



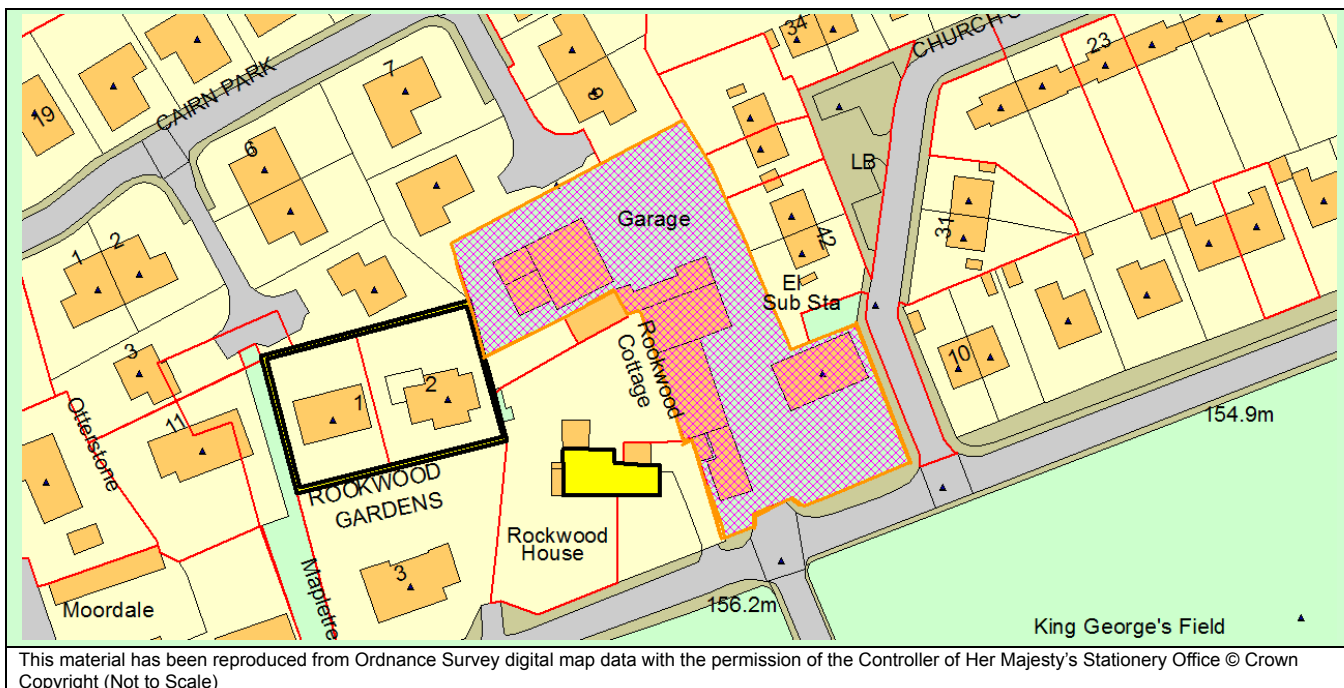
# Northumberland County Council

## Committee Report

### North Northumberland Local Area Council 21st February 2019

<b>Application No:</b>	18/02671/FUL		
<b>Proposal:</b>	Demolition of existing buildings and erection of 9 residential units with associated access (Amended Site Location Plan and Red Line Boundary, and Reduction in number of units in scheme 04.11.2018)		
<b>Site Address</b>	Westroad Garage, Rothbury Road, Longframlington, NE65 8HX		
<b>Applicant:</b>	Tustain Motors Ltd C/O Agent	<b>Agent:</b>	Karen Read Lugano Building, 57 Melbourne Street, Newcastle Upon Tyne, NE1 2JQ
<b>Ward</b>	Shilbottle	<b>Parish</b>	Longframlington
<b>Valid Date:</b>	27 July 2018	<b>Expiry Date:</b>	26 February 2019
<b>Case Officer Details:</b>	Name: Mr James Bellis Job Title: Senior Planning Officer Tel No: 01670 622716 Email: James.Bellis@northumberland.gov.uk		

**Recommendation:** That this application be granted subject to conditions



#### 1. Introduction

1.1 Following inclusion on the Chair Referral List, regarding the concerns of the parish council, this application has been deemed appropriate for consideration at North Northumberland Local Area Council Planning Committee.

## 2. Description of the Site and Proposal

2.1 The site to which the application relates is in the built up area of Longframlington on a main route through the village, Rothbury Road. The site is 0.29 hectares and is owned and operated by Tustain Motors Limited. It is currently in use as a car showroom, car servicing and repair, and accident repair workshops and has been in this usage for a number of years.

