

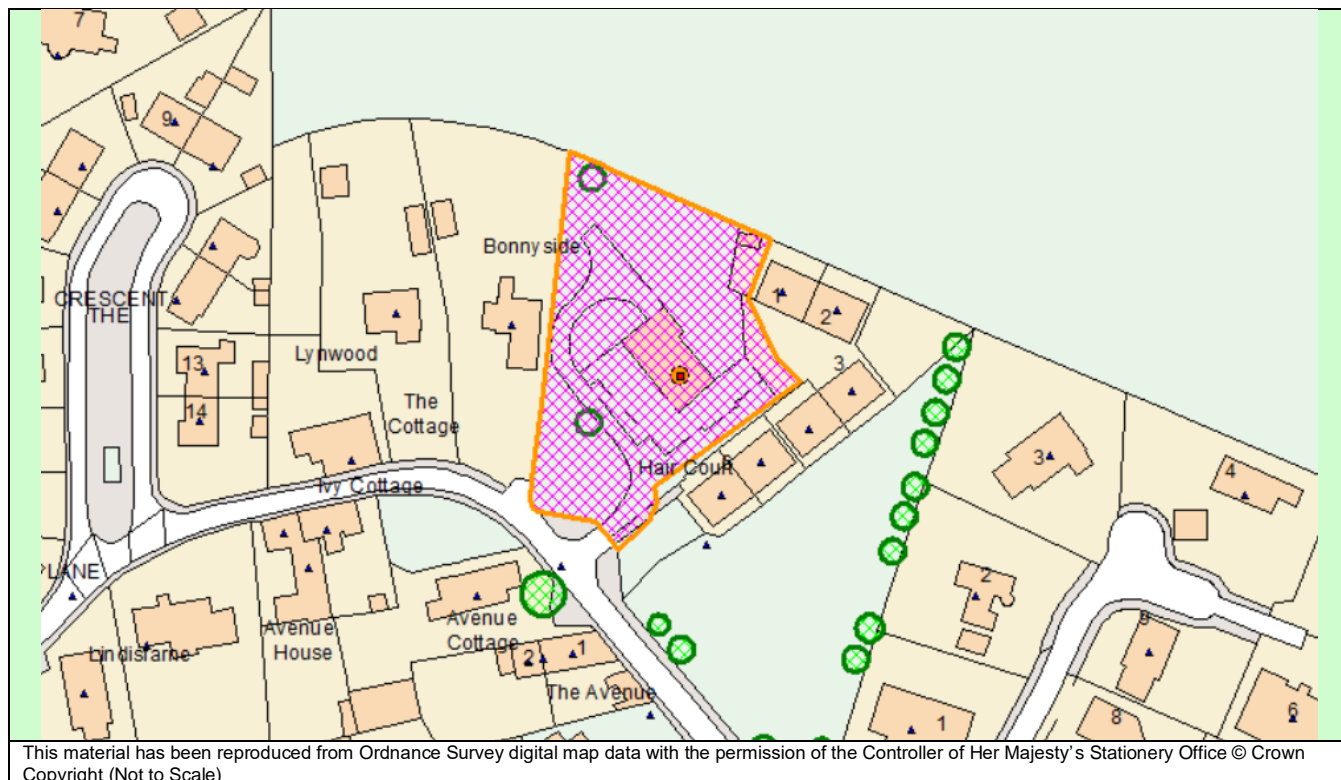


Northumberland County Council

North Northumberland Local Area Council Planning Committee 19th January 2023

Application No:	22/01098/FUL		
Proposal:	Proposed new self/custom build dwelling and annexed accommodation		
Site Address	Horncliffe County First School, Tofts Lane, Horncliffe, Berwick-Upon-Tweed Northumberland TD15 2XR		
Applicant:	Mr Peter Greenwood 37 Cornhill Road, Tweedmouth, Berwick upon Tweed, TD15 2DR	Agent:	Mr Michael Rathbone 5 Church Hill, Chatton, Alnwick, NE66 5PY
Ward	Norham And Islandshires	Parish	Horncliffe
Valid Date:	25 March 2022	Expiry Date:	30 November 2022
Case Officer Details:	Name: Mr Jon Sharp Job Title: Senior Planning Officer Tel No: 07966331971 Email: Jon.Sharp@northumberland.gov.uk		

Recommendation: That this application be REFUSED permission



1. Introduction

1.1 The application has been reviewed by the Committee Chairs and the Director of Planning who requested a committee decision for the reason that the proposal does raise issues of strategic, wider community or significant County Council Interest.

1.2 Officers have attempted to work with the applicant to secure a positive outcome in order to secure the removal of the derelict school building, however, following concerns raised about the design of the proposed replacement dwelling and its potential impact on neighbouring amenity, no substantive amendments have been received and the application is therefore recommended for refusal.

