

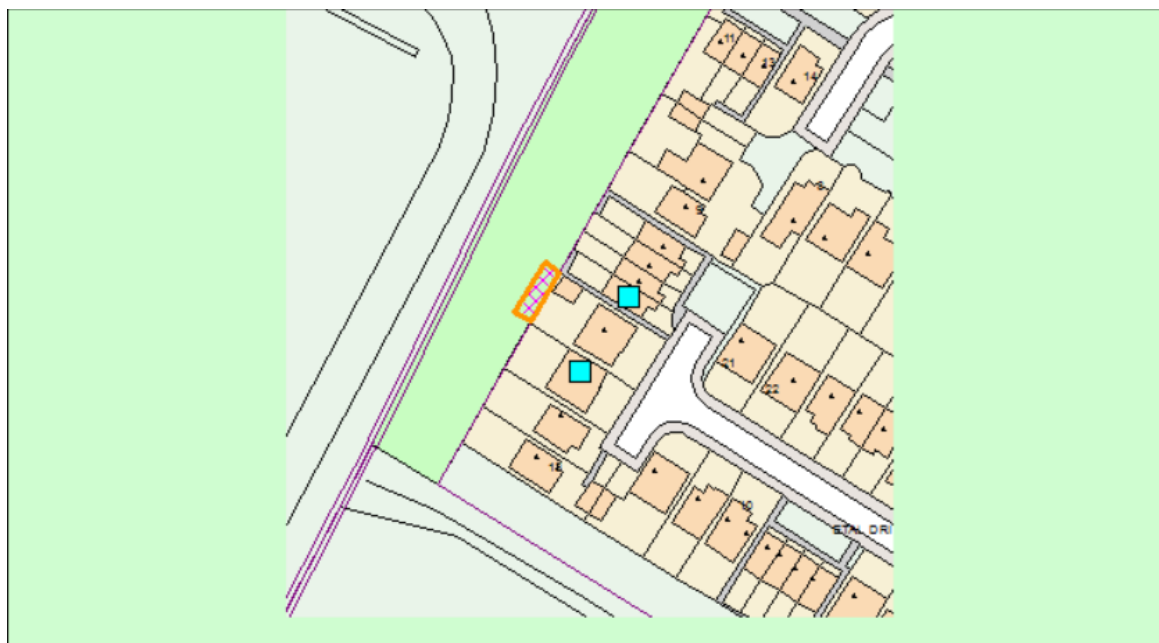


Northumberland County Council

North Northumberland Local Area Committee Planning Committee 24th August 2023

Application No:	23/01126/FUL		
Proposal:	Change of use from public land to residential land (garden use).		
Site Address	16 Etal Drive, Amble, Northumberland, NE65 0GS		
Applicant:	Mr Gary Morrison 16 Etal Drive, Amble, Northumberland, NE65 0GS	Agent:	Mr David Lillie 8 Broomhill Street, Amble, Morpeth, NE65 0AN
Ward	Amble	Parish	Amble By The Sea
Valid Date:	28 March 2023	Expiry Date:	23 May 2023
Case Officer Details:	Name: Katie Lois Job Title: Planning Technician Tel No: 07870366099 Email: Katie.Lois@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



This material has been reproduced from Ordnance Survey digital map data with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright (Not to Scale)

1. Introduction

1.1 This application falls to be determined by the North Northumberland Local Area Council Planning Committee due to an objection received by Amble Town Council. This is contrary to the officer recommendation of approval.

1.2 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 raise issues of strategic, wider community or significant County Council Interest.

2. Description of the Proposals

2.1 The application seeks planning permission for the change of use from public land to residential land (garden use) of 16 Etal Drive in Amble. Work has commenced but is not yet complete.

2.2 The proposed change of use of land would be located to the west of the existing curtilage of the dwelling to form additional residential garden. The application site lies between Amble County Middle School and Amble Running Track to the west, and the housing estate. The proposal will use a small strip of council land which is small in scale. The area consists of trees and mature vegetation which is not maintained.