2.2 The proposal is for a full planning application for 9 dwellings on the site, this includes four 4 bedroom properties and 5 three bedroom properties. The existing buildings on the site are a mixture of sizes, ages and construction. The buildings are considered to be functional for the existing use, and are not considered appropriate for conversion to residential use, and are to be demolished to make way for the proposed housing development. As can be seen on the accompanying drawings, 3 of the dwellings will be accessed from the existing vehicular access point on Rothbury Road and the remaining 6 dwellings will be accessed from the north via the existing estate road of Cairn Park. The applicant proposes that the elevations of the properties fronting Rothbury Road will have a stone fascia, with the remainder of the properties to be brick.

## **3. Planning History**

**Reference Number:** A/80/A/0258

**Description:** Portacabin for office use \_ shop.

**Status:** PER

**Reference Number:** A/80/A/0444

**Description:** Extension to garage.

**Status:** PER

**Reference Number:** A/95/A/0440

**Description:** Vehicle Showroom,

**Status:** PER

**Reference Number:** A/91/A/0479

**Description:** Workshops,

**Status:** PER

**Reference Number:** A/91/A/0468

**Description:** Petrol Filling Station,

**Status:** PER

**Reference Number:** A/ENQ/2005/0608

**Description:** Erection of sign

**Status:** REPLY

**Reference Number:** A/2000/0533

**Description:** Extension to sales store

**Status:** WDN

**Reference Number:** A/2000/0301

**Description:** Extension to workshop

**Status:** PER

#### 4. Consultee Responses

The Coal Authority	No comments
Public Protection	No objection, subject to conditions.
Lead Local Flood Authority (LLFA)	No objection subject to conditions.
Highways	<p>No objection, subject to conditions.</p> <p>The information submitted has been checked against the context outlined above, it is considered that this development will not have a severe impact on highway safety, and there are no objections in principle to the proposals. It is considered that the proposal is in accordance with the revised NPPF (July 2018) in highways terms, and the principle of development acceptable.</p>
County Ecologist	No objections to the proposals on ecological grounds are raised on condition that the avoidance, mitigation and enhancement measures detailed in the report are carried out in full. Appropriate conditions have been suggested.
Building Conservation	<p>We agree with the general proposition that housing development would not worsen the position with regard to the setting of listed assets. However, the choice of brick as the principal building material is not one with which we can agree.</p> <p>The Building Conservation Officer has confirmed that due to the proposal being shown on the plans as being constructed of brick materials that in terms of NPPF chapter 16 a level of harm of 'less than substantial harm' should be apportioned to the scheme.</p>
Longframlington Parish Council	<p>The Parish Council does not object to the principle of housing on this site and welcomes what appears to be a genuine mix of two, three and four bed properties.</p> <p>However we have major concerns with the suggested plans for the following reasons.</p> <p>The houses facing onto Rothbury road should be stone faced as all buildings on this site have historically been and to fit in with the neighbouring listed buildings.</p> <p>The density of housing is too high and the Townhouse style of housing proposed does not fit in with the existing housing which is mainly bungalows to the rear of the site and semi detached to the east.</p> <p>The suggested layout also routes most of the traffic through Cairn Park, the Causeway and Cheviot Lodge which is a narrow estate road that already carries a substantial flow of traffic and pedestrians many of whom are children accessing the school buses.</p>

	We would respectfully suggest that the density, design and layout is revised and that a level of public consultation is taken.
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**5. Public Responses**

Neighbour Notification

Number of Neighbours Notified	44
Number of Objections	54
Number of Support	0
Number of General Comments	0

Notices

Site Notice - Affecting Listed Building, 10th August 2018  
 Northumberland Gazette 9th August 2018

Summary of Responses:

54 Representations have been received in relation to this application. To summarise, these are in relation to the following matters:

- Highway and Traffic Impacts;
- Materials and Design of the proposals
- Density of the Scheme;
- Site Layout;
- Highway Adoption Issues;
- Need for new development in Longframlington;
- Impact on infrastructure (Health Services, Education, Public Transport, Social Services, Water and Drainage Services);
- Other uses would be more appropriate on the site;
- Lack of consultation undertaken;
- Impact on amenity;
- Sustainability of development on this site;
- Impact on heritage assets;
- Loss of jobs;
- Impact on the village green; and,
- Procedural matters in relation to the application

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=PCH02JQSI2600>

**6. Planning Policy**

6.1 Development Plan Policy

- Alnwick LDF Core Strategy 2007*
- S1 Location and scale of new development
- S2 The sequential approach to development
- S3 Sustainability criteria
- S4 The phased release of housing land
- S5 Housing density

S6 Provision of affordable housing  
S11 Locating development to maximise accessibility and minimise impact from travel  
S12 Protecting and enhancing biodiversity and geodiversity  
S13 Landscape character  
S15 Protecting the built and historic environment  
S16 General design principles  
S23 Planning obligations