2. Description of the Proposals

2.1 The application seeks planning permission for the demolition of the former Horncliffe County First School and the erection in its place of 1no new self/custom build dwelling and annexed accommodation on land at Tofts Lane, Horncliffe.

2.2 The proposed dwelling would comprise a large two storey element with attached single storey which would contain part of the annexe accommodation. It would have an overall footprint of approximately 265sqm for the two storey section and 75sqm for the single storey section. Overall heights would be approximately 8.4 metres for the two storey section and 5.4 metres for the single storey element. Materials as described in the application documents include a mix of stone and render under a metal profiled roof for the main building and buff brick and render under a slate tiled roof for the annexe.

2.3 The application site is located within the settlement of Horncliffe and is surrounded on three sides by residential development with open agricultural land to the north.

3. Planning History

Reference Number: 15/00102/FUL

Description: Deconstruction of existing pre-fab former school building and erection of 6no. single storey dwellings for affordable rent.

Status: Permitted

4. Consultee Responses

Horncliffe Parish Council	Horncliffe Parish Councillors have considered the above application and agreed to object to this application on the following grounds: Old school buildings should be removed first A full survey for asbestos should be carried out first The proposal is not in keeping with its surroundings The proposed dwelling will cause overlooking and loss of privacy to neighbouring properties Access and parking arrangements are inadequate HPC would support an appropriate single storey solution on the site HPC would like the application to be determined by committee
---------------------------	--

Highways	No objection. The proposed development will not impact on protected or notable species, designated nature conservation sites or priority habitat. In accordance with planning policy the development should provide a net gain for biodiversity which can be achieved through the provision of a landscape plan secured through a planning condition.
Forestry Commission	No response received.
Natural England	NO OBJECTION Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
County Ecologist	No objection. The proposed development will not impact on protected or notable species, designated nature conservation sites or priority habitat. In accordance with planning policy the development should provide a net gain for biodiversity which can be achieved through the provision of a landscape plan secured through a planning condition.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	11
Number of Objections	0
Number of Support	15
Number of General Comments	0

Notices

General site notice, posted 13th April 2022
No Press Notice Required.

Summary of Responses:

15no letters of support received summarised as follows

Appropriate design
Removal of derelict school building
No amenity issues
No access issues
PC objection position not supported by neighbours
Proposal would enhance and improve the area
Beneficial to amenity of existing Hair Court residents and more visually appealing than the existing derelict school building

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=R98XAAQSFO500>

6. Planning Policy

6.1 Development Plan Policy

TRA 2 - The effects of development on the transport network

STP 1 - Spatial strategy (Strategic Policy)

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

STP 3 - Principles of sustainable development (Strategic Policy)

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

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

HOU 9 - Residential development management

QOP 1 - Design principles (Strategic Policy)

QOP 2 - Good design and amenity

QOP 4 - Landscaping and trees

QOP 5 - Sustainable design and construction

TRA 1 - Promoting sustainable connections (Strategic Policy)

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

INF 1 - Delivering development related infrastructure (Strategic Policy)

INF 6 - Planning obligations

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

6.3 Neighbourhood Planning Policy

N/A

6.4 Other Documents/Strategies

National Design Guide (2021)

National Model Design Code (2021)

Planning Practice Guidance (2021, as updated)

7. Appraisal

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

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

7.3 The application has been assessed against national planning policy and guidance, development plan policies, other material planning considerations and the advice of statutory consultees. The main considerations in assessing this proposal are:

Principle of Development,
Design,
Amenity,
Highways,
Ecology,
Climate Change,
Broadband Connections, and
Other Matters.

Principle of Development

7.4 Policy STP 1 of the NLP seeks to deliver sustainable development which enhances the vitality of communities across Northumberland, supports economic growth and which conserves and enhances the County's unique environmental assets. The policy sets out a settlement hierarchy which identifies Horncliffe as a "Small Village" which will support a proportionate level of development.

7.5 Policy STP 3 sets out the principles of sustainable development and at sub-section 1.h. states that development proposals should be expected to make efficient use of land including through the re-use of brownfield sites.

7.6 Paragraph 119 of the NPPF states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 120 goes on to say that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs, and appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land should be supported.

7.7 On the basis of the above the proposal to remove the remains of the former school buildings and replace them with a single detached dwelling is supported in principle.

Design

7.8 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.

7.9 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.

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

7.11 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.

7.12 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.

7.13 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.

7.14 The proposed demolition of the former school building is welcomed as it has become a negative influence upon the immediate environment, especially following the construction of the adjacent bungalows at Hair Court, which are in close proximity to it. However the desire to remove a building which has become an

eyesore should not be a material factor in the assessment of the scale, design and visual impact of its proposed replacement.

7.15 The proposal at hand does not respond well to the local vernacular and appears to take inspiration from the former school building or be an attempt to make it look like it has been converted from a workshop or similar non-domestic building. The scale of the proposal is at odds with the compact bungalows which have been built around it and also with the existing dwelling stock in the surrounding area. Whilst sufficient amenity space would be retained within the site, the massing of the proposed building in close proximity to the bungalows would produce a form of development that is incongruous in its setting.

