

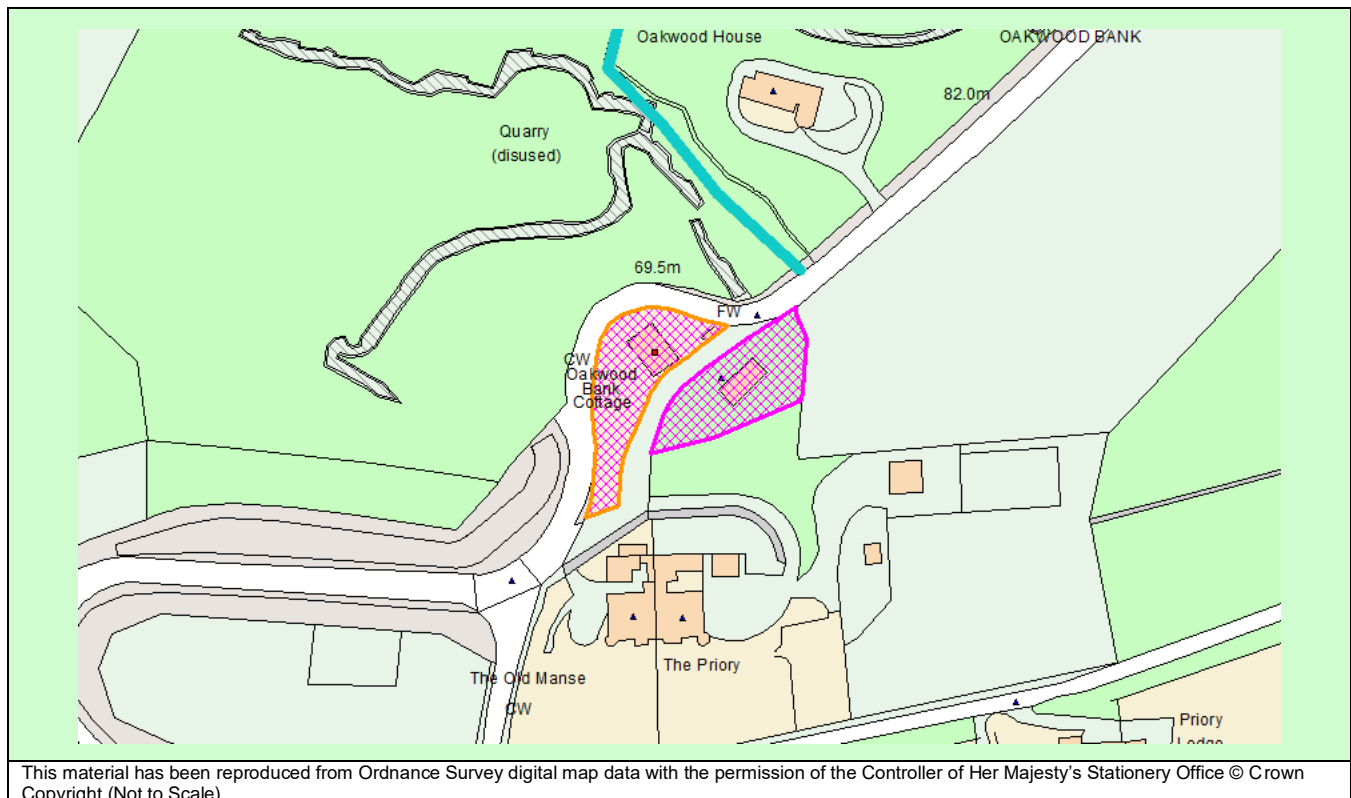


Northumberland County Council

Tynedale Local Area Council Planning Committee 09 May 2023

Application No:	23/00645/COU		
Proposal:	Change of use of dwellinghouse (Use Class C3) to a residential institution (Use Class C2)		
Site Address	Oakwood Bank Cottage, Oakwood Bank, Oakwood, Hexham Northumberland NE46 4LA		
Applicant:	Addis Town Planning Ltd Greystoke Castle, Greystoke, Penrith, CA11 0TG	Agent:	None
Ward	Corbridge	Parish	Sandhoe
Valid Date:	20 February 2023	Expiry Date:	12 May 2023
Case Officer Details:	Name: Ms Rachel Campbell Job Title: Senior Planning Officer Tel No: 07966332006 Email: Rachel.Campbell02@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



