

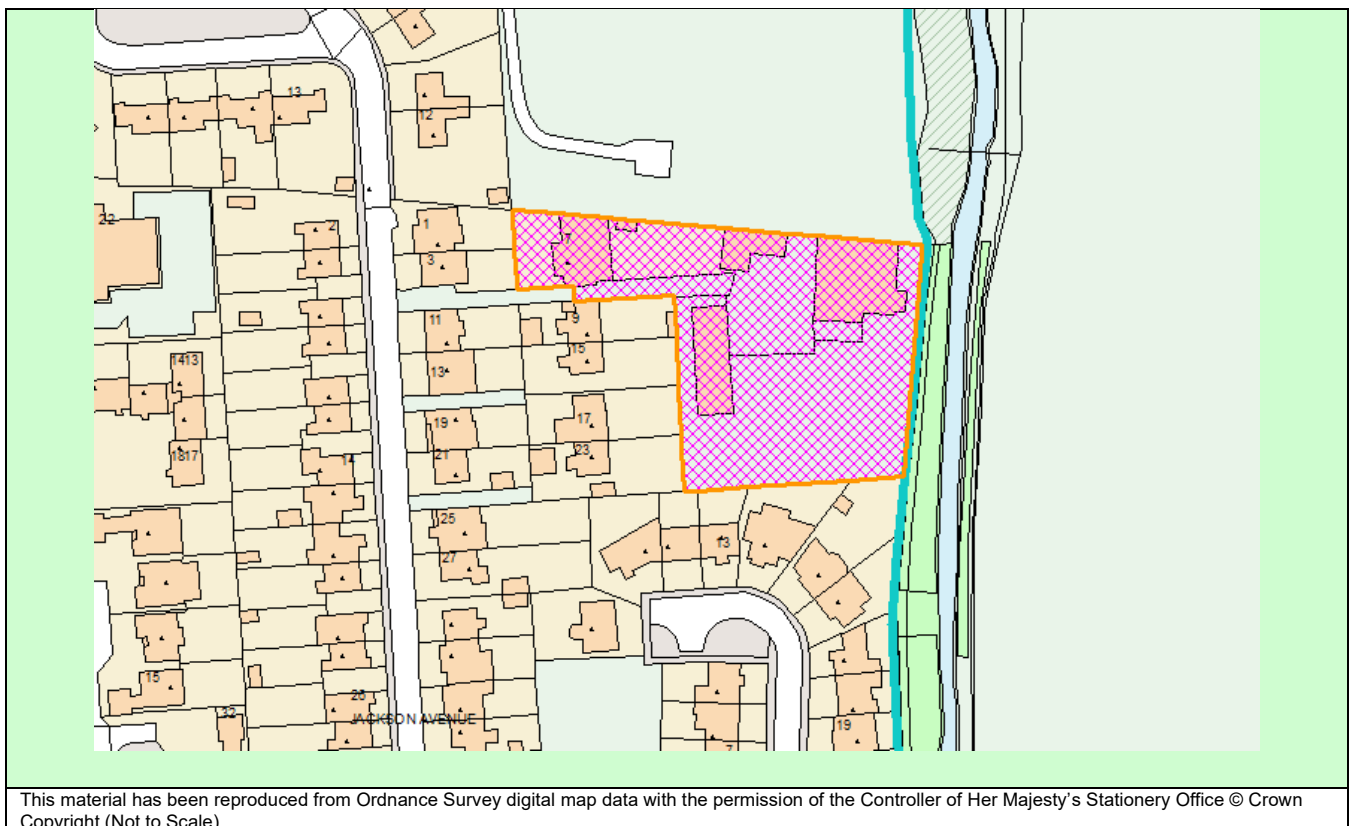


# Northumberland County Council

## Castle Morpeth Local Area Council Committee, 13<sup>th</sup> February 2023

<b>Application No:</b>	22/00896/FUL		
<b>Proposal:</b>	Change of use of existing portal frame shed from agricultural use to commercial mechanical workshop (use class B2) and construction of new store alongside for agricultural vehicles and equipment.		
<b>Site Address</b>	Land Adjacent To 7 Jackson Avenue, Ponteland, Northumberland, NE20 9UY		
<b>Applicant:</b>	Mr Ben Lomas 7 Jackson Avenue, Northumberland, Ponteland, NE20 9UY	<b>Agent:</b>	Mr M Bertin 46 Valley Gardens, Whitley Bay, Newcastle, NE25 9AQ
<b>Ward</b>	Ponteland North	<b>Parish</b>	Ponteland
<b>Valid Date:</b>	23 May 2022	<b>Expiry Date:</b>	14 February 2023
<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 Following the receipt of an objection from Ponteland Town Council, as well as 8no objections from neighbouring residents, the application was referred to the director of planning and the chairs of the Castle Morpeth Local Area Council committee. The written response from these parties confirmed the application should be determined at Local Area Council committee.

## 2. Description of the Proposals

- 2.1 Planning permission is sought for the change of use of an existing agricultural shed to a commercial mechanical workshop (use class B2) and the construction of a new agricultural store on land adjacent to 7 Jackson Avenue, Ponteland.
- 2.2 The existing portal framed shed measures 18.53 metres in length by 16.34 metres in width and is currently used for agricultural purposes. The applicant seeks to change the use of the building to a commercial mechanical workshop to repair light vehicles such as cars and vans. Operating hours would be 08:00 – 18:00 Monday to Friday and 08:00 – 13:00 on Saturdays.
- 2.3 The submitted details also indicate the construction of a new portal framed shed to allow for agricultural storage on site. The building will be clad in profiled metal, mirroring the existing structure. The proposal would measure 11.9 metres by 18.16 metres with an overall height of 5.2 metres from ground level.
- 2.4 The site is currently used for agricultural purposes which was evident at the time of the officers site visit in June 2022. Hardstanding is located to the front of the existing structure whilst a gravelled area is located towards the southern boundary of the site.

## 3. Planning History

**Reference Number:** CM/81/D/75A

**Description:** Extension to commercial greenhouses

**Status:** Permitted

**Reference Number:** CM/81/D/75

**Description:** Erection of boiler house and commercial greenhouse

**Status:** Permitted

**Reference Number:** CM/95/D/432

**Description:** Extension to livestock/hay shed

**Status:** Permitted

**Reference Number:** CM/20090774

**Description:** Hedgerow Removal Notice - Removal of 5m length of hedgerow

**Status:** Withdrawn

## 4. Consultee Responses

Countryside/ Rights Of Way	No objection providing no impact upon public right of way.
