

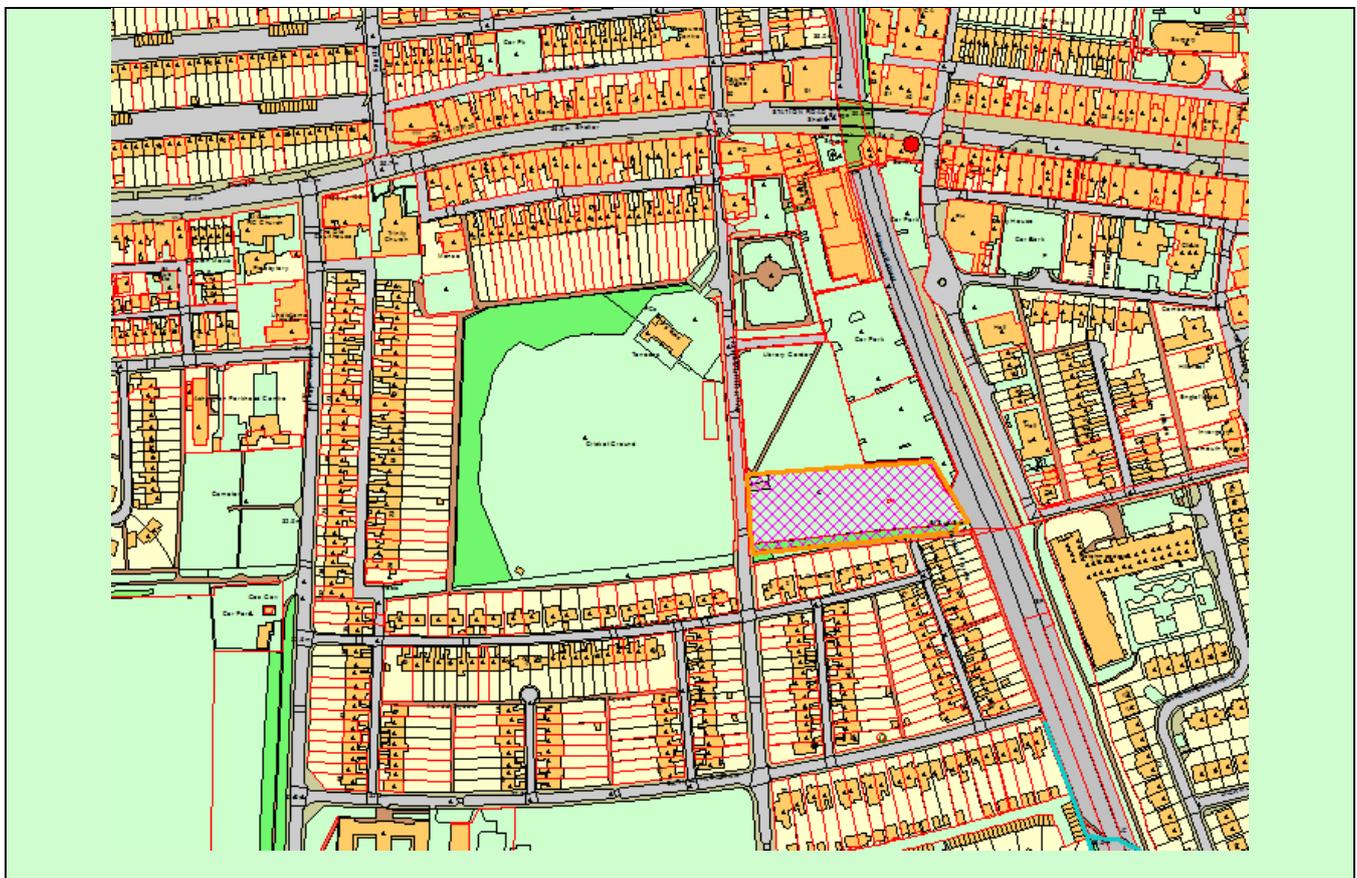


# Northumberland County Council

## Strategic Planning Committee 1<sup>st</sup> March 2022

<b>Application No:</b>	20/04423/OUT		
<b>Proposal:</b>	Outline application seeking approval for access for construction of two storey 58 bed care home and associated but physically separate single storey 12 bedroom specialist unit with associated parking and hard and soft landscaping		
<b>Site Address</b>	Essendene, Kenilworth Road, Ashington, Northumberland NE63 8AR		
<b>Applicant:</b>	Mr Meenu Malhotra Malhotra House, 7-9 Groat Market, Newcastle Upon Tyne, NE1 1UQ	<b>Agent:</b>	David Coundon Spaceworks, Benton Park Road , Newcastle Upon Tyne, NE7 7LX
<b>Ward</b>	Ashington Central	<b>Parish</b>	Ashington
<b>Valid Date:</b>	19 February 2021	<b>Expiry Date:</b>	16 July 2021
<b>Case Officer Details:</b>	Name: Mr Richard Laughton Job Title: Planning Officer Tel No: 01670 622628 Email: richard.laughton@northumberland.gov.uk		

**Recommendation:** That this application be REFUSED permission



## 1. Introduction

1.1 Under the provisions of the Council's current Scheme of Delegation, this application is being reported to the Strategic Planning Committee as the proposal raises significant planning issues.

## 2. Description of Proposals

2.1 The application is seeking outline approval for access for construction of two storey 58 bed care home and associated but physically separate single storey 12 bedroom specialist unit with associated parking and hard and soft landscaping at Essendene, Kenilworth Road, Ashington. The matters of scale, appearance and layout has been reserved.

2.2 The site is currently a vacant brownfield site near Ashington Town Centre but it was previously occupied by the Essendene care home from 1968 -1992. The site is bounded to the west by Kenilworth Road, to the north by open grassed parkland and surface level car parking, to the east by the railway lines and to the south by a small footpath at the rear of Ashbourne Crescent residential properties. On the opposite side of Kenilworth Road is the large open space of Ashington Cricket Club.