1. Introduction

1.1 Six representations of objection have been received from neighbours and local residents in relation to this application. The officer recommendation is that of approval. Therefore, under the provisions of the Council's current Scheme of Delegation, the application has been referred to the Director of Planning and the Chair and Vice Chair of the Tynedale Local Area Council Planning Committee for consideration to be given as to whether the application should be referred to a Planning Committee for determination. This matter has been duly considered under these provisions and it has been confirmed that the application shall be determined at planning committee.

2. Description of the Proposals

- 2.1 Planning permission is sought for the change of use of Oakwood Bank Cottage, Oakwood Bank, Oakwood, Hexham from a residential dwellinghouse (Use Class C3) to a residential institution (Use Class C2).
- 2.2 The application proposes to use the property as a home for a child in care. A maximum of one child would stay at the property at any one time with an envisaged length of stay of 12 months, with the property being the child's primary residence throughout this time. There would be up to three members of staff (two carers and one manager) at any one time and staff changeovers would be during the day. There would be no comings and goings at unsociable hours. The manager would be based at the property for up to 25 hours a week. The child would be supervised at all times and any excursions away from the property would be accompanied. There would also be visits to the property from social workers, family members of the child and an educational tutor.
- 2.3 The application does not propose any internal or external alterations to the property. The proposal seeks to utilise the existing car parking arrangements at the site, which allows for the parking of six vehicles.
- 2.4 The application site is located within the open countryside and the Green Belt, to the north of the main town of Hexham. The application site is within an Area of High Landscape Value, is within an Impact Risk Zone for a nearby Site of Special Scientific Interest (SSSI) and is within a low-risk coal advice area.
- 2.5 In February 2023, a Certificate of Lawfulness application was refused (under application reference: 22/04636/CLPROP) for the proposed change of use of Oakwood Bank Cottage, Oakwood Bank, Oakwood, Hexham from a residential dwelling (Use Class C3) to a residential institution (Use Class C2) because it was considered that planning permission was required for the proposed change of use. Therefore, the applicant has subsequently submitted this current change of use planning application.

3. Planning History

Reference Number: 22/04636/CLPROP

Description: Certificate of Lawfulness Development - Proposed Use for change of use, which falls within use Class C2 residential care residence.

Status: Refused

Reference Number: 20/04079/FUL

Description: Proposed conversion of existing garage into detached 2 bed dwelling. Construction of 3 no. car parking spaces for Oakwood Bank Cottage.

Status: Permitted

Reference Number: 20/01829/FUL

Description: Alterations to existing car port structure - infill between existing structure with timber cladding

Status: Permitted

Reference Number: 20/00962/FUL

Description: Proposed conversion of existing car port structure into detached 1 bed dwelling. Construction of 3 no. car parking spaces for Oakwood Bank Cottage.

Status: Refused

Reference Number: T/20070034

Description: Construction of first floor rear extension, and minor alterations to ground floor rear elevation

Status: Permitted

4. Consultee Responses

Public Protection	No comment to make on this application.
Acomb Parish Council	No response received.
Sandhoe Parish Council	No response received.
Highways	No objection subject to conditions and informatives.
Architectural Liaison Officer - Police	We are satisfied that the model of care to be provided and the company's management processes are such that we consider that there is likely to be minimal impact on public amenity and the risk profile of their operation is less than a standard children's home. Northumbria Police therefore have no objection to this application.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	3
Number of Objections	6
Number of Support	0
Number of General Comments	0

Notices

General site notice – displayed on 9th March 2023
No press notice required.