Ponteland Town Council	OBJECTION: Ponteland Town Council Planning Committee believes this proposal is inappropriate in a residential area with

	<p>a large number of young families. The area has narrow roads unsuitable for anticipated agricultural vehicles.</p> <p>It is also contrary to the neighbourhood plan policy PNP 2: High Quality and Inclusive Design Development will be supported where it demonstrates high quality and inclusive design. All new development should make a positive contribution to their surroundings. Proposals will be supported where development:</p> <ul style="list-style-type: none"> <li>a. Creates a sense of place by protecting and adding to an areas quality, distinctiveness, and character.</li> <li>b. Respects the character of the site and its surroundings in terms of its location, layout, proportion, form, massing, density, height, size, scale, materials, and detailed design features.</li> <li>c. Takes account of the potential users of the development, ensuring safe, convenient, and attractive links are provided within the development and to existing networks for people and that the development is accessible to all.</li> <li>d. Where required, ensures that servicing and delivery arrangements meet the reasonable needs of business through off-street servicing and loading facilities.</li> <li>e. Will not have an unacceptable adverse impact on the amenities of occupiers of nearby properties.</li> <li>f. Where feasible, incorporates sustainable design and construction techniques and renewable and low carbon energy technology.</li> <li>h. Helps to create a safe and secure environment.</li> </ul> <p>Where a Design and Access Statement is required as part of a planning application the above matters must be fully addressed within it. No details have been provided within the Design and Access statement addressing business hours, potential vehicles that will use this business or what the business is for? Should this application be approved, it would have a significant negative impact on surrounding neighbours. Noise and fuel odours could affect the nearby residents.</p> <p>The Planning Committee feel that this is not the correct place for a business of this sort. Therefore, The Planning Committee would like to see this application refused</p>
Environment Agency	No objections. Informatives provided.
Highways	No objection subject to recommended conditions.
Lead Local Flood Authority (LLFA)	No comment.
Public Protection	No objection subject to recommended conditions.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	11
Number of Objections	8