2.3 The site is also part of a recently approved application for a car park to serve the new Ashington Northumberland Line railway station approved in September 2021 (ReL 21/00387/CCD).

## 3. Planning History

**Reference Number:** C/83/F/7

**Description:** Construction of a fire escape staircase

**Status:** Approved

**Reference Number:** 87/F/312

**Description:** Alterations and extensions to provide day care facilities

**Status:** NONCCZ

**Reference Number:** 83/00015/477OTH

**Description:** FIRE ESCAPE

**Status:** Approved

**Reference Number:** 87/00015/478OTH

**Description:** EXTENSION TO PROVIDE DAYCARE FACILITIES FOR ELDERLY PERSONS

**Status:** Approved

**Reference Number:** 07/00329/FUL

**Description:** Proposed Conservatory

**Status:** Approved

**Reference Number:** 21/00387/CCD

**Description:** Construction of a new single platform railway station including pedestrian lift, new highway access; modifications to existing highways including pedestrian

footways; provision of parking for cars, electric vehicles, motorcycles, cycles, and taxis and other associated works including new crossings for pedestrians and cyclists. Construction of facilities ancillary to the station including, lighting, soft and hard landscaping, surface and subsurface drainage, utilities and other services, boundary treatment and other associated works.

**Status:** Approved

**Reference Number:** 21/04979/DISCON

**Description:** Discharge of condition 7 (full programme of works) on approved application 21/00387/CCD.

**Status:** Approved

**Reference Number:** 21/04986/DISCON

**Description:** Discharge of condition 3 (Construction Environmental Management Plan),, 28 (construction noise and vibration management plan) and 32 (archaeological work) on approved application 21/00387/CCD.

