD