

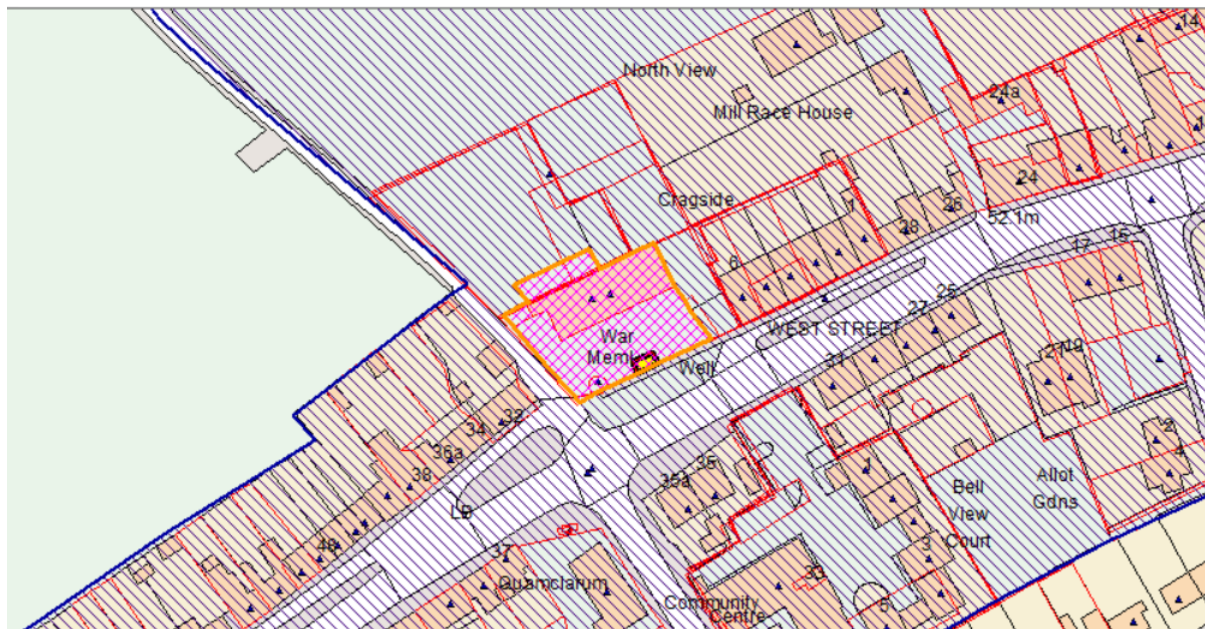


# Northumberland County Council

## North Northumberland Local Area Committee 21<sup>st</sup> September 2023

<b>Application No:</b>	20/03156/FUL		
<b>Proposal:</b>	Demolition of redundant Community Club and construction of 6No. residential units		
<b>Site Address</b>	Belford Community Club, West Street, Belford, NE70 7QE		
<b>Applicant/ Agent</b>	Mr Michael Rathbone 5 Church Hill, Chatton, Alnwick, NE66 5PY		
<b>Ward</b>	Bamburgh	<b>Parish</b>	Belford With Middleton
<b>Valid Date</b>	10 December 2020	<b>Expiry Date</b>	4 February 2021
<b>Case Officer Details</b>	Name: David Love Job Title: Senior Planning Officer – Minerals and Waste Tel No: Email: David.love@northumberland.gov.uk		

**Recommendation:** That this application be approved subject to the conditions, final approval of updated bat surveys from the County Ecologist, and the successful conclusion of a section 106 legal agreement for the payment of £3,690 towards the Coastal Mitigation Strategy and details of nutrient neutrality offsetting.



### 1.Introduction

1.1 This application is deemed appropriate for determination by the area planning committee by virtue of public interest.

### 2.Description of the Site and Proposals

2.1 The site to which the application relates to is Belford Community Club and surrounding land. Belford Community Club is an unlisted building in the Belford Conservation Area. While altered it dates to the late C18 and has evidential, communal, historical and aesthetic significance

2.2 The proposal to which the application relates is to demolish the existing disused club and replace with a residential development consisting of 4 no town houses and 2 no two storey properties. These will fit onto the site in an 'L' shape with the 3-storey section kept to the back (North) of the site. The area in front of the dwellings is to be used as a parking area and access road. Further parking is proposed to the north of the site.