**Status:** Approved

#### 4. Consultee Responses

Ashington Parish Council	Objection
Strategic Estates	Objection
Public Protection	No objection subject to conditions
Northumbrian Water Ltd	No objection subject to conditions
County Ecologist	No objection subject to conditions
Network Rail	Objection
Highways	No response received.
The Coal Authority	No objection
Environment Agency	No response received.
Lead Local Flood Authority (LLFA)	No objection subject to conditions

#### 5. Public Responses

##### Neighbour Notification

Number of Neighbours Notified	31
Number of Objections	4
Number of Support	0
Number of General Comments	0

##### Notices

General site notice 25<sup>th</sup> February 2021

News Post Leader 4th March 2021

##### Summary of Responses:

4 letter of objections have been received with concerns that:

- the plans for the railway station is more important the proposal for a care home and conflict with planning policy
- the care will impact amenity such as overlooking
- access is close to two existing junctions

Ashington Town Council strongly objects to the application as it conflicts with local plan policies, the Northumberland Local Transport Plan and Northumberland Economic Strategy that supports car parking facilities for rail travel and in general the reopening of the Northumberland Line. The re-introduction of rail passenger services in South East Northumberland and Ashington has been a long-term aim of the Town Council and the realisation of a rail service is now at an advanced stage. It is the understanding of the Town Council that the Ashington railway station is currently programmed to be operational in Winter 2023.

The Town Council consider that the application is not in accordance with Policy T1 of the Wansbeck District Local Plan and Policy TRA5 of the emerging Northumberland Local Plan as it should be reasonable to assume that land near the station site may well be required and be key for associated and related facilities and parking. The shortage of appropriate public parking and available land options within the vicinity of the proposed station makes use of the proposed care home site essential. In the view of the Town Council the benefit of a care home development on the site clearly does not outweigh the importance of the Northumberland Rail Line.

The Northumberland Local Transport Plan also specifically states that *“the lack of available car parking at stations severely restricts passenger growth and demand for rail travel”* The design of the Ashington Station to include parking has clearly sought to provide for foreseeable future growth. The Northumberland Economic Strategy (2018) identifies *“Invest in high quality passenger transport including the reopening of the Northumberland to Newcastle rail line to passengers”* as Priority 5 of the Economic Strategy. The care home would prevent this future growth with a significant impact to the scheme. It is not considered that the benefits of the care home would in any way outweigh the major public and economic benefits of delivering a strategic transport scheme across South East Northumberland; the regional economic benefits alone resulting from the Northumberland Line are estimated to be up to £470m.

This view is also supported by NCC Strategic Estates and Network Rail who oppose to the application as parking provision is required to serve the new rail station.

In summary Network Rail commented that:

*“The proposal for the Care Home would prejudice the provision of adequate car parking to serve the proposed railway station. The provision of the station will affect existing car parking spaces and will also generate significant demand for further car parking. To reduce the level of car parking as provided for in the station planning application as a result of the care home scheme would reduce attractiveness of the station as well as exacerbate parking issues and congestion in and around the station. Approval of the care home proposal would affect the viability of the station and therefore be contrary to Policy T1 of the adopted Wansbeck District Local Plan (the*

*current development plan document for Ashington) and Policy TRA5 of the emerging Northumberland Local Plan. For these reasons it should be refused”.*

*NCC Strategic Estates highlight that “In the event that the acquisition of the application site cannot be agreed with the applicant, an application is being made to the Secretary of State for an Order under the Transport and Works Act 1992. The order (if made) will authorise the compulsory acquisition of land and rights associated with the application site (should it not be possible for these to be acquired voluntarily)”.*

The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=QLSY1MQSL0U00>

## **6. Planning Policy**

### 6.1 Development Plan Policy

GP1 – Location of development  
H10 – Residential Care Homes  
T1 – Ashington, Blyth and Tyne Rail Line  
T6 – Traffic implications  
T7 – Parking provision in new development

### 6.2 National Planning Policy

National Planning Policy Framework (2021) (NPPF);  
National Planning Practice Guidance (2019 as amended) (NPPG)

### 6.3 Emerging Planning Policy

In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises the Wansbeck District Local Plan. The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

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 independent examination of the Northumberland Local Plan (NLP) has concluded, and the Inspectors’ report is published on the Council’s website. The Inspectors consider that subject to a number of recommended Main Modifications, the NLP is ‘sound’ and provides an appropriate basis for the planning of the County. The plan is in the final stage of preparation, there are no unresolved objections, and the plan is consistent with national policy, and therefore significant weight should be given to the policies in the NLP.

