



# Northumberland

County Council

## North Northumberland Local Area Council

22 July 2021

<b>Application No:</b>	21/00026/FUL		
<b>Proposal:</b>	Double garage extension and associated changes to access road and parking.		
<b>Site Address</b>	Nook End , 4 Bradshawgate Cottages, Swinhoe, NE67 5AA		
<b>Applicant/ Agent</b>	Roger Copestake 28A Clayton Road, Jesmond, Newcastle Upon Tyne, NE2 4RQ		
<b>Ward</b>	Bamburgh	<b>Parish</b>	Beadnell
<b>Valid Date</b>	2 February 2021	<b>Expiry Date</b>	30 June 2021
<b>Case Officer Details</b>	Name: Miss Stephanie Forster Job Title: Planning Officer Tel No: 07966331898 Email: stephanie.forster@northumberland.gov.uk		



**Recommendation:** That this application be GRANTED permission subject to conditions:-

## 1. Introduction

1.1 Following an objection from the Parish Council, the application has been referred to the Director of Planning and Chairs of Planning Committee and it has been decided the application should be considered for determination at North Northumberland Local Area Council in accordance with the Councils Scheme of Delegation.

## 2. Description of the Proposals

2.1 The application seeks planning permission for a double garage extension with associated changes to the access road and parking at Nook End, 4 Bradshaw Gate Cottages, Swinhoe, Northumberland.

2.2 The proposed garage extension would follow the building lines, height and facing materials of the existing garage range and would be 4.5m wide and 3m in height to match the existing garages. It would be constructed using matching materials so that it equates to an extension of the existing garage line.

2.3 The application site is a small piece of land covered in gravel to the side of the existing garage for No4 Bradshawgate Cottages. The application site is located within the settlement of Swinhoe. It is located adjacent to the AONB and the Heritage Coast and within the Coastal Mitigation Zone.

2.4 This application is also accompanied by planning application 21/00368/FUL which is also on the agenda for consideration.

## **3. Planning History**

**Reference Number:** N/90/B/0645/A

**Description:** Refurbishment of 6 cottages and erection of 4 dwellings road layout altered and existing block reduced from six to three units received 14.05.92.

**Status:** Permitted

**Reference Number:** N/90/B/0645/C

**Description:** Refurbishment of 6 cottages and erection of 4 dwellings door altered to form window on front elevation of existing cottages revised detail received 22.07.92.

**Status:** Permitted

**Reference Number:** N/92/B/0513/P

**Description:** Revised design relating to 4 new dwellings road layout revised 19.10.92.

**Status:** Permitted

**Reference Number:** N/90/B/0645/P

**Description:** Refurbishment of 6 cottages and erection of 4 dwellings further details received 28.09.90 and 08.10.90. drg. no 1c revision d & drawing no3 received 30.10.90.

**Status:** Permitted

## 4. Planning Policy

### 4.1 Development Plan Policy

*North Northumberland Coastal Neighbourhood Plan 2017 - 2032 (Made Version (July 2018))*

Policy 1 Sustainable Development  
Policy 5 Design in New Development  
Policy 8 Development within Settlements

*Berwick upon Tweed Local Plan (1999)*

F1 Environmental Wealth  
F2 Coastal Zone  
F31 Social and Economic Welfare  
F10 Protected Species  
M14 Car Parking Standards

### 4.2 National Planning Policy

National Planning Policy Framework (2019)  
National Planning Practice Guidance (2019, as updated)

### 4.3 Emerging Planning Policies

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021)

STP 1 Spatial strategy (Strategic Policy)  
QOP 1 Design Principles (Strategic Policy)  
QOP 2 Good Design and Amenity  
TRA 1 Promoting Sustainable Connections (Strategic Policy)  
TRA 2 Effects of Development on the Transport Network  
TRA 4 Parking Provision in New Development  
ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)  
ENV 2 Biodiversity and Geodiversity  
ENV 4 Tranquillity, dark skies and a sense of rurality

### 4.4 Other Documents/Strategies

National Design Guide (2019)  
Northumberland Landscape Character Assessment 2011

## 5. Consultee Responses

North Sunderland And Seahouses PC	No response received.
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Beadnell Parish Council	Objection received on grounds of drainage, too many car parking spaces. Would seek to ensure that the garage remained such a building.
Countryside/ Rights Of Way	No objection.
Highways	No objection subject to conditions.

## 6. Public Responses

### Neighbour Notification

Number of Neighbours Notified	9
Number of Objections	16
Number of Support	0
Number of General Comments	1

### Notices

Site notice - Public Right of Way, 12th February 2021

Berwick Advertiser 11th February 2021

### Summary of Responses:

16 no. objection comments were received in relation to this application. The objections comments were made on the grounds of:-

- over development
- lack of amenity space
- impact on drainage system and
- impact on the highway.