*Alnwick District Wide Local Plan 1997 (Saved Policies 2007)*

BE8 Design in new residential developments and extensions (and Appendix A and B)  
TT5 Controlling car parking provision (and Appendix E)  
CD32 Controlling development that is detrimental to the environment and residential amenity  
APPENDIX A Design and layout of new dwellings  
APPENDIX E Car parking standards for development

6.2 National Planning Policy

National Planning Policy Framework (2018)  
National Planning Practice Guidance (2018, as updated)

6.3 Other material considerations

Northumberland Landscape Character Assessment 2010  
Alnwick Landscape Character SPD 2010

6.3 Emerging Planning Policy

*Northumberland Local Plan - Regulation 19 Consultation January 2019*  
Policies STP1, STP2, STP3, STP4, STP5, STP6, HOU2, HOU5, HOU9, QOP1, QOP2, QOP3, QOP4, QOP5, QOP6, TRA1, TRA2, TRA4, ICT2, ENV7, WAT1, WAT3, WAT4, POL1 and POL2.

## **7. Appraisal**

7.1 The National Planning Policy Framework (NPPF) operates under a presumption in favour of sustainable development and identifies there are three dimensions to sustainable development: economic; social and environmental. The planning system needs to perform each of these roles. The environmental role contributes to protecting and enhancing our natural, built and historic environment, and as part of this, helping minimise waste and pollution.

7.2 Planning applications should be determined in accordance with the development plan, unless other material considerations indicate otherwise. The adopted development plan in relation to this site is formed by the Alnwick Core Strategy (2007) and the Alnwick District Local Plan (Saved Policies 2007).

7.3 The NPPF is also a material consideration in the determination of planning applications. The development plan has been used as the starting point for the assessment of the proposal submitted for consideration and the following policies topics are considered to be particularly relevant to this application.

7.4 The emerging Northumberland Local Plan, together with its up to date evidence, is a material consideration in the determination of planning applications,

and reference to the plan (and the evidence when appropriate and applicable) should be made in reports. As per Para 48 of the NPPF the amount of weight that can be given to the emerging Local Plan depends upon the stage of the plan, the level of unresolved objections and its consistency with the NPPF.

7.5 Longframlington Parish Council have not designated a neighbourhood area for the purposes of neighbourhood plan preparation, and therefore there is no Neighbourhood Plan which relates to this parish at the time of preparing this report.

### Principle of Development

7.6 Policy S1 of the Alnwick Core Strategy (ACS) identifies Longframlington as a Sustainable Village Centre, where development should be well related to the scale and function of the settlement. Further to this Policy S2 provides a sequential test for new development, however whilst the NPPF encourages the use of Previously Developed Land it does not set a strict hierarchy therefore ACS policy S2 should be afforded little weight in the determination of the application. Despite this, the proposal site would appear within the first level of this hierarchy as previously developed land within a sustainable village centre, and therefore acceptable site for development under policy S2. ACS policy S3 outlines the sustainability criteria that generally need to be satisfied before permission is granted for new development. It includes that the site should be accessible to homes, jobs, services, the transport network and modes of transport other than the private car; that there is adequate existing or, planned capacity in the physical and community infrastructure and environmental needs can be mitigated; potential implications of flood risk have been assessed. It is therefore considered that 'in principle' Longframlington, is an appropriate location for new housing development, subject to other on site factors. Longframlington fits in this category due to the local services available in the village and the availability of jobs in the local area and in nearby Alnwick, Morpeth and Rothbury as well as bus links from the settlement to elsewhere in Northumberland.

7.7 When considered against the emerging Local Plan, Longframlington is designated in policy STP1 as a service village, these are intended to provide a proportionate level of housing and be the focus for investment in rural areas, to support the provision of local retail, services and facilities. Policy STP1 further states *'Sustainable Development will be supported within the constraints of the Green Belt and settlement boundaries defined in the Local Plan or neighbourhood plans. Sustainable Development within the built up form, or immediately adjacent to Main Towns, Service Centres and Service Villages without defined settlement boundaries, will be supported if it is commensurate with size of settlement, and it can be demonstrated that it does not adversely impact upon the character of the settlement'* Further to this the proposal is in accordance with Policy HOU2 as the proposal is a previously developed site.

7.8 It is therefore considered that the principle of development for the proposed site is acceptable, in terms of the provisions of the development plan, the relevant sections of the NPPF, and the emerging Northumberland Local Plan.

### Housing Supply

7.9 In the ACS Policy S4 is the main policy relating to quantitative housing supply. This identifies that 1,645 additional dwellings will be provided for during the period

2004-2021 and 50% of these will be provided for on previously developed land by 2016. The proposal as a Previously Developed Land (PDL) will help contribute to the aims of this policy.