**Northumberland Local Plan – Publication Draft Plan (Regulation 19) (Jan 2019) as amended by Main Modifications recommended in the inspectors Report (January 2022)**

STP 1 - Spatial strategy  
STP 3 - Principles of sustainable development  
HOU 11 - Homes for older and vulnerable people  
QOP 1 - Design principles  
QOP 2 - Good design and amenity  
TRA 4 - Parking provision in new development  
TRA 5 - Rail transport and facilities

## **7. Appraisal**

### Principle of Development

#### *Residential care home provision*

7.1 Saved Policy GP1 of the Wansbeck District Local Plan defines settlement limits for the district. Part A of the policy states development on previously developed sites within settlement limits will be permitted providing the proposal is in accordance with other policies set out in the Plan. The application site is located within the settlement boundary of Ashington and has been accepted as a brownfield site; therefore, it falls within the first priority of the sequential approach to development. Policy STP1 of the emerging Local Plan similarly places the site within the settlement of Ashington and seeks to focus development within settlement boundaries.

7.2 The submitted application proposes the development of a 58-bed care home and a separate 12 bed specialist unit. The Council's Extra Care and Supportive Housing Strategy demonstrates a shortfall of residential care homes for older people in all former district area. Saved Policy H10 of the WDLP states proposals for residential institutions and care homes will be permitted, provided that:

- a) in terms of the likely needs of the prospective residents, the development is sufficiently accessible to local services and facilities; and
- b) it is accessible by public transport, on foot and by cycle; and
- c) residents will enjoy satisfactory living conditions in terms of privacy, outlook, outdoor amenity space and freedom from disturbance and pollutant; and
- d) there is unlikely to be any disturbance to neighbours.

7.3 The proposed development would accord with Policy H10. The location of the site is considered sustainable; it adjoins Ashington Town Centre and is close in proximity to a range of local services. Regarding transport connections, the site is in close proximity to bus services. The proposed re-introduction of the Northumberland Line could potentially mean the development would also be accessible by rail.

7.4 Policy HOU 11 of the emerging Northumberland Local Plan supports the provision of a variety of suitable accommodation for older and vulnerable people. Part 1(c) seeks to support and enable 'the provision of Use Class C2 residential care and nursing home accommodation options for those older and vulnerable people with physical disabilities and other needs who are unable to live independently, where justified by a specialist housing needs assessment'. Part 1(e) requires applications to demonstrate, within the Design and Access Statement, the development proposal meets the space and accessibility needs of older and vulnerable people.

7.5 The land is developable and within the settlement limits of Ashington with a need for supportive housing in the area. As such, the application accords with policies GP1,

H10, STP1 and HOU11 subject to an assessment to design and amenity considerations.

### *Potential impact of the proposed development on the Northumberland Line*

7.6 The land subject to the application is identified for acquisition as part of the development of Ashington Rail Station and associated car parking for the Northumberland Rail Line. The application for Ashington Railway Station was recently approved under 21/00387/CCD '*Construction of a new single platform railway station including pedestrian lift, new highway access; modifications to existing highways including pedestrian footways; provision of parking for cars, electric vehicles, motorcycles, cycles, and taxis and other associated works including new crossings for pedestrians and cyclists. Construction of facilities ancillary to the station including, lighting, soft and hard landscaping, surface and subsurface drainage, utilities and other services, boundary treatment and other associated works.*)'

7.7 The Council and regional bodies consider that the re-opening of this line for passenger rail will be a key to future economic development in the South East of Northumberland. Concerns have been raised by Ashington Town Council and Network Rail regarding the potential negative impact this proposed development would have upon the re-introduction of the Northumberland Line as further parking will be required for the development of Ashington station.

7.8 In the North East Local Economic Partnership's Strategic Economic Plan (SEP), January 2017, the introduction of passenger services to the line is cited as necessary to the achievement of the SEP's connectivity goals. It specifies: "*Connecting urban South East Northumberland with North Tyneside and Newcastle via an interchange with the Metro system.*" This vision has been carried forward in the form of a business case by the North of Tyne Combined Authority; and the County Council's own Northumberland Economic Strategy recognises the huge benefits that increased connectivity will bring – especially to the deprived communities of South East Northumberland; it has the reopening of the Northumberland Line to passengers as a key priority.