### **3. Planning History**

**Reference Number:** 11/02245/FUL

**Description:** Installation of roof solar panels

**Status:** PER

**Reference Number:** N/78/B/0066/P

**Description:** Alterations and extensions

**Status:** PER

**Reference Number:** 17/04530/FUL

**Description:** Proposed change of use from commercial to residential.

**Status:** PER

**Reference Number:** 18/03854/DEMGDO

**Description:** Prior notification of proposed demolition of club house to make way for development.

**Status:** APPRET

**Reference Number:** 19/00490/FUL

**Description:** Demolition of former club building

**Status:** WDN

**Reference Number:** N/79/B/62

**Description:** Extension to car park

**Status:** PER

**Reference Number:** N/82/B/3

**Description:** Erection of new wing at west end of club premises

**Status:** PER

**Reference Number:** N/08/B/0633

**Description:** Erection of canopy/awning.

**Status:** PER

**Reference Number:** N/00/B/0640

**Description:** Removal of condition 95/b/0084/p.

**Status:** PER

**Reference Number:** N/92/B/0781/P

**Description:** Double sided post mounted panel sign.

**Status:** PER

**Reference Number:** N/95/B/0084/P

**Description:** Application to retain 60cm satellite dish on front elevation of building.

**Status:** PER

#### **4. Planning Policy**

##### 4.1 Northumberland Local Plan

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 5 - Housing types and mix

HOU 9 - Residential development management

HOU 11 – Homes for older and vulnerable people (Strategic Policy)

QOP 1 - Design principles (Strategic Policy)

QOP 2 - Good design and amenity

QOP 5 - Sustainable design and construction

QOP 6 - Delivering well-designed places

TRA 2 - The effects of development on the transport network

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

ENV 7 - Historic environment and heritage assets

ENV 9 - Conservation Areas

WAT 1 - Water quality

WAT 4 - Sustainable Drainage Systems

POL 1 - Unstable and contaminated land

INF 6 - Planning obligations

##### 4.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

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

Neighbourhood plan

The Belford Neighbourhood Plan is currently at the draft stage where limited weight can be applied to the policies.

#### **5. Consultee Responses**

Natural England	No objection, subject to appropriate mitigation (CMS contribution)
County Ecologist	No objection, subject to conditions, nutrient neutrality, CMS contribution and updated bat surveys
Belford & Middleton Parish Council	<p>Belford Parish Councillors have considered the above planning application and agreed to support this planning application, especially now that the planning statement has been revised to provide details of the proposed protection of the War Memorial and surrounding garden during and after the development.</p> <p>Parish Councillors also agreed that they would like the applicant to place a covenant on the 6 properties to say that the properties must be for permanent residency only.</p>
Highways	No objection.
Northumbrian Water Ltd	<p>No objection</p> <p>NWL can confirm that at this stage we would encourage the applicant to develop a sustainable drainage solution for surface water. Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority:</p> <ul style="list-style-type: none"> <li>• Discharge into ground (infiltration).</li> <li>• Discharge to a surface water body.</li> <li>• Discharge to a surface water sewer, highway drain, or another drainage system; and,</li> <li>• As a last resort, discharge to a combined sewer</li> </ul>
County Archaeologist	<p>In balancing the loss of archaeological remains (in this case the remains of the former Belford Memorial Hall as a non-designated heritage asset with archaeological significance) the LPA (Local Planning Authority) should have regard to paragraphs 197 and 198 of the NPPF.</p> <p>For the avoidance of doubt my comments do not relate to the effect of the development on the significance of the Belford Conservation Area. Separate advice in this regard will be provided by colleagues in Building Conservation.</p> <p>Should the LPA be minded to approve this application, the Conservation Team would ordinarily recommend that a programme of historic building recording should be undertaken in line with paragraph 199 of the NPPF. Such work would ordinarily be secured by condition. In this instance, a detailed historic building recording exercise has already been undertaken and a report submitted to the Conservation Team for deposition with the Northumberland Historic Environment Record. This satisfies requirements which would ordinarily be secured via planning condition.</p> <p>No further archaeological mitigation is recommended.</p>
Public Protection	No objection, subject to conditions

Building Conservation	We consider the impact of the new development on the Belford Conservation Area would also fall to less than substantial harm.  The impact of the loss of the Memorial Hall and the siting of the bin store nearby on the setting of the listed war memorial would be less than substantial harm (paragraph 196).  For those reasons Building Conservation object to the proposal.
Lead Local Flood Authority (LLFA)	No objection

## 6. Public Responses

### Neighbour Notification

Number of Neighbours Notified	9
Number of Objections	5
Number of Support	0
Number of General Comments	0

### Notices

Conservation & affect LB, 20th December 2020  
Berwick Advertiser 17th December 2020

### Summary of Responses:

Five representations have been submitted in relation to this proposal. To summarise, these relate to the following matters:

- Inaccuracies in the application.
- Impact on trees in the vicinity of the site.
- Potential Impact on Local Watercourses.
- Lack of Parking Associated with the proposal.
- Disruption to existing residents.
- Practicalities of construction e.g., potential scaffolding locations.
- Impact on character of the local area and conservation area.
- Loss of amenity to neighbouring and nearby occupiers e.g., loss of light, outlook, and privacy.
- Amenity Impacts during construction.
- Affordability of proposed dwellings/lack of affordable dwellings within scheme.
- Loss of a local heritage asset; and,
- Alternative uses would be more appropriate on the site.