Number of Support	0
Number of General Comments	1

## Notices

Public Right of Way, 16th June 2022

Morpeth Herald 2nd June 2022

## Summary of Responses:

8no objections were received against the application from neighbouring residents. Concerns were raised regarding:

- Noise implications;
- Highway safety;
- General residential amenity impacts;
- Impact on house prices;

1no representation was received from a neighbouring property querying the operating hours on site and whether off site highway improvement works will be secured.

Material planning considerations will be assessed within the below appraisal.

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=R8GWYYQSN1100>

## **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 ECN 11 – Employment uses in built-up areas and home working

Policy QOP 1 - Design principles (strategic policy)

Policy QOP 2 - Good design and amenity

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

### 6.2 National Planning Policy

National Planning Policy Framework (2021) (NPPF)

National Planning Practice Guidance (2022) (NPPG)

## 6.3 Neighbourhood Planning Policy

Ponteland Neighbourhood Plan Made Version (2017) (PNP)

Policy PNP 1 - Sustainable development principles

Policy PNP 2 - High Quality and Inclusive Design

Policy PNP 11 - Landscape

Policy PNP 13 – Biodiversity

Policy PNP 18 – Economic development

Policy PNP 29 – Transport and new developments

## **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) and the Ponteland Neighbourhood Plan (PNP). 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.

### **Principle of development**

(open countryside)

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. Ponteland 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 recognised Green Belt inset boundary of Ponteland.

7.3 Policy ECN 11 of the NLP is also relevant within this assessment, stating *“Businesses operated from within built-up areas, including residential areas and people’s homes, will be supported, subject to highways, access and amenity considerations”*. Whilst an assessment relating to technical matters will be carried out later within the appraisal, it is clear that there is support within the NLP for employment uses, such as commercial enterprises, subject to various provisions. Policy PNP 1 of the PNP also outlines a presumption in favour of sustainable development, in line with the NPPF, providing various technical matters can be addressed.

7.4 Policy PNP 18 of the PNP details that *“Development proposals that support the creation or protection of job opportunities and the sustainable development and economic growth of the Neighbourhood Plan area will be*

*supported where they can be achieved without significant adverse impact on the built and natural environment and residential amenity”.*

- 7.5 It is clear that there is policy support both at local and national planning policy level for the development of sites within sustainable locations. The application site is clearly sustainable owing to its location within the defined Green Belt inset boundary for the town and proximity to various uses such as residential and commercial. The principle of the proposed development is therefore acceptable, in accordance with policies STP 1 and ECN 11 of the NLP, policies PNP 1 and PNP 18 of the PNP and the NPPF.

### **Design and visual character**

- 7.6 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”*. Policy PNP 2 of the PNP notes that *“development will be supported where it demonstrates high quality and inclusive design”*. Proposals should *“respect the character of the site and its surroundings in terms of its location, layout, form, massing, density, height, size, scale, materials and detailed design features”*.
- 7.7 Paragraph 126 of the NPPF recognises good design as being a key aspect of sustainable development. Paragraph 130 goes on to note that development must *“function well and add to the overall quality of the area”* whilst also being *“visually attractive as a result of good architecture, layout and appropriate and effective landscaping”*.
- 7.8 As part of the application assessment, a site visit was undertaken by the planning officer to assess the application site and the surrounding area. The application site is accessed from Jackson Avenue but is located a considerable distance from the street scene and is screened by existing dwellings and boundary treatments. Glimpse views of the site can be achieved when looking directly towards the site from a certain point upon Jackson Avenue but it is not readily visible within the public domain. Nevertheless, the site is still partially visible whilst existing residents upon Jackson Avenue will have a clear view of the site from their rear elevations and garden areas.
- 7.9 Focusing upon the change of use element, minor alterations are proposed to the existing portal framed structure to remove the abutting timber sheds and to add a new vehicular door however, the structure and scale of the building will remain as present. The LPA is therefore satisfied that the proposed changes to this building would not be harmful to the character of the building or the surrounding area.
- 7.10 The proposed portal frame building which would be located to the south of the existing structure would be subordinate in scale and massing to this building whilst being clad in profiled metal sheeting which is a primary external finish for agricultural buildings. The siting of the building would be towards the eastern boundary of the site and would not be directly visible from any public viewpoints within the surrounding area. The LPA therefore considers that the proposals set out within the submitted details are acceptable and accord with