Full details of the comments which have been received with regard to this application are available at <https://publicaccess.northumberland.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>.

## 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 Berwick Upon Tweed Local Plan and the policies of the North Northumberland Coast Neighbourhood Plan (2018) (NNCNP), as identified above. The National Planning Policy Framework (NPPF) (February

2019) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon three criteria: the stage of preparation of the plan; the extent to which there are unresolved objections to policies within the plan; and the degree of consistency with the NPPF. The Northumberland Local Plan - Publication Draft Plan (Regulation 19) (NLP) was submitted to the Secretary of State for Ministry of Housing, Communities and Local Government on 29 May 2019, and is currently going through the examination process.

7.3 On 9 June 2021, the Council published for consultation, a Schedule of proposed Main Modifications to the draft Local Plan which the independent Inspectors examining the plan consider are necessary to make the plan 'sound'. As such the plan is at an advanced stage of preparation, and the policies in the NLP - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021), are considered to be consistent with the NPPF. The NLP is a material consideration in determining this application, with the amount of weight that can be given to specific policies (and parts thereof) is dependent upon whether Main Modifications are proposed, and the extent and significance of unresolved objections.

The main issues for consideration include:

- Principle of Development
- Impact on the character of the area
- Impact on Residential Amenity
- AONB
- Highway Safety

#### Principle of Development

7.4 The National Planning Policy Framework (NPPF) states that development proposals that accord with the development plan should be approved without delay, unless material considerations indicate otherwise. This forms the basis of the NPPF's presumption in favour of sustainable development. Applications for new development should be considered in the context of this presumption in favour of sustainable development.

7.5 Policy F1 of the BLP seeks to ensure that "primary importance will be given to sustaining and enhancing the Borough's environmental wealth". Policy F2 of the same document states that within the Coastal Zone "development will be permitted provided that;

- i) it is located in the villages of Seahouses, North Sunderland or Beadnell, or in exceptional cases relating to their particular features and/or needs, the villages of Bamburgh or Holy Island, or other small settlements...;
- ii) it accords with its surroundings by virtue of its scale, density, height, massing, layout, materials, hard and soft landscaping including species appropriate to the north Northumberland coastal environment, means of enclosure and access;
- iii) it would not adversely affect the integrity of the internationally important nature conservation interests of the coast;

- iv) it is not located in an area at risk from flooding, erosion by the sea or landslips...; and,
- v) it accords with Policies elsewhere in the Plan.

7.6 Policy 8 of the NNCNP seeks to support development within the defined settlement boundaries where they can demonstrate how they will;

- a) where relevant, incorporate access for pedestrians from the proposed development into the centre of the settlement and, where relevant, the beaches;
- b) preserve key coastal views into and out of the settlements;
- c) ensure sufficient car parking space is provided within the curtilage of the proposed development to ensure no additional on-street parking on nearby streets;
- d) ensure that where infill development or conversions and extensions are proposed, they do not result in substantial loss of amenity space or loss of parking space which could result in an adverse impact on residential amenity from on-street parking on nearby streets;
- e) where relevant, provide linkages between wildlife corridors for the benefit of biodiversity as shown on the Policies Map;
- f) incorporate native landscaping to reduce the impact of the development, and improve biodiversity;
- g) contribute as necessary to any strategic mitigation initiatives devised to protect the Northumbria Coast SPA/Ramsar site, or other nationally and internationally important wildlife sites.

7.7 Policy STP1 of the emerging NLP states that "sustainable development will be supported within the constraints of the Green Belt and settlement boundaries defined on the Local Plan policies map or in neighbourhood plans.

7.8 The proposed garage extension while not located within the settlement boundaries, is located in the defined hamlet of Swinhoe. It would be an extension of the existing garage line and would be an appropriate area in which to site a new garage. The proposed alterations to the highway have also been considered and it is considered that this is also acceptable in principle. In this context it is therefore considered that the principle of development is acceptable in accordance with the BLP, NNCNP, NLP and the NPPF.

#### Impact on the character of the area

7.9 Policy 5 of the NNCNP states that all development should comprise high quality design which respects local context and character. Policy F2 of the BLP sets out the criteria against which new development shall be assessed, including the impact on adjacent land uses in terms of scale, massing, materials, etc.

7.10 Paragraph 124 of the NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.11 Policy QOP 1 of the emerging NLP seeks to support development which respects its surroundings. Policy ENV 1 of the same document states that the character and significance of Northumberland's distinctive and valued natural, historic and built environments, will be conserved, protected and enhanced by taking an ecosystem approach to understanding the significance and sensitivity of the

natural resource. Meanwhile Policy ENV3 states that proposals affecting the character of the landscape will be expected to conserve and enhance important elements of that character.

7.12 Details of the layout and design of the proposals have been considered. The proposals are for the garage to be set at the same height as the existing garages in the block and will match the facing materials and size of the existing garages.