## 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 comprises policies in the Northumberland Local Plan. The National Planning Policy Framework (NPPF) (February 2019) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 The main considerations in relation to this application are:

- The Principle of Development.
- Impact on the Historic Environment.
- Design and Visual Impact.
- Drainage.
- Highways and Transport Matters.
- Contaminated Land; and,
- Ecology and Biodiversity

### Principle of Development

7.3 Paragraph 79 of the NPPF states that housing should be located where it will enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

7.4 NLP policy STP 1 sets out a spatial strategy for development seeking to provide development that will enhance the vitality of communities across Northumberland and identifies Belford as a Service Centre, where sustainable development is supported and subject to a range of criteria including it is commensurate to the size of the settlement. Policy STP2 sets out the presumption in favour of sustainable development with STP3 setting out the principles of sustainable development.

7.5 The site is located on 'previously developed land' near to the centre of Belford. This is a sustainable location for development having access to a mixed service base including bus services, shops, pub, church, and school accessible without the use of a private car and a wider service base in larger, nearby towns and villages. The proposed location of development would be sustainable in relation to economic and social considerations. It would deliver economic benefits through new housing in the area and in social terms would deliver market housing in an appropriate location. The proposal would help to sustain the existing community and associated services, as well as being able to contribute to improvements to existing services.

7.6 The principle of residential development is therefore considered acceptable in accordance with policies STP1, STP2, STP 3 and the NPPF.

### Impact on the Historic Environment

7.7 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local authority to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses.

7.8 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities, as decision makers, in considering whether to grant Planning Permission for development, to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7.9 The Local Planning Authority must have regard to Section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act which requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

7.10 The National Planning Policy Framework (NPPF) is a material Planning consideration in the assessment of the application. Paragraph 197 of the NPPF states that, in determining applications, Local Planning Authorities should take account of several criteria, in particular the desirability of sustaining and enhancing the significance of heritage assets. Paragraphs 199-202 of the NPPF introduce the concept that harm can be caused by development that affects the setting and significance of heritage assets. The degrees of harm are defined as 'total loss', 'substantial harm', or 'less than substantial harm' and introduces the need to balance any harm against the benefits of the development.

7.11 NPPF Paragraph 203 states the effect of an application on the significance of a non-designated heritage asset should be considered in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

7.12 The Planning Practice Guidance at paragraph 39 states that:

*“Non-designated heritage assets are buildings, monuments, sites, places, areas, or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets. A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets.”*

7.13 NLP policy ENV7 requires that decisions affecting heritage assets will be based on a sound understanding of significance of the assets and the impacts on it and that development affecting archaeological sites or, sites with archaeological potential will require desk-based assessment and where necessary field evaluation. Furthermore, where total loss of the asset is proposed then the applicant must demonstrate attempts for conversion are not viable and that consideration has been given to formal designation.

#### Building Background

7.14 Belford Community Club is an unlisted building in the Belford Conservation Area. While altered it dates to the late C18 and has evidential, communal, historical, and aesthetic significance. It makes a positive contribution to the character of the conservation area and is a non-designated heritage asset within the terms of paragraph 203 of the Framework. The grade II listed Belford War Memorial stands 11 metres southeast of the former club. The war memorial has evidential, communal, historical, and aesthetic significance. It is currently in a run-down state.

7.15 The Belford Community Club building (former Belford & District War Memorial Hall) has been subject to a programme of archaeological historic building recording, undertaken following pre-application discussions with the applicant. This work was undertaken during the May 2020 to Historic England 'Level 3' standards in line with a specification approved by the Conservation Team.

7.16 The Historic Building Report notes that the existing building was originally constructed as a 'Scotch Church' from 1776 on the site of a former meeting house. It was renovated in 1877 but ceased to function as a church in 1898 before being converted to use as a village hall. It was rededicated as the Belford Memorial Hall in

1922 and renamed as Belford Community Club during the 1980s. The building closed in November 2016. The Historic Building Report noted that the existing structure has lost most of its original features and fittings, with the building today reflecting modern uses and alterations.

7.17 An archaeological evaluation trench excavated at the front of the existing Hall (between the Hall and the war memorial) recorded the remains of stone field drain. The evaluation otherwise recorded that the site had historically been stripped down to the level of natural clay geology before this level was covered with mixed deposits of 'made ground.' Late 19th and early 20th century ceramic remains were found in association with the drain. No other archaeological remains were identified within the present application site.