7.9 The site is not allocated for any land use with the proposals maps of the Wansbeck District Local Plan or the emerging Northumberland Local Plan. It has also been established that there is a need for supportive housing on a brownfield site within a sustainable location. Of relevance to the application, however, is Wansbeck District Local Plan Policy T1 and emerging NLP Policy TRA5 that seeks to support and safeguard facilities for passenger services in Ashington.

7.10 Policy T1 states:

*"The re-introduction of passenger services on the rail line between Newcastle and Ashington will be supported and promoted. Land which may be required for associated facilities such as stations, bus stops and car parks will be safeguarded. Such sites will include Woodhorn Colliery, Ashington Town Centre, North Seaton Road, Ashington and Bedlington Station".*

7.11 This approach towards promoting the reopening of the line and the station itself has been carried forward in the emerging Northumberland Local Plan. The emerging Plan seeks to promote the development of public transport interchanges at key

locations along the Northumberland Line. Policy TRA 5 of the emerging Local Plan relates to Rail transport and facilities that states:

*“Development which would prevent the reintroduction of passenger rail services on the Northumberland Line along with associated stations, facilities and access to them from adjacent highways, and continued rail freight use of the Northumberland Line, its associated branch lines will not be supported”.*

7.12 Paragraph 47 of the NPPF requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The planning history confirms that there is an extant permission on site for parking facilities to serve the Northumberland Line and general planning policies seek to safeguard such uses.

7.13 In terms of the future plans for the land, any greater strategic need for infrastructure projects will give rise to the consideration of compulsory purchase of land which is determined outside of the planning process. In principle, it is possible to have two different permissions for the same site either for similar development or different development of the same land. However, it does not mean that both will be capable of being implemented. The Court of Appeal in *Staffordshire County Council v NGR Land Developments Ltd [2003] J.P.L.56* it was held that where you have inconsistent permissions relating to the same land, both permissions are valid unless and until the implementation of one has made the implementation of the other physically impossible.

7.14 Although the site is a suitable and a sustainable location for residential care accommodation under policies GP1 and H10 of the WDLP and policies STP 1 and HOU 11 of the emerging Local Plan, the principle of development will not be supported by the policies in the development plan and material considerations if the proposed development is considered to potentially limit or prejudice the progression of the Northumberland Line in Ashington.

7.15 There is a clear intention to develop the land for the Northumberland Line which is supported by Ashington Town Council, Network Rail and the extant planning permission. In accordance with ‘saved’ policy T1 of the WDLP, if the proposed site is required for the associated facilities (such as parking) in the development of Ashington Station then it should be safeguarded for such purposes. This approach is similarly supported by Policy TRA 5 of the emerging Northumberland Local Plan which can now be afforded significant weight. It is acknowledged that there is an identified need for care home facilities for older and vulnerable people in the area, however, it is considered that there is an overriding requirement for the progression of rail services on a strategic level to benefit of the wider community and economic growth of South East Northumberland. As such, this should be afforded more weight in the planning balance and therefore, and in conclusion, the application is not considered to be acceptable in principle, due to the conflict with Policies T1 and TRA5.

### **Design and Residential Amenity**

7.16 Saved Policy GP30 of the Wansbeck District Local Plan advises that development that would in visual terms cause significant harm to the character or quality of the surrounding environment will be refused. Saved Policy GP31 states that high standards of urban design are required for any proposed development.