7.13 In terms of the scale of the garage extension, it is considered that the addition of a double garage would be appropriate. It is considered that the proposals are respectful of the existing properties in the settlement and that the proposal would work well, thought has been given to this on development of the plans. It is considered that the proposals would accord with the relevant local and national planning policies in this regard.

#### Impact on Residential Amenity

7.14 Paragraph 127 of the NPPF seeks to ensure that developments will create places with a high standard of amenity for existing and future users.

7.15 Policy QOP2 of the NLP seeks to ensure that development would not result in unacceptable adverse impacts on the amenity of neighbouring land uses.

7.16 Due to the site location, there would not be any substantive impacts on residential amenity resulting from the proposal in terms of loss of light, outlook or privacy. The proposals submitted, show that the height of the proposed garage would match those in the block and would not result in any loss of light, or form overbearing development. As such the proposal is considered to be in accordance with the BLP, NLP and the NPPF in this respect.

#### Impact on AONB

7.17 The application site lies just outside the Northumberland Coast AONB, however, the proposals may have an impact on the AONB and as such consideration must be given to the impact of the proposals on that designated area.

7.18 Policy F2 of the BLP states that development will be permitted where it accords with its surroundings by virtue of its scale, density, height, massing, layout, materials, hard and soft landscaping..., including means of enclosure and access. Policy 5 of the NNCNP states that all new development in the Neighbourhood Area, should incorporate high quality design which, for areas within the Northumberland Coast AONB, will include incorporating the principles contained in the most recent version of the Northumberland Coast AONB Design Guide.

7.19 Paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

7.20 Policy ENV 5 of the emerging NLP states that the special qualities of the AONB will be conserved and enhanced having regard to the current AONB Management Plan and locally specific design guidance.

7.21 The AONB Partnership have not been consulted with regard to the proposals as it is considered that the extension of the existing garage line will not have an impact on the adjacent AONB. On this basis, it is considered that the proposals would be acceptable and in accordance with Policy F2 of the BLP and Paragraph 172 of the NPPF.

### Highway Safety

7.22 Policy M14 of the BLP sets out parking standards for new development within the former borough.

7.23 Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.24 Policy TRA2 of the emerging NLP seeks to ensure that all development will minimise any adverse impacts upon the highways network,

7.25 The application site is located adjacent to a Public Right of Way and as such the Countryside and Public Right of Way Officer has been consulted with regard to the proposals. The PROW Officer has responded to consultation stating that she has no objection to the proposals provided that the public right of way is not disturbed by the development.

7.26 The NCC Highway's Officer has also been consulted in relation to the application and originally returned comment stating that they required further information. On submission of the further information the NCC Highways Officer stated that they had no objection to the proposals subject to the imposition of conditions relating to boundary treatments, materials, car parking, cycle parking, the implementation of highways works and refuse. It is considered that the proposals are in accordance with local and national planning policy and are acceptable in this regard.

### Equality Duty

7.27 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

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

### Human Rights Act Implications

7.29 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.

7.30 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.

7.31 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 It is considered that the proposal represents an appropriate form of sustainable development that would not have a significant adverse impact on the street scene, the local area or the amenity of nearby residents.

8.2 The proposal is in accordance with national and local planning policies and there would not be any significant or unacceptable harmful impacts arising from the development of the site for residential use. It is accordingly considered that it would be unreasonable to withhold planning permission.

8.3 All representations are noted, including those from the Parish Council. All representations have been taken into account in the preparation of the report.

8.4 The application has addressed the main considerations and would accord with relevant policy. The proposal is therefore recommended for approval.

## **9. Recommendation**

That this application be GRANTED permission subject to conditions:

### Conditions

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. 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;

1. Location Plan
2. Site Plans, Elevations and Floor Plans
3. Turning Head

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

03. The car parking area indicated on the approved plans, shall be implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

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

04. Notwithstanding the submitted details, the extended garage and alteration to the car parking areas secured under Condition HWD2 shall not be brought into use the extended turning head and alterations to the private estate road have constructed in accordance with the approved plans. The building(s) shall not be occupied until the highway works have been constructed in accordance with the approved plans.

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

05. The approved Construction Method Statement, shall be adhered to throughout the Construction period.

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

06. The proposed garage and frontage parking shall be used for no other purpose than storage, including vehicles, within the structure and parking on the frontage solely for the use of 4 Bradshawgate.

Reason: To prevent use of this land for any purpose than the storage of items, including vehicles, as evidenced, solely for the benefit of said property.

## **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.

3. A Public Right of Way passes close to or through the site. No action should be taken to disturb the surface, obstruct the path or in any way prevent or deter public use without the necessary legal diversion or closure Order having been made, confirmed and an alternative route provided.

**Date of Report:** 09.07.2021

**Background Papers:** Planning application file(s) 21/00026/FUL