#### Consultee Comments

7.18 Objections to the application from Building Conservation have been received to the application on heritage grounds. The application site does not benefit from statutory listing, it does however fall within a designated Conservation Area. The former Belford Community Club Building has been identified as a non-designated heritage asset by the Council's Building Conservation Officer and County Archaeologist.

7.19 The Council's Building Conservation Officer advises that the former Belford Community Club building has a degree of heritage significance meriting consideration in planning decisions and paragraph 203 of the NPPF is engaged. This will require a balanced judgement in the planning process. In this instance the loss of the NDHA would be total although building recording has been undertaken. In reaching the balanced judgement it is considered the building would fall short of statutory listing criteria.

7.20 Belford Parish Council have considered the above planning application and are in support of this application, especially now that the planning statement has been revised to provide details of the proposed protection of the War Memorial and surrounding garden during and after the development.

#### Policy Assessment

7.21 The relevant policy test in this instance falls to ENV 7 subsection 6. This specifies that a 'balanced judgement' will be required in the event of a loss of a NDHA. The applicant is required to demonstrate efforts for formal protection. In this instance it has been demonstrated that the building falls short of formal listing and, because of its physical nature, is not appropriate for an Ancient Monument designation.

7.22 Given the above it is necessary to assess against subsection 7. This requires a building recording survey to be undertaken to Historic England standards. This has been completed and reviewed by Archaeology.

7.23 Having regards to the above and all representations received it is considered that retention of the building on heritage grounds is not justified. There have been previous attempts to convert the building which have proven too expensive. Evidence has been submitted to the planning authority. Considering the position of colleagues in Conservation there is an identified harm that needs to be balanced with public benefit. The new housing in this location would make efficient use of land and complement its surroundings. These are crucial factors in the planning balance. Given the public benefits of finding a new use for the site, on previously developed land, and



the provision of market housing in a sustainable location within the centre of Belford. It is considered that this outweighs the 'less than substantial harm' identified in relation to this application and is therefore consistent with the provisions of NPPF and the policy tests of ENV 7.

7.24 In accordance with the Building Conservation Officer and County Archaeologists advice, it is recommended that the former Belford Community Club Building be formally recorded prior to its demolition. This matter could be secured by a planning condition.

7.25 Having regards to the above it is considered the proposal is acceptable in heritage terms. The proposal complies with Chapter 16 of the NPPF and the Local Plan.

### Design and Visual Impact

7.26 Paragraph 126 of the NPPF identifies that high quality buildings and places is fundamental to what the planning and development process should achieve and paragraph 134 advises that permission should be refused for developments of poor design. Paragraph 130 of the NPPF states that:

*“Planning decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and, f) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

7.27 Local Plan policy QOP 1 sets out the design principles of the Local Plan. Proposals are expected to make a positive contribution to local character and distinctiveness and contribute to a positive relationship between built and natural features, including landform and topography. Further, proposals should create or contribute to a strong sense of place. The principles of QOP 1 are further enhanced by Policy QOP 3 – Public realm design principles which sets out a several criteria where applicants are expected to improve the public realm. This can be achieved by having a clear definition of private / public spaces, having a clear hierarchy of routes and spaces, which are faced by active frontages and maximise natural surveillance. Proposals should also maximise urban greening through street trees and other vegetation.

7.28 Policy QOP 2 requires good design and amenity. In this regard, development will be required to provide a high standard of amenity for existing and future users.

7.29 The design solution will present a similar scale of building across the site and akin to the properties on the street scene to the east. The building will be two storey with accommodation in the roof. It will sit as an 'L' shape presenting a terrace of 4

properties to the street scene. Materials will be a smooth render finished in buff, with foil effect window frames, black rainwater goods and a slate roof. This is consistent with the recent developments in the conservation area.

7.30 The proposal has been designed to consider the historic environment in which it sits, in terms of the wider Conservation Area, with the design being amended from earlier iterations submitted for pre-application advice. Whilst the development of proposal will result in the loss of a non-designated heritage asset within the conservation area, it is considered that the proposal has been designed with the nearby historic assets e.g., War Memorial, and the Conservation Area, in mind. It is therefore considered that the design of the proposal is appropriate in the context of relevant policy and material considerations.

7.31 The design of the proposal is acceptable in accordance with policies, ENV 1, ENV 7 and HOU 9 and the provisions and intentions of the NPPF, subject to conditions and other relevant material considerations.

### Amenity

7.32 The assessment of amenity seeks to appraise whether a development would have an adverse impact on properties nearby in terms of appearing overbearing, impacting privacy or issues arising from a proposed use.

7.33 Paragraph 130 of the NPPF states that planning decisions should:

*f) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

7.34 In this instance there are existing properties on the opposite side of the main road. However, these are to the south and are some distance away. It is not expected that the proposal will result in any adverse impact on privacy or day / sun lighting.