Summary of Responses:

Six representations of objection have been received from neighbouring properties and local residents which raise the following concerns:

- Highway safety/access.
- Increased traffic.
- Parking issues.
- Public safety.
- Inappropriate development in this rural location.
- Unsustainable location for the proposed development.
- Impact on neighbouring house prices.
- The applicant has not communicated with locals/neighbours regarding the proposals, and it would have been welcomed to have had the opportunity to discuss these with the applicant.
- The public footpath which runs adjacent to the site should be safeguarded.

It is noted that most of the objections also raise concerns with the recent erection of fencing at the site and the installation of CCTV cameras to the dwelling. Given that Oakwood Bank Cottage is currently a residential dwelling (C3 use) it benefits from permitted development rights and therefore householder works could be undertaken to the property and within its curtilage which do not require planning permission. This includes the erection of fences and the installation of CCTV subject to meeting the relevant requirements set out within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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=RQFBIZQS0MK00>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan (2022)

Policy STP 1 – Spatial Strategy (Strategic Policy)
 Policy STP 2 – Presumption in Favour of Sustainable Development (Strategic Policy)
 Policy STP 3 – Principles of Sustainable Development (Strategic Policy)
 Policy STP 4 – Climate Change Mitigation and Adaptation (Strategic Policy)
 Policy STP 7 – Strategic Approach to the Green Belt (Strategic Policy)
 Policy STP 8 – Development in the Green Belt (Strategic Policy)
 Policy HOU 1 – Making the Best Use of Existing Buildings (Strategic Policy)
 Policy HOU 5 – Housing Types and Mix
 Policy HOU 9 – Residential Development Management
 Policy HOU 11 – Homes for Older and Vulnerable People (Strategic Policy)
 Policy QOP 1 – Design Principles (Strategic Policy)
 Policy QOP 2 – Good Design and Amenity
 Policy TRA 1 – Promoting Sustainable Connections (Strategic Policy)
 Policy TRA 2 – The Effects of Development on the Transport Network
 Policy TRA 4 – Parking Provision in New Development
 Policy ENV 1 – Approaches to Assessing the Impact of Development on the Natural, Historic and Built Environment (Strategic Policy)
 Policy ENV 3 – Landscape
 Policy ENV 4 – Tranquillity, Dark Skies and a Sense of Rurality
 Policy WAT 2 – Water Supply and Sewerage
 Policy POL 2 – Pollution and Air, Soil and Water Quality

6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2021)
National Planning Practice Guidance (NPPG) (2021)

6.3 Neighbourhood Planning Policy

Acomb Neighbourhood Plan (2019)

Policy 10 – Design in New Development

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 policies in the Northumberland Local Plan and the Acomb Neighbourhood Plan.

7.2 The main considerations in the determination of this application are:

- Principle of the development and Green Belt.
- Design and landscape impact.
- Amenity and public safety.
- Highway safety.
- Drainage and sewerage.
- Other matters.

Principle of the Development and Green Belt

7.3 The application site is located within the open countryside. As a starting point, Part 1 (g) of Policy STP 1 of the Northumberland Local Plan is supportive of development in the open countryside where it can be demonstrated that it meets one of several criteria. None of the criteria set out in Part 1(g) of Policy STP 1 specifically cover the type of development proposed in this application.

7.4 Part 1(h) of Policy STP 1 of the Northumberland Local Plan advises that forms of development in the open countryside, other than those identified part 1(g) will be permitted if they are supported by a made neighbourhood plan. The application site falls within the Acomb Neighbourhood Plan area; however, there are no policies within this neighbourhood plan which relate to the type of development proposed in this application.

7.5 Part 1(i) of Policy STP 1 of the Northumberland Local Plan follows on to state that *“development in the open countryside should be sensitive to its surroundings, not have an unacceptable impact upon the local road network, and use previously developed land where opportunities exist”*. It is considered that the proposed development would adhere to criterion (i) of Part 1 of Policy STP 1, with the issues such as highway safety and impact on the wider landscape discussed in more detail in the below sections of this report.