policy QOP 1 of the NLP, PNP 2 of the PNP and the NPPF in relation to good design.

### **Residential amenity**

- 7.11 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”*. Policy ECN 11 of the NLP, whilst outlining support for employment uses within built up areas, recognises amenity considerations as a main factor in whether the LPA should grant planning permission for the development.
- 7.12 Policy PNP 2 of the PNP outlines that development must *“not have an unacceptable adverse impact on the amenities of occupiers of nearby properties”*. Paragraph 130, part f) of the NPPF details that developments should *“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”*.
- 7.13 Firstly, the LPA must consider the potential impacts that the change of use of the existing structure may incur. As minor alterations are proposed to the existing building, it is unlikely that these alterations would impact upon residential amenity however, the intended use does have potential to cause noise or general amenity impacts that must be taken into consideration. The nearest residential properties are the second row of dwellings located upon Jackson Avenue with a minimum separation distance of 47 metres existing between the structure and the nearest dwelling.
- 7.14 As part of the application submission, a supporting statement was provided outlining that the proposed activity undertaken within the building would be the repairing, maintenance and possible restoration of light vehicles within the converted building. The intended hours of operation would be 08:00 – 18:00 Monday to Friday and 08:00 – 13:00 on Saturday with no working on Sunday’s or bank holidays. Consultation was undertaken with the local authority’s Environmental Protection team who raised no objection to the application, subject to recommended conditions. The conditions recommended in order to protect public health and prevent loss of amenity.
- 7.15 The first recommended condition restricts the hours of construction noise at the application site whilst the second restricts opening hours of the commercial element. These times are set out within the above paragraph. A third condition relates to noise complaints arising from the site and the requirement of the applicant to undertake an independent acoustic assessment if a sufficient noise complaint is received by the LPA. The final condition relates to any contamination being identified upon site.
- 7.16 Moving onto the other element of the proposals, the new portal framed agricultural building, the LPA are satisfied that the proposed development would not impact upon residential amenity. Agricultural use currently exists upon the site through the existing structure and there is no indication from the applicant that the proposal would see an intensification of agricultural use at

the site. The supporting information confirms the building will be used for agricultural storage.

- 7.17 Subject to recommended conditions, the LPA are satisfied that the proposed development would not impact upon the amenity of neighbouring residents, in accordance with policies QOP 2 and ECN 11 of the NLP, policy PNP 2 of the PNP and the NPPF.

### **Highway safety**

- 7.18 Policy TRA 2 of the NLP outlines that developments must *“Provide effective and safe access and egress to the existing transport network”* and *“Include appropriate measures to avoid, mitigate and manage any significant impacts on highway capacity, congestion or on highway safety including any contribution to cumulative impacts”*. Policy TRA 4 is also relevant within this assessment, stating that developments must also provide an appropriate amount of off-street vehicle parking in line with the intended use of the site.
- 7.19 Paragraph 111 of the NPPF details 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”*.
- 7.20 Consultation was undertaken with highways development management who, following the submission of additional information, raised no objection to the application subject to recommended conditions. The existing access would be utilised, and upgraded, as part of the proposals whilst appropriate car parking provision has been identified within the site. HDM recognise within their response that the site currently benefits from agricultural use with no restriction on vehicular movements at the site and it is not considered that the proposed development would significantly increase the number of vehicles entering and exiting the site that would have a noticeable impact upon highway safety.
- 7.21 To ensure a level of highway safety through the construction phase on site, a condition has been recommended to ensure a construction method statement is submitted to the LPA prior to the commencement of any development. Subject to recommended conditions and access improvements, the LPA are satisfied that the proposed development accords with policies TRA 2 and TRA 4 of the NLP and the NPPF in relation to highway safety.