7.35 The houses themselves will be terraced but with suitable levels of garden space serving each house. They do not afford an opportunity to overlook nor overbear one another.

7.36 As part of the consultation response from Highways Development Management (HDM), a construction method statement has been requested to secure details of on-site operations during the construction period. This in turn would ensure good practise having regard to amenity issues for nearby occupants prior to completion of the development. Alongside this would be measures to manage surface water drainage as set out by the Lead Local Flood Authority (LLFA). In addition, Public Health Protection (PHP) have requested conditions to manage noise and deliveries throughout the construction period.

7.37 The proposal will not result in an adverse impact on the residential amenity of the existing properties nor on the new houses themselves.

### Highways and Transport Matters

7.38 This section seeks to appraise the proposal about the impacts it may have on the surrounding Highways and Transport Network. Typically, the key issues around Highways and Transport matters in relation to Residential Developments in Towns such as this, are Car Parking and Sustainable Transport options. Consultation has been undertaken with the Highways Development Management Team, which has helped form this section.

7.39 When assessing this application, the Highway Authority checks that the proposal will not result in an adverse impact on the safety of all users of the highway, the highway network or highway assets.

7.40 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.”*

7.41 The council’s Highways Development Management department has not objected to the proposal and are content with access and parking arrangements. In this regard, subject to conditions, the proposal is consistent with policies TRA 2 and TRA 4.

#### Drainage Matters

7.42 Paragraph 167 of the NPPF states that when determining planning applications, LPAs should ensure that flood risk is not increased elsewhere.

7.43 NLP policies WAT 2, WAT 3 and WAT 4 seek to ensure proposals provide appropriate water supply and sewerage; demonstrate how they will minimise flood risk; and provide water sensitive design including SuDs, respectively.

7.44 The proposal has set out a mains connection for foul drainage with surface water to be attenuated by way of sustainable drainage basin. The application has been accompanied by a drainage plan and strategy.

7.45 NWL has not objected to the proposal on the basis that connection to their network is dealt with separately. The LLFA however has raised an objection on the grounds that there is no evidence that NWL will allow a connection. To address this the applicant has applied to Highways to seek a connection to their surface water drainage infrastructure. This has been refused by Highways and therefore NWL will accept a connection. Regardless, this can be conditioned.

#### Contaminated Land Matters

7.46 When redeveloping previously developed land it is important to be aware of any risks which may be present on the site, which may emanate from the previous uses of the site. Further to this, it is important to be mindful of the impacts which may be present due to the former mining legacy within the County. The Public Health Protection Team advise the LPA with regards to these potential impacts.

7.47 Public Protection have provided comment on the proposal and have advised they do not object to the proposal, subject to conditions as suggested. They have commented

*“The applicant is proposing to demolish the existing club in Belford and replace it with 6 residential units. A phase 1 report has been submitted as part of the application which concludes that the risk is low. The report states that some made ground was identified on site as part of the archeology works, however, this made ground would be located under the proposed car parking area and as such the risk is low. The report recommends that a further phase 2 investigation will be required. PHPU concludes with the site being low risk and as such the further report can be controlled through conditions.”*

7.48 Therefore, from a Contaminated Land perspective, the proposal is compliant with the relevant policies in the Development Plan and the NPPF.

### Ecology Matters

7.49 Under Section 25 (1) of the Wildlife & Countryside Act (1981) local authorities have a duty to take such steps as they consider expedient to bring to the attention of the public the provisions of Part I of the Wildlife & Countryside Act, which includes measures to conserve protected species.

7.50 The Natural Environment and Rural Communities Act (2006) places a Statutory Biodiversity Duty on public authorities to take such measures as they consider expedient for the purposes of conserving biodiversity, including restoring or enhancing a population or habitat. The National Planning Policy Framework (NPPF) makes it clear that aside from purely mitigating against the harm that a development may cause to biodiversity the definition of sustainable development includes biodiversity enhancement.

No objections to the proposals in relation to ‘on site’ ecological grounds are raised on condition that the avoidance, mitigation and enhancement measures detailed in the report are carried out in full, and the conditions suggested are appended to any grant of permission.

7.51 The impact on ecology and designated sites is therefore considered to be acceptable and in accordance with ENV 1 and ENV 2 of the NLP and the NPPF, subject to the securing of appropriate mitigation and the imposition of conditions.

### *Off Site Ecological Matters*

7.52 As this is a proposed residential development within 10km of the coast, consideration will need to be given to the impact of increased recreational disturbance to bird species that are interest features of the coastal SSSIs (Sites of Special Scientific Interest) and European sites and increased recreational pressure on dune grasslands which are similarly protected.