7.17 Policy QOP 2 (Good design and amenity) of the Northumberland Local Plan states that:

*1. 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, working in or visiting the local area.*

*2. Development which would result in unacceptable adverse impacts on the amenity of neighbouring uses, in terms of both individual and cumulative impacts, will not be supported.*

*3. In order to provide a high standard of amenity and minimise any adverse impacts on amenity, development proposals will need to ensure that:*

*a. The physical presence and design of the development preserves the character of the area and does not have a visually obtrusive or overbearing impact on neighbouring uses;*

*b. Trees, other green and blue infrastructure and soft landscaping of amenity value are retained and are introduced where they would enhance amenity of the development;*

*c. The appropriate levels of privacy, according to the use of buildings and spaces, are incorporated into the design of the new development and are preserved in existing neighbouring development;*

*d. Outlook from the development or resulting from the development, particularly in relation to principle viewpoints in habitable rooms or spaces, is not oppressive and design of the development responds to opportunities to deliver the best outcomes for outlook;*

*e. Air, temperature, sound and light conditions of habitable areas within the development, or resulting from the development, are of a good standard; and*

*f. Neighbouring uses are compatible and that there are no unacceptable adverse impacts from noise, disturbances, odour, gases, other emissions and any other harmful effects, resulting from either the development or from neighbouring uses on the development.*

*4. Developments will be required to relate positively to their locality, having regard to:*

*a. Building heights;*

*b. The form, scale and massing, prevailing around the site;*

*c. The framework of routes and spaces connecting locally and more widely;*

*d. The pattern of any neighbouring or local regular plot and building widths, and where appropriate, follow existing building lines;*

*e. the need to provide active frontages to the public realm; and*

*f. distinctive local architectural styles, detailing and materials.*

7.18 Whilst indicative site and floor plans have been submitted, the matters of appearance, scale and layout are reserved. The site layout demonstrates that the plot can accommodate the development and so that windows of the care home would be at a distance to avoid overlooking to those properties to the south. The first floor terrace and the building in general does encroach close to the southern boundary but any subsequent Reserved Matters application would assess this impact with more formal plans and elevations and proposed any mitigation to the scheme if necessary. A care home in this location would be suitable in a residential area and could be designed to avoid a detrimental impact to the character of the area.

7.19 Based on the details submitted within the outline application any impact to visual and residential amenity would be further assessed at any Reserved Matters application should the outline permission be granted. As such, the application does not conflict with the national and local planning policies above.

## **Highways**

7.20 The Local Highways Authority has been consulted to assesses the impact of the proposed development on the highway network, both during construction, and once the development is completed. To ensure adequate manoeuvring/parking space is provided, safe access can be achieved, the highway remains free for the passage of all users of the highway, and so it does not have an adverse impact on the safety of all users of the highway. Section 9 of the NPPF highlights that development should create places that are safe, secure and attractive and ensure the safe and suitable access to the site can be achieved for all users.

7.21 Paragraph 110 and 111 of the NPPF states that *“in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

*a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.*

7.22 Policy T7 of the WDLP states that:

*“Developers should make appropriate provision in their developments for the parking of motor vehicles and motorcycles. The appropriateness of proposed provision will be assessed in terms of the following:*

*a) the scale and type of development; and  
b) accessibility by public transport, on foot and by cycle; and  
c) the potential for road safety and environmental problems as a result of increased parking demand in the area;”*

7.23 Policy TRA 4 of the emerging NLP relates to parking provision in new development states:

*“1. An appropriate amount of off-street vehicle parking sufficient to serve new development shall be made available in safe, accessible and convenient locations prior to the development, as a whole or in part, being brought into use. Vehicle parking shall be provided in accordance with the parking standards set out in Appendix D of the Local Plan, or other such local standards set out in made neighbourhood plans which will be given priority in determining the appropriate amount of parking required.*

*2. In exceptional circumstances, where provision is not made in accordance with the relevant standards, it must be demonstrated how the amount of parking proposed to serve the development has had regard to:*

- a. The scale, type, mix and use of the development;*
- b. The proximity and accessibility of the development to services and facilities reasonably required by users or occupiers of the development;*
- c. The availability of and opportunities for access to and from the development by public transport, walking and cycling;*
- d. The potential for road safety and environmental problems as a result of increased parking demand in the area; and*
- e. The extent and nature of any parking restrictions in force on highways in the area”.*

7.24 A Transport Statement has been included with the submitted design & access statement, which sets out that there will be more than 20 people employed as part of this facility which will on a three-shift pattern, with some staff being full time (approx. 80%) and the remainder part time (approx. 20%). It also stipulates that a percentage will live within two miles of the development site and thus will not use a car to get to work. This figure cannot be quantified as it is more than, and could be any figure over 20, furthermore detailed information is required of the actual number of people to be employed on-site at one time and shift patterns.