### **Land contamination**

- 7.22 Policy POL 1 of the NLP states *“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”*.
- 7.23 Whilst there is potential for areas of contamination on site due to the historic and continuous agricultural use, the applicant is not proposing a sensitive end use of the site (e.g. a dwelling) where the amenity of residents may be significantly impacted upon by contamination. Nevertheless, it would be appropriate for the LPA to include a condition, as recommended by the



Environmental Protection team, that ensures any land contamination identified on site is appropriately remediated with this remediation strategy submitted to the LPA for approval. Subject to this condition, the LPA consider the proposals to accord with policy POL 1 of the NLP and the NPPF in relation to land contamination.

### **Equality Duty**

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

### **Crime and Disorder Act Implications**

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

### **Human Rights Act Implications**

- 7.26 The Human Rights Act requires the County Council to 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.
- 7.27 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 7.28 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process 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. Appropriately worded conditions will secure the amenity of neighbouring residents as well as retaining highway safety at the site and within the wider area. The application is therefore recommended for approval.

## 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) Proposed site layout drawing no. 002 rev. 1 (received 17<sup>th</sup> October 2022)
- 2) Proposed elevations drawing no. 006 (received 9<sup>th</sup> March 2022)
- 3) Proposed floor and roof plans drawing no. 005 (received 9<sup>th</sup> March 2022)
- 4) Location plan (received 9<sup>th</sup> March 2022)

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

03. No construction work or development shall take place outside the hours of:

- 0800 and 1800 on Mondays to Fridays and
- 0800 and 1300 on Saturdays.
- 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.

04. The commercial workshop use hereby permitted shall not be open to customers on Sundays or Bank Holidays, or outside the following times:

- Monday – Friday: 0800 to 1800 hours
- Saturday: 0800 to 1300 hours

unless agreed in writing with the Local Planning Authority.

Reason: To protect residential amenity and provide a commensurate level of

protection against noise.

05. Within 21 days from receipt of a written request from the Local Planning Authority notifying the operator of a justified noise complaint the operator shall:
- a) employ a competent independent acoustic consultant to assess the level of noise from the development at the boundary of the complainant's property.
  - b) the assessment shall be undertaken in accordance with the methodology described in BS4142. The operator shall submit a report based on the consultant's findings to the Local Planning Authority for written approval.
  - c) where the noise levels from the development exceed World Health Organisation limits at the complainant's property, appropriate mitigation measures shall be agreed and implemented in full within a timescale approved in writing by the Local Planning Authority.

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

06. 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

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

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

08. The development shall not be brought into use until a means of vehicular access has been constructed (to NCC's Type B access specification with the first 6m to be hard surfaced) 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.

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

- i. vehicle cleaning facilities;
- ii. the parking of vehicles of site operatives and visitors;
- iii. the loading and unloading of plant and materials;
- iv. 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.

### **Informatives**

1. 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.
2. The granting of planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of part III of the Environmental Protection Act 1990 be received.
3. You should note that alterations to the existing vehicle crossing point(s) are required. These works should be carried out before first use of the development. To arrange alterations to the existing vehicle crossing point(s) (and to make good any damage or other works to the existing footpath or verge) you should contact the Highways Area Office at:  
[centralareahighways@northumberland.gov.uk](mailto:centralareahighways@northumberland.gov.uk)
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. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
  - on or within 8 metres of a main river (16 metres if tidal)
  - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
  - on or within 16 metres of a sea defence

- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the riverbank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environmentagency.gov.uk](mailto:enquiries@environmentagency.gov.uk).

**Date of Report:** 11<sup>th</sup> January 2023

**Background Papers:** Planning application file(s) 22/00896/FUL