7.53 When developers apply for planning permission for new residential development within the coastal zone of influence, the LPA must fulfil its obligations under the Wildlife and Countryside Act (for SSSIs) and the Conservation of Habitats and Species Regulations (for SPAs, SACs and Ramsar Sites), by ensuring that the development will not have adverse impacts on designated sites. Until now, we have required the developer to devise suitable mitigation, supported by survey work that they have commissioned. However, due to growing concerns about the effectiveness of mitigation that does not include direct management of the protected areas themselves, the Council has introduced a scheme whereby developers can pay a contribution into

a strategic mitigation service which will be used to fund coastal wardens who will provide the necessary mitigation.

7.54 Contribution to the Coastal Mitigation Service enables a conclusion of no adverse effect on site integrity to be reached when a planning application is subject to appropriate assessment, without the developer having to commission any survey or mitigation work. Similarly, it enables a conclusion of no adverse effect on the interest features of coastal SSSIs. The contribution for major developments (10 or more units) is set at £615 per unit within 7km of the coast and £300 per unit for those between 7-10km of the coast. Minor developments of 9 units or less contribute £615 per unit within 7km of the coast but are exempt beyond that. This is secured by a S.106 agreement payable on first occupation, or by unilateral undertaking payable prior to commencement for schemes that do not otherwise have S.106 agreements.

7.55 It is noted that the developer has agreed 'in principle' to contribute to the Coastal Mitigation Service. This will ensure that adequate mitigation will be provided to address increased recreational disturbance and damage within the coastal designated sites and so will enable the Council to reach a conclusion that there will be no adverse effect on site integrity in respect of this issue when undertaking the Habitats Regulations Assessment for this development. The contribution should be secured through the S.106 agreement, payable on first occupation. If the scheme is too small to have a S.106 agreement, the contribution can be secured through a Unilateral Undertaking, but in that case it should be payable prior to commencement.

7.56 A class Habitat Regulations Assessment has been agreed with Natural England and applies to all developments where a contribution to the Coastal Mitigation Service has been agreed. Consequently, there is no need to complete an individual HRA for each scheme.

7.57 The applicant has agreed to provide, through a Section 106 Agreement, a contribution of £615 per unit to the Council's coastal mitigation scheme to mitigate the impacts of the development on the nearby coastal zone.

7.58 Should Members be minded to support the application then it must be subject to a legal agreement securing the above contribution.

7.59 The site also lies within the Lindisfarne SPA and therefore recent Natural England guidance requires the proposal to demonstrate nutrient neutrality within the catchment. To this end the applicant cannot achieve this on site, therefore they must consider off-site options. A local farmer has offered to take 1.2ha of land used for cereal crop to be taken out of production and to convert into woodland. This will be secured by a S106A agreement with a further woodland management plan also secured. Considering this the proposal meets with the requirements for NN but only subject to a legal agreement securing the ongoing maintenance.

### Other Matters

7.60 It is noted that the Parish Council has supported this proposal, however they wish to see a covenant placed on the 6 properties to ensure these are principal occupancy residences. Covenants are dealt with out with the planning system and cannot be conditioned by the LPA. Whilst there is a policy in the Northumberland Local Plan relating to securing new dwellings are principal occupancy dwellings in area of need within the county this relates to the coastal area of Northumberland and those

areas where short term holiday lets make up some 20% of the housing stock. According to recent census data Belford does not fall within this category. Therefore, a condition to control occupancy to this extent would not be necessary as the proposal does not meet the requirements of policy HOU 10.

#### Climate Change

7.61 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.

7.62 Local Plan Policy QOP1 sets out a number of design principles. Proposals will be supported where design makes a positive contribution to local character and distinctiveness, creates or contributes a strong sense of place, incorporates high quality materials, respects and enhances the natural and built environment, including heritage, ensures that buildings are functional for future uses, supports health and wellbeing and enhances quality of life, protect general amenity, supports positive social interaction, incorporates where possible green infrastructure, mitigates climate change and ensures the longevity of the buildings and spaces.

7.63 Local Plan Policy QOP 5 relates to sustainable design and construction. 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.

7.64 The supporting 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 the permission in order to ensure that the proposal will be constructed in accordance the requirements of Local Plan Policies QOP1 and QOP5.

#### Broadband

7.65 Policy ICT2 of the Northumberland Local Plan 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.

7.66 The current application does not state whether full-fibre broadband connections are proposed. It is recommended that further details of the proposed broadband connectivity for the development be secured by condition, in accordance with Policy ICT2 of the Northumberland Local Plan and Paragraph 114 of the NPPF.

#### Housing Adaptability

7.67 Policy HOU 11 requires proposals for residential development to demonstrate compliance with section M4(2) of the building regulations. This requirement only applies at the application for a building warrant if required by a planning condition. In this instance proposals other than those of less than 30 dwellings and in a low value

housing market area should demonstrate how it meets this requirement. A planning condition is attached as per our standard practice.