7.16 Officers have encouraged the applicant to make amendments to the proposals, however, with the exception of some cursory changes to facing materials and the removal of the proposed balcony to the north-east elevation, no substantive changes have been put forward. On the basis of the above the proposals would not be acceptable in design terms and would therefore be contrary to Policies QOP 1, QOP 2 and HOU 9 of the NLP and the NPPF.

Amenity

7.17 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.

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

7.19 Due to the site location and proposed layout of the development, there are concerns regarding the separation distances between the proposed dwelling and the existing bungalows (approximately 13 metres to the north east elevation and 6 metres to the south east elevation) and consequent issues around overlooking, privacy, overbearing and loss of light.

7.20 It is understood that the applicant wishes to utilise the footprint of the old school as the basis for the new dwelling, however the bungalows that have been built since the closure of the school (by the same developer) now form a material consideration in terms of neighbouring amenity and must be accounted for in the assessment of the application. Proposals that may have been acceptable had the bungalows not been present, may not be acceptable with them in situ. It is noted that some residents of Hair Court have submitted representations saying this would not be an issue and that it would be an improvement on the existing situation, however, the removal of the old school should be the catalyst for substantive change and not simply swapping one form of development for another.

7.21 As with concerns noted above in respect of design, officers have encouraged the applicant to make substantive amendments to address concerns in respect of neighbouring amenity with little success. Separation distances between the proposed and existing dwellings are not acceptable and as such the potential impacts on residential amenity resulting from the proposals in terms of loss of light, outlook, overbearing, privacy or noise are contrary to Policy QOP 2 of the NLP and the NPPF in this respect.

Highways

7.22 Policies TRA 1, TRA 2 and TRA 4 of the NLP relate to highway safety and parking provision within new developments.

7.23 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.

7.24 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.

7.25 The Local Highway Authority responded to consultation objecting to the proposed development on the basis that the application site is not in a sustainable location for the purposes of the NPPF or Policy TRA 1 of the Local Plan as occupiers would be reliant upon private vehicles to gain access to local amenities and services. A technical assessment of the proposals raised no issues subject to conditions securing a demolition/construction method statement, details of cycle storage and EV charging.

7.26 The position of the Highway Authority in respect of sustainability is noted, however the Planning Authority has to balance this against other material considerations. As noted above the principle of development in this location is acceptable and therefore, whilst noting the concerns of the Highway Authority, the proposals are considered to be acceptable in highways terms, subject to the requested conditions and informatives. On this basis the proposals are acceptable in accordance with highways policy.

Ecology

7.27 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.

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

7.29 The County Ecologist has responded to consultation raising no objections subject to a condition securing biodiversity net gain in accordance with planning

policy. On this basis the proposals are acceptable in accordance with Policy ENV 2 of the NLP and the NPPF.

Climate Change

7.30 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.

7.31 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.

7.32 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.

7.33 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

7.34 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.

7.35 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.

7.36 The current application does not state whether full-fibre broadband connections are proposed. It is therefore appropriate that further details of the proposed broadband connectivity for the development be secured by condition, in accordance with Policy ICT 2 of the NLP and Paragraph 114 of the NPPF.

Other Matters

7.37 The comments received in the letters of support are noted and where appropriate have been taken into consideration in the assessment of the application.

Equality Duty

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

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

Human Rights Act Implications

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.

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.

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 In general terms the principle of new housing on a brownfield site within the settlement of Horncliffe would be in accordance with the first and second objectives (economic and social) of sustainable development. However, whilst the proposed removal of the former school building is welcomed, the design of the proposed replacement dwelling is such that it would represent an incongruous feature within the streetscape, would not respect the character of the surrounding area and would not integrate well into the existing settlement. Furthermore the siting, scale and

massing of the proposed dwelling would have a negative impact on the amenity of neighbouring land uses.

8.2 The LPA has encouraged the applicant to make substantive changes to the proposals, however only minor amendments to facing materials and the removal of a balcony have been brought forward, which do not fully address the concerns raised. In light of these concerns the proposal is not in accordance with national and local planning policies and accordingly planning permission should not be granted.

9. Recommendation

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

Conditions/Reason

1. Design

By virtue of its design, massing and scale the proposal would result in an incongruous and inappropriate form of development that would not make a positive contribution to local character and distinctiveness and would not integrate well into the surrounding area. The proposal would therefore be contrary to Policy QOP 1 of the Northumberland Local Plan and the National Planning Policy Framework.

2. Impact on Amenity

By virtue of its scale, design and close location to existing properties at Hair Court, the proposed development would have a detrimental impact upon neighbouring amenity. The proposed development would therefore not accord with Policy QOP 2 of the Northumberland Local Plan or the National Planning Policy Framework.

Background Papers: Planning application file(s) 22/01098/FUL