7.6 Policy HOU 1 of the Northumberland Local Plan seeks to encourage making the best use of existing buildings, including by supporting the conversion and

change of use of buildings to residential, as is similarly encouraged in the NPPF. However, Policy HOU 1 does not relate to buildings which are already in residential use and that are proposed to be converted into a different form of residential use.

7.7 Policy HOU 5 of the Northumberland Local Plan relates to housing types and mix and advises that delivering a mix of high-quality housing to meet people's needs and aspirations, including affordable homes and specialist needs housing (for older and vulnerable people), is essential for re-balancing Northumberland's housing market and enhancing the sustainability of communities.

7.8 Further to Policy HOU 5, Policy HOU 11 of the Northumberland Local Plan is generally supportive of the provision of suitable accommodation for older and vulnerable people. Part 1 (c) of Policy HOU 11 seeks to support and enable the provision of Use Class C2 residential care and nursing home accommodation options for those older and vulnerable people with physical disabilities and other needs who are unable to live independently, where justified by a specialist housing needs assessment. Part 1 (e) of Policy HOU 11 requires planning applications to demonstrate that development proposals meet the space and accessibility needs of older and vulnerable people, as well as supporting the principles of 'active ageing'. Whilst no statement in this regard has been submitted, it is acknowledged that the submitted cover letter sets out a case for the need for the existing dwelling to be used as a home for a child in care.

7.9 The proposed development, comprising of the change of use of Oakwood Bank Cottage from C3 to C2 use, would be acceptable as a matter of principle in this open countryside location in accordance with Policies HOU 5 and HOU 11 of the Northumberland Local Plan and Part 1(i) of Policy STP 1 of the Northumberland Local Plan.

7.10 The application site is also located within the Green Belt; therefore, the proposed development must also be assessed against relevant national and local Green Belt planning policies. Development within the Green Belt is strictly controlled.

7.11 Paragraph 138 of the NPPF sets out the five purposes of the Green Belt, which are:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

7.12 Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, and lists a number of exceptions to this, none of which are relevant in this instance. Paragraph 150 of the NPPF states that "*certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it*", such as the re-use of buildings provided that the buildings are of permanent and substantial construction and material changes in the use of land.

7.13 Policy STP 8 of the Northumberland Local Plan relates to development in the Green Belt. Policy STP 8 states “*development which is not inappropriate in the Green Belt, as defined in national planning policy, will be supported*”.

7.14 The proposed development would involve the re-use of an existing building which is of permanent and substantial construction and would also involve the material change of use of the curtilage of the building. The application does not propose any internal or external alterations to the building and does not propose any changes within the curtilage of the building. Therefore, the overall proposal is considered to preserve the openness of the Green Belt by re-using an existing building and its curtilage. Therefore, the proposed development would fall under exceptions d) and e) of Paragraph 150 of the NPPF and would not constitute inappropriate development in the Green Belt. The proposed change of use is therefore considered to be acceptable in accordance with Policy STP 8 of the Northumberland Local Plan and the principles set out within Chapter 13 of the NPPF.

7.15 It is noted that some of the representations of objection have raised concerns regarding the principle of the development in this location. This application has been appropriately assessed against relevant local and national planning policies and it is concluded that the proposal is acceptable for the reasons set out above.

Design and Landscape Impact

7.16 The application proposes to change the use of the existing building at the site. The proposed change of use would not involve any internal or external alterations to the building. The proposed change of use would not increase the size of the floorspace of the building. Therefore, the proposed change of use would not change the size or appearance of the building and would remain as existing. It is therefore considered that the proposed change of use would not adversely impact upon the character and appearance of the application site or the wider surrounding landscape.

7.17 The application would be acceptable in accordance with Policies STP 2, STP 3, STP 4, QOP 1, ENV 1, ENV 3 and ENV 4 of the Northumberland Local Plan, Policy 10 of the Acomb Neighbourhood Plan and the principles of the NPPF in relation to design and landscape impact.