### Equality Duty

7.68 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

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

### Human Rights Act Implications

7.70 The Human Rights Act requires the County Council to consider 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.

7.71 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.

7.72 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, which includes the right of review by the High Court, complied with Article 6.

## **8. Conclusion**

8.1 The application provides a positive benefit to the wider area through redeveloping Previously Developed Land (PDL), making it safe from any contaminants and providing a reasoned design solution for an otherwise derelict site. Subject to updated bat reports the application is recommended for approval subject to a legal agreement covering nutrient neutrality and CMS.

## 9. Recommendation

9.1 That this application be approved subject to the conditions, final approval of updated bat surveys from the County Ecologist, and the successful conclusion of a section 106 legal agreement for the payment of £3,690 towards the Coastal Mitigation Strategy and details of nutrient neutrality offsetting.

### Conditions/Reason

#### Timescale

1. 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)

#### Approved Plans

2. Except where modified by the conditions attached to this planning permission, the development shall be carried out in accordance with the details shown on plan number

#### Location Plan 1:1250

Existing Site Plan 67/17 Rev 0 sheet 1

Proposed Floor Plans 67/17 Rev 1 sheet 2

Proposed Elevations 67/17 Rev 2 sheet 3

Proposed Site Plan 67/17 Rev 3 sheet 4

Existing Elevations 67/17 Rev 0 sheet 6

Existing Elevations 67/17 Rev 0 sheet 7

Existing Floor Plans 67/17 Rev 0 sheet 8

Existing Roof Plan 67/17 Rev 0 sheet 9

War Memorial Wall 67/17 Rev 0 sheet 10

Proposed Parking Plan 67/17 Rev 0 sheet P

Drainage Assessment Former Belford Community Club West Street | Belford | NE70 7QE October 2021 049C21-DA/01 produced by CJ Emm dated 13/10/2021

PROPOSED DRAINAGE STRATEGY 049C21-PL1 Rev 1 produced by CJ Emm dated 13/10/2021

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

#### SuDS - Maintenance

3. Prior to first occupation details of the adoption and maintenance of all SuDS (Sustainable Drainage Systems) features shall be submitted to and agreed by the Local Planning Authority. A maintenance schedule and log, which includes details for all SuDS features for the lifetime of development shall be composed within and be implemented forthwith in perpetuity.

REASON: To ensure that the scheme to dispose of surface water operates at its full potential throughout the development's lifetime and ensure consistency with policy WAT 4.

#### SuDS - Construction



4. Details of the disposal of surface water from the development through the construction phase shall be submitted to and agreed with the Local Planning Authority. The development shall take place in accordance with the approved details.

REASON: To ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features and ensure consistency with policy WAT 4.

#### SuDS - Verification

5. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer, or a suitably qualified professional must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

- \* As-built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc).
- \* Construction details (component drawings, materials, vegetation).
- \* Health and Safety file; and
- \* Details of ownership organisation/adoption details.

REASON: To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards and ensure consistency with policy WAT 4.

#### Demolition Materials

6. All residual materials resulting from the demolition works hereby approved to the building shall be removed from the site within the calendar month of the date of completion of the demolition.

Reason: In the interests of the appearance and setting of the Conservation Area in accordance with policy ENV 9.

#### Boundary Treatment Details

7. The development shall not be occupied until details of the proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is occupied.

Reason: In the interests of visual amenity and highway safety, in accordance with the National Planning Policy Framework and policies TRA 2, ENV 9 and QOP 5.

#### Demolition Method Statement

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

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

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework and policies TRA 1 and QOP 5.

#### Vehicular Access

9. The development shall not be occupied until a means of vehicular access, together with associated works, have been constructed in accordance with the approved plans and the highway including roads, kerbs and footway has been reinstated.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

#### Cycle Parking

10. The development shall not be occupied until cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety, residential amenity, and sustainable development, in accordance with the National Planning Policy Framework.

#### Surface Water Run-Off

11. Notwithstanding the details submitted, prior to occupation, revised details of surface water drainage to manage run off from the site onto the adopted highway shall be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme, together with discharge point, shall be implemented in accordance with the approved details before the development is occupied and thereafter maintained in accordance with the approved details.

Reason: To prevent surface water runoff in the interests of highway safety, the amenity of the area and to protect the integrity of the highway in accordance with the National Planning Policy Framework.

#### Ecology – Bat License

12. Works to the structure of the building, including erection of scaffolding, roof stripping or removal of fascia boards or guttering shall not in any circumstances commence unless the local planning authority has been provided with either:

- a. a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or
- b. Confirmation that the site is registered on a Low Impact Class Licence issued by Natural England; or
- c. a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.'

Reason: To prevent harm to a European protected species and ensure consistency with policies ENV 1 and ENV 2.