7.25 The submitted Trip Generation and Parking note submitted relates to a different development in Newcastle from 2014. It is not possible to deduce from an evidence base for an unrelated application with no in depth comparison of the assessment sites if any relevance between the location and nature of those car facilities in any way relates to staffing levels and travel behaviours in relation to this application.

7.26 The evidence in support of the parking provision required is only summarised and gives averages of the amount of parking and thus doesn't highlight whether there have been any periods when the parking provision has been found to be inadequate. It also fails to set out when the parking study was undertaken or for how long.

7.27 The expectation for work of this nature would be comparative analysis of other care homes with similar staffing operations. Shift patterns and review of travel behaviours and a comparative analysis of method of travel to work for 'care' workers based on census data. There should also be an address to the care needs of residents and any car ownership, which whilst potentially low, can occur, along with visitor trips throughout the day.

7.28 In the absence of any reliable evidence base we have no justifiable reason to depart from our parking standards and the presented evidence relates to another development. Therefore, to be satisfied that a robust assessment has been made, and to ensure adequate parking is provided for this development, so overflow parking does not occur on the surrounding residential streets, a satisfactory assessment that relates to staff levels, travel behaviours, resident's car ownership, visitors and agreed comparative sites should be provided.

### *Highway Safety*

7.29 It is noted from the proposed site layout plan that the applicant is proposing a new access in the vicinity of some traffic calming and street furniture, and the development will result in the stopping up of an existing vehicular access.

7.30 The application is proposing the relocation of speed cushions, however no overall assessment of the traffic calming and whether or not the scheme would require any revocation or new traffic order processes has been considered.

7.31 It would appear that adequate visibility can be achieved. It is noted that the existing access is also satisfactory. The proposed access requires the relocation of BT cabinets and as such the overall buildability has further questions, but in highway safety terms a safe and suitable access is achievable.

7.32 The application will also be required to show details of the boundary treatment along the frontage of the site to ensure adequate unhindered visibility splays can be provided for the 20mph designation of the highway. These access details should also show adequate pedestrian access adjacent to the vehicular access road to ensure a safe pedestrian access route can be provided.

7.33 The new access and closing of the existing access along with infrastructure that retains the footway priority for pedestrians has not been shown at this time and but further details could be secured by a suitably worded condition to any approval. Highways Development Management consider that it would have been preferable for this to be known so that all parties had a clear understanding of the commitment to achieve safe and suitable highway outcomes

### *Parking*

7.34 Whilst this application is considering access to the development only, for the avoidance of doubt it is important that the internal layout provides adequate parking and manoeuvring facilities to ensure that these can be accommodated from the proposed access without hindrance or having an adverse impact on the highway. Parking has also been included within the application description.

7.35 With regard to the internal layout of the site the Northumberland Local Plan Publication Draft Plan (Regulation 19) sets out that the parking required for C2 Residential Institutions is as follows:

- 1 space per unit, warden's accommodation, or resident staff.
- 1 space per non-resident staff
- 1 space per 3 rooms for visitors
- 1 space per 4 residents for residents

7.36 As set out above in the transport assessment section the applicant is only proposing 14 parking spaces, which does not accord with these requirements. Our high level assessment suggests that to accord with standards some 36 spaces or in that region may be required.

7.37 Swept path has been provided and some internal amendments, which would require up to date plans. However, there are concerns in relation to the conflict between the pedestrian route between the buildings and potential conflict with reversing large vehicles which is clearly shown in the swept path work.

7.38 The parking arrangement also has some less-than-ideal bays, and this includes the ambulance bay which would appear to require multiple movements to turn. Parking

bays 1, 5 & 11 also suffer from issue relating to space, turning and use and need further work carried out to satisfy suitability and safety.