Amenity and Public Safety

7.18 The application site is located within the open countryside, to the north of the main town of Hexham. Oakwood Bank Cottage comprises of two parcels of land (as shown on the submitted location plan) which are divided by the U8309 road (Oakwood Bank Old Road) which runs through the middle. The main dwelling and garden area are located on the land to the west, whilst the detached garage building and parking area are located on the land to the east. The main C239 road (Oakwood Bank) encircles the site to the west and north. Beyond this road, to the north and west, is an area of woodland. At a distance of approximately 60 metres to the north of Oakwood Bank Cottage, is the residential dwelling of Oakwood House. To the immediate east of Oakwood Bank Cottage is open land with an area of woodland beyond. To the immediate south of Oakwood Bank Cottage is a small stretch of woodland and two residential dwellings; The Old Manse and The Priory. Therefore, the proposed residential institution would have three immediate neighbouring dwellings.

- 7.19 The application proposes to change the use of Oakwood Bank Cottage from a residential dwelling (Use Class C3) to a residential institution (Use Class C2). As aforementioned within the “principle” section of this report, the proposed use is considered to be acceptable as a matter of principle in this rural location.
- 7.20 It is acknowledged that the application does not propose any internal or external alterations to the property and the proposed use seeks to utilise the existing car parking arrangements at the site.
- 7.21 The application proposes to use the property as a home for a child in care and a maximum of one child would stay at the property at any one time with an envisaged length of stay of 12 months, with the property being the child’s primary residence throughout this time. There would be up to three members of staff (two carers and one manager) at any one time and staff changeovers would be during the day. The manager would be based at the property for up to 25 hours a week. The child would be supervised at all times and any excursions away from the property would be accompanied. There would also be visits to the property from social workers, family members of the child and an educational tutor. There would be no comings and goings at unsociable hours.
- 7.22 The impact of the proposed use of the building on the amenity of neighbouring residential properties and upon general public safety has been carefully considered under this planning application. The Council’s Environmental Protection (EP) team, who consider issues such as noise and impact upon amenity, have been consulted on this application and having reviewed the submitted information, have no comments to make on this application. Given the nature of the proposed development, Northumbria Police have also been consulted on this application and raises no objection to the application. Northumbria Police have commented that following a constructive meeting with the applicant, they are satisfied that the model of care to be provided and the company’s management processes are such that they consider that there is likely to be minimal impact on public amenity and the risk profile of the operation is less than a standard children’s home. A condition is considered to be necessary to ensure that a maximum of one child would reside at the property at any one time, as detailed within the submitted cover letter. This is to ensure that any increase in the number of children residing at the property can be adequately assessed through the planning process and through further consultation. It is therefore considered that the proposed use would not have a significant adverse impact upon the amenity of neighbouring residential properties or upon general public safety.
- 7.23 Subject to accordance with the recommended conditions, the proposed development is considered to be acceptable in accordance with Policies QOP 2 and POL 2 of the Northumberland Local Plan and the principles of the NPPF in this respect.
- 7.24 Several of the representations of objection have raised concerns regarding impact upon amenity and general public safety, and these concerns have been taken into consideration when compiling this section of the report. Following consultation with the Council’s EP team and Northumbria Police, who consider issues such as amenity and public safety, the proposed use is considered to be acceptable in this respect, subject to conditions.

Highway Safety

7.25 The Council's Highway Development Management (HDM) team has been consulted on this application, and having reviewed the submitted information, raises no objection subject to conditions and informatives. The recommended conditions request the submission of details of the car parking, cycle parking and refuse storage facilities and collection. The Council's HDM team note that the application form states that there are six parking spaces at the site which would be utilised by the proposed use and consider that the existing car parking and access arrangements are acceptable. Whilst the car parking arrangements have not been shown on the submitted plan, it is acknowledged that there is sufficient parking at the site for the proposed use and a condition to ensure the parking area is retained as existing is considered more appropriate than requesting details of this. Also, it is recognised that there is an existing detached garage and a stone outbuilding to the rear of the property which could both be used for cycle storage purposes. Therefore, a condition to ensure cycle parking is provided at the site at all times is considered more appropriate than requesting details of this. With regard to refuse storage and collection, it is acknowledged that the residential property has an existing refuse storage area directly to the front of the property and adjacent to the pedestrian gate to the southern side, which will be utilised by the proposed use. Therefore, a condition to ensure the refuse storage area and collection strategy remains as existing is also considered to be more appropriate than requesting details of this when they are not changing. The Council's HDM team note the information on staffing levels, visitors and a maximum of one child residing at the property at any one time. Subject to accordance with the abovementioned conditions, the application is acceptable in this respect in accordance with Policies TRA 1, TRA 2 and TRA 4 of the Northumberland Local Plan and the principles of the NPPF.