3. Planning History

Reference Number: 22/03147/FUL

Description: Single storey rear garden room extension

Status: PER

4. Consultee Responses

Amble Town Council	Objection from Amble Town Council Whilst described as 'public land' this land originally formed part of the old wagonway following the demise of the railway along here, the areas became Alnwick District Council's responsibility and therefore the ownership should have passed to NCC. This area forms a buffer zone between the school grounds and the housing estate but was not left as such by the housing developer. The original proposal for this land was to develop a walkway from Amble to Togston, although this was not developed, barriers were placed on the A1068 to prevent children running straight onto the busy road. It is not part of the estate/housing development area. The land is currently not maintained and is overgrown but it could be utilised again either in the new school development plan or as a safer pedestrian access from the new development to the Enterprise Park and into the town itself. ATC asks that no approval should be given until all other options have been thoroughly assessed, this land could be better utilised for the benefit of the whole community. Allowing this proposal to be granted would also set a precedent for adjoining owners to acquire their "strip" which may be larger than the one in the subject application.
Strategic Estates	No response received.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	2
-------------------------------	---

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

HOU 9 - Residential development management

QOP 1 - Design principles (Strategic Policy)

QOP 2 - Good design and amenity

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

NPPG - National Planning Practice Guidance (2021, as updated)

7. Appraisal

7.1 The main issues for consideration in the determination of this application are:

- Principle of the development
- Design and visual amenity
- Impact on amenity

Principle of the Development

7.2 The application proposes development that is domestic in nature and proposes to include the land within the residential curtilage of an existing dwellinghouse. The principle of development is therefore acceptable and in accordance with Policy HOU 9 of the Northumberland Local Plan and the NPPF.

Design and visual amenity

7.3 Policy QOP 1 sets out general design principles against which development will be assessed. These include that proposals should make a positive contribution to local character and distinctiveness; create or contribute to a strong sense of place and integrate the built form with the site and wider local area and be visually attractive and incorporate high quality materials.

7.4 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 preserve the amenity of those living in the local area.

7.5 Policy HOU 9 states that 'Householder proposals for the extension and/or external adaptation of existing dwellings will only be supported where the enhancement:

- a. Is well-related and subordinate in size and massing to the existing dwelling, and in combination with the existing dwelling forms a visually indivisible single dwelling as a whole;
- b. Does not have a significant adverse impact on the amenity of adjoining properties in terms of structural proximity and unacceptable loss of daylight/sunlight, privacy and visual outlook;
- c. Respects, complements and does not have an unacceptable adverse impact on the style and character of the existing dwelling and its setting in terms of its design and use of materials, or on the character of the surrounding area; and
- d. Retains reasonable garden/yard space and satisfactory off-road parking space for the dwelling.'

7.6 The land is currently owned by the Council and the proposal which seeks to use the land as residential garden is currently covered in trees and mature vegetation. The area of land has not been maintained. The site lies between Amble County Middle School and Amble Running Track to the west, and the housing estate. The change of use of a small section of land to the west of the existing curtilage of the dwelling to form additional residential garden is considered acceptable. This parcel of land is relatively small in scale and is well-located and proportioned to the existing plot. It is therefore considered that the change of use of land does not have a negative impact on the visual appearance of the site or wider area. The boundary treatments that are proposed are of standard design and scale and would not impact upon the properties along Etal Drive. The proposal would not have a significant adverse impact on the character or visual amenity of the existing dwellinghouse or the surrounding area.

7.7 Therefore, the proposed development is considered acceptable in terms of scale and layout and is in accordance with Policies QOP 1, QOP 2 and HOU 9 of the Northumberland Local Plan and the NPPF.

Impact on amenity

7.9 Amble Town Council have objected to this application, in part, on amenity grounds as they are of the view that the proposal could be better used for the benefit of the whole community, as a walkway or as part of the new school and could set a precedent for neighbouring properties to acquire their own strip. The existing land is unmaintained with trees, shrubbery and vegetation. The area of land used is narrow and is considered to be a very limited loss of amenity space. It is therefore considered that the change of use of land would not have a negative impact on the the amenity of the site or wider area. It would be of an appropriate size and scale. Any additional development by neighbouring properties to change the use of land would require separate planning applications be submitted which would be determined on their individual merits.

7.10 Overall, it is considered that the works would not have an unacceptable adverse impact on the appearance of the existing property, or on the amenity of the wider landscape. The application would accord with Policies QOP1, HOU 9 and QOP 2 of the Northumberland Local Plan.

Equality Duty

7.11 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

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

Human Rights Act Implications

7.13 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.

7.14 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.

7.15 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, stating accordance with the relevant Development Plan

Policy. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the NLP and the NPPF on the matters of relevance in this case.

8.2 The proposal has addressed the main considerations and would accord with relevant policy and is considered to be acceptable.

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 and documents. The approved plans and documents for this development are :-

Proposed Block Plan, 009
Location Plan, 007

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

03. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any subsequent Order amending, revoking or re-enacting that Order with or without modification), there shall be no building, structure or enclosure placed on the site unless an application for planning permission has first been submitted to and approved in writing by the Local Planning Authority.

Reason: The Local Planning Authority considers that any further development would prejudice a satisfactory layout and would have a harmful effect upon the amenity of the area and in accordance with Local Plan Policy Hou 9.

Background Papers: Planning application file(s) 23/01126/FUL