### *Access and Off-Site Highway Works*

7.39 Work will be required to create a new vehicular access and close the existing vehicular access, there is also traffic calming features within close proximity of the proposed new access which may require being moved. The applicant will be required to liaise with NCC's highways programme team in order to establish if this traffic calming can be moved and any associated Traffic Regulation Order altered. Similarly, there is a streetlighting column on the boundary of the site and the applicant will be required to liaise with NCC's street lighting section to relocate this column.

7.40 There are also Openreach cabinets that may be affected by the proposed new access, these will need to be relocated and the applicant will need to liaise with the utility company for them to be relocated to a suitable location so that they do not interfere with the visibility splays from the new vehicular access. There is a streetlighting column on the boundary of the site and the applicant will be required to liaise with NCC's street lighting section to relocate this column.

7.41 To conclude, in order to ensure the proposal can accommodate the new use, the Local Highways Authority consider that the following further information is required:

- Off-site highways works
- Evidence to support proposed parking numbers.
- Internal layout arrangements
- Conflict between all modes of transport, including pedestrians

7.42 As the requested information has not been submitted, an informed judgement cannot be made on the potential impact to highway safety. The Local Highway Authority has raised concerns to the proposal and as it may conflict with Policy T7 of the Wansbeck District Local Plan, Policy TRA 4 and appendix D of the emerging NLP and the NPPF as it is not considered acceptable in terms of the impact on highway safety and parking provision.

### **Ecology**

7.43 No ecological information has been submitted in support of this application although it is acknowledged that the site is previously developed land and that rough grassland and scrub such as bramble has established on the site. There are a number of semi-mature trees along the boundaries and the landscape plan shows the majority of these to be retained in the proposed layout, although this would be subject to a reserved matters application or secured via a condition. When designing a site layout careful consideration must be given to the proximity of buildings to trees, where conflicts of use through shading, leaf fall, and real or perceived risk of falling branches would result in the premature removal of trees by future residents.

7.44 The 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. Paragraph 8 of the NPPF aims "to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity." The increased structural integrity of modern

developments reduces the potential for birds and bats to utilise modern buildings for nesting and roosting therefore any new developments should integrate a variety of bird and/or bat boxes which can be secured by condition.

7.45 The site is within 10km of the protected coast however, as the proposal is for supportive housing, it is exempt from any mitigation or contribution to the Coastal Mitigation Scheme.

7.46 Overall, the application is in accordance with the NPPF on Ecology grounds and no objections have been received from the County Ecologist.

### **Public Protection**

7.47 The site is a brownfield site which is currently grassed over. Historic Ordnance Survey mapping shows that the Essendene Care home was present on the site at least between 1968 – 1992. Public Protection has been consulted and offer no objection as the appendices of the Phase I land contamination report having been submitted and found to be satisfactory subject to conditions seeking further information on Soil Contamination / Ground Gas and a Verification Report. As such the application is in accordance with the NPPF.

### **LLFA**

7.48 The proposed surface and foul water is proposed to connect mains and a Northumbrian water pre-development inquiry is supplied verifying Northumbrian water will accept the proposed 5l/s discharge rate into their system. As such, the LLFA have no objections to the application subject to the conditions. As such the application is in accordance with the NPPF.

### **Equality Duty**

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**

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

### **Human Rights Act Implications**

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.

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.

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. Recommendation**

That this application be REFUSED permission subject to the following:

### Conditions/Reason

1. The application would prevent the reintroduction of facilities in connection to the passenger rail services on the Ashington Northumberland Line. As such the application would not accord with Policy T1 of the Wansbeck District Local Plan and TRA5 of the Northumberland Local Plan.
2. The application has not been accompanied by adequate information concerning off site highways works, manoeuvrability within the site, parking provision and conflict between all modes of transport, including pedestrians. It has not been adequately demonstrated that the proposals are acceptable in terms of highway safety and fail to accord with Policy T7 of the Wansbeck District Local Plan, Policy TRA 4 and appendix D of the emerging NLP and the NPPF.

**Date of Report: 10.02.2022**

**Background Papers:** Planning application file(s) 20/04423/OUT