7.26 Several of the representations of objection have raised concerns regarding highway safety, traffic, access and parking, and these concerns have been taken into consideration when compiling this section of the report. Following consultation with the Council's HDM team, who consider issues such as highway safety, traffic, access and parking, it is considered that the proposed use is acceptable in respect of these issues, subject to conditions.

Drainage and Sewerage

7.27 The application form indicates that foul sewerage would be disposed of by septic tank because the dwelling is already connected to an existing septic tank and therefore the proposed use would utilise the existing drainage system in place at the site. There would be no changes to the disposal method of foul sewerage. The application form also indicates that surface water would be disposed of by mains sewer. The application is considered to be acceptable in this respect in accordance with Policy WAT 2 of the Northumberland Local Plan and the principles of the NPPF.

Other Matters

7.28 The representations of objection have also commented that the proposed use would impact upon the house prices of neighbouring properties. This matter is not a material consideration in the determination of this planning application. The representations of objection have also commented that the public footpath which runs adjacent to the site should be safeguarded. The proposed change of use, based on the information provided, would not obstruct the use of the U8309

(Oakwood Bank Old Road) by pedestrians and vehicles; however, it is noted that whilst this is an adopted road, it is not a formal Public Right of Way.

Equality Duty

7.29 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

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

Human Rights Act Implications

7.31 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.

7.32 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.

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

8. Conclusion

8.1 The main planning considerations in determining this application have been set out and considered above indicating accordance with the relevant development plan policies. The application has also been considered against the relevant sections within the NPPF and there is not considered to be any conflict between

the local planning policies and the NPPF on the matters of relevance in this application.

8.2 The technical issues affecting the proposal have been suitably addressed subject to conditions set out in the recommendation.

8.3 The application has addressed the main considerations and it is considered appropriate to recommend the approval of the application. The proposal is therefore supported and approval subject to conditions is recommended.

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 details shown on the following plans:

- Existing and Proposed Block Plan, Drawing No: A 02
- Location Plan, Drawing No: A 01
- Cover Letter produced by Addis Town Planning Ltd – dated 20th February 2023

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

03. The car parking arrangements, comprising of six car parking spaces, at the application site shall remain as existing and shall be retained in perpetuity for the lifetime of the development.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA 4 of the Northumberland Local Plan.

04. Cycle parking shall be provided at the application site for the parking of cycles and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety and sustainable development, in accordance with the National Planning Policy Framework and Policy TRA 1 of the Northumberland Local Plan.

05. The refuse storage facilities and refuse storage strategy at the application site shall remain as existing and shall be retained and operated in perpetuity for the lifetime of the development.

Reason: To ensure sufficient and suitable facilities are provided for the storage and collection of household waste in accordance with the National Planning Policy Framework and Policies TRA 1 and TRA 2 of the Northumberland Local Plan.

06. The hereby approved premises shall be used as a residential home for one child

and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of residential amenity and highway safety, in accordance with Policies QOP 2 and TRA 4 of the Northumberland Local Plan and the principles of the National Planning Policy Framework.

07. No more than one child shall reside at the hereby approved premises at any given time.

Reason: In the interests of residential amenity and highway safety, in accordance with Policies QOP 2 and TRA 4 of the Northumberland Local Plan and the principles of the National Planning Policy Framework.

Informatives

1. 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.
2. In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

Date of Report: 20.04.2023

Background Papers: Planning application file(s) 23/00645/COU