#### Ecology – Bat Report Compliance

13. All works shall be carried out in accordance with the working method set out in

Appendix 1 of the Bat Survey Report v2 Final by RH Ecological Services and dated 14/12/2020, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the provision bat roosting features (e.g., special tiles, bricks, soffit boards, bat boxes) to be constructed within the fabric of the new buildings.

Reason: To conserve and enhance local biodiversity in line with the NPPF and policies ENV 1 and ENV 2.

#### Contaminated Land

14. The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been undertaken by a competent and qualified consultant then submitted to and approved in writing by the Local Planning Authority and until the measures approved in that scheme have been implemented. The scheme shall include all the following measures unless the Local Planning Authority dispenses with any such requirement in writing:

a) A site investigation (Phase 2) shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/ or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.

b) Thereafter, a written Method Statement (or Remediation Strategy) detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without express written agreement of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants and ensure consistency with policy POL 1.

#### Contaminated Land - Verification

15. The development hereby permitted shall not be brought into use or continue in use until two full copies of a full closure (Verification Report) report shall be submitted to and approved by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants and ensure consistency with policy POL 1.

#### Contamination Not Previously Identified

16. If during redevelopment contamination not previously considered is identified, then

an additional written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until a method statement 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].

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants and ensure consistency with policy POL 1.

#### No Burning of Materials

17. There shall be no burning of any material during the demolition or construction phase of the development.

Reason: To protect residential amenity

#### Construction Noise

18. During the construction period, there should be no noisy activity, i.e., noise from the construction activities which is audible at or beyond the site boundary, on Saturdays, Sundays, or Bank Holidays or outside the hours: Monday to Friday - 0800 to 1800,

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

#### Construction Deliveries

19. Deliveries to and collections from the demolition and/or construction phase of the development shall only be permitted between the hours:

Monday to Friday - 08:00 to 18:00

Saturday - 08:00 to 13:00

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

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

#### Historic Building - Recording

20. Prior to the commencement of works the applicant shall provide a method of programme of historic building recording should be undertaken in line with paragraph 205 of the NPPF. Once approved the building shall be recorded with a record taken of all historic features and submitted to the planning authority for record keeping.

Reason: In the interests of recording a non-designated heritage asset.

#### Finished Floor Levels

21. Development shall not commence until details of the finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The

development shall then be completed as per these approved details.

Reason: In the interests of visual amenity of the area, in accordance with the National Planning Policy Framework and Policy ENV 7 of the Local Plan.

#### Climate Change

22. Notwithstanding the details submitted with the application, prior to the construction of any dwelling above damp proof course level, a scheme to demonstrate how the development will minimise resource use, mitigate climate change and ensure proposals are adaptable to a changing climate to achieve sustainable design and construction in the design of the development shall be submitted to and approved in writing by the Local Planning Authority. The development and measures shall thereafter be implemented in accordance with the approved details, including prior to the dwellings being brought into use where relevant, and shall be retained thereafter.

Reason: To achieve a sustainable form of development, and in the interests of the satisfactory appearance of the development upon completion, the character and appearance of the site and surrounding environment and the amenity of surrounding residents, in accordance with Policy QOP 5 of the Northumberland Local Plan and the National Planning Policy Framework.

#### Broadband Connectivity

23. Prior to the occupation of the development, details confirming the installation of a full fibre broadband connection shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and made operational prior to the occupation of the development.

Where an alternative broadband connection is proposed, prior to the occupation of the development, sufficient justification for such an alternative shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and made operational prior to the occupation of the development.

Where no broadband connection is proposed, prior to the occupation of the development, sufficient justification for the lack of broadband provision shall be submitted to and approved in writing by the Local Planning Authority in order discharge this condition.

Reason: To ensure the development is served by high quality communications infrastructure, in accordance with Policy ICT2 of the Northumberland Local Plan and Paragraph 114 of the National Planning Policy Framework

#### Adaptability

24. Prior to the construction of any dwelling above damp proof course level, a scheme to demonstrate how at least 50% of the new dwellings will meet or exceed the enhanced accessibility and adaptability housing standards in compliance with Requirement M4(2) of the Building Regulations (or any equivalent successor standards) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken fully in accordance with the approved scheme.

Reason: To ensure that the new homes are accessible and adaptable to meet the needs of residents now and in the future, in accordance with Policy HOU 11 of the Northumberland Local Plan and the National Planning Policy Framework.

## **Informative**

Any areas within the front garden of the development shall be constructed of a permeable surface so flood risk is not increased elsewhere. There are three main types of solution to creating a permeable driveway:

- Using gravel or a mainly green, vegetated area.
- Directing water from an impermeable surface to a border rain garden or soakaway.

**Background Papers:** Planning application file(s) 20/03156/FUL