7.8 In accordance with the NPPF, the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide five year's worth of housing against their housing requirement. The five year housing land supply position is pertinent to proposals for housing in that paragraph 11 (d) and corresponding footnote 7 of the NPPF indicates that the presumption in favour of sustainable development applies where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.

7.9 As identified in the Northumberland Strategic Housing Land Availability Assessment (December 2018), the Council can demonstrate, against the County's minimum Local Housing Need figure of 558 dwellings per annum, a 15.6 year supply of housing land. Northumberland has also achieved 197% delivery against its minimum housing requirements for the past three years, in accordance with the Housing Delivery Test. Therefore, in the context of Footnote 7 of the NPPF, the presumption in favour of sustainable development does not apply."

7.10 When assessed against the indicative housing figures identified in the Emerging Local Plan, Table 7.1 refers to the 'Rest of North', which would include Longframlington, would have a requirement of 1,100 dwellings across the plan period (55 per annum), this site would help contribute towards this figure.

#### Housing Type, Mix, Density and Affordable Housing

7.11 The proposal seeks to provide a mixture of three and four bedroom market houses on the site and therefore provides a mixture of homes across the site. Although this is different to what is experienced elsewhere in this part of the village, there are other examples of this type of house within the Village. It is therefore considered that this proposal will add to the mix of housing within Longframlington.

7.12 Comments have been made about the lack of affordable housing within the scheme, although this falls within the criteria set out in policy S6 of the ACS, this no longer falls within the criteria for which affordable housing is sought in the NPPF, so a contribution to affordable housing should not be sought in relation to this development.

7.13 The NPPF and both the ACS seek to ensure good design in all development. The proposal seeks to provide a housing development for 9 dwellings at a density of approximately 31 dwellings per hectare, which would comply with policy S5, and this is considered suitable in this location within the village. Comments have been raised by the Parish Council and by representors to the scheme, however as mentioned above, it is considered that the density proposed is suitable in this location and is compliant with the appropriate policies.

7.14 The proposal is therefore deemed to be compliant with the relevant policies in relation to Housing Type, Mix, Density and Affordable Housing from the Development Plan, the relevant sections of the NPPF, and those in the Emerging Northumberland Local Plan.

## Design of the Proposal

7.15 The design of the proposal is in general conformity with the design policies in the emerging Northumberland Local Plan (set out in the 'Place' chapter), however at this stage the majority of the weight in determination of the planning application should be given to the existing development plan, with the appropriate planning policy being S16 of the ACS. This proposal is deemed to be in accordance with this policy.

### Design and layout of the proposal and its impact on the local area

7.16 The NPPF and the ACS seek to ensure that development is sited appropriately, without an unacceptable, adverse impact on the local environment. The NPPF's presumption in favour of sustainable development is based on securing a balance between its economic, social and environmental dimensions.

7.17 General design matters are covered locally by S16, this states that all development will be expected to achieve a high standard of design, reflecting local character and distinctiveness in traditional or contemporary design and materials. It is considered that the general layout and design of the proposal is acceptable in principle. As mentioned earlier in this report, whilst brick is not considered to be predominant in this location, the proposal would be considered to be an improvement visually from the existing use of the site as a car showroom and garage in this location.

### Impact on historic environment

7.18 The NPPF and the ACS seek to protect heritage assets and are relevant to this application, with the proposal has been examined by the Building Conservation Officer. Policy S15 of the ACS is the most relevant policy in relation to the Historic Environment in the former Alnwick District Area, with NPPF Chapter 16 providing the national context. The Building Conservation Officer has provided comments and these have been summarised in this section. While the modern buildings on the site have demonstrably no heritage value it is proposed to demolish the north-south aligned building discussed in the heritage statement as having a historic link to Rookwood House. While parts of the building may retain some limited heritage value we consider this to be marginal.

7.19 The principal issue is therefore the impact on the setting of Rookwood House and the nearby walled garden. It appears the walled garden has been physically altered from its form at the time of listing (1988) and its setting has been harmed by development adjacent to and within it thereby limiting its significance. The Building Conservation Officer does not consider the proposal would materially worsen the setting of the walled garden. However they have deemed the overall 'level of harm' from the scheme to be classed as 'less than substantial harm' in terms of the provisions of the NPPF (Chapter 16).

7.20 The garage buildings on the site detract from the setting of Rookwood House. However, they are 1-2 storey whereas the replacements would be 2-2.5 storey. The taller buildings are shown to stand on a raised plinth and on rising ground which raises a question about the extent to which the dominance of Rookwood House would be respected. However, some of the plots are set well back from



the principal elevation of Rookwood House and to the rear of the scheme. The garage for plot 8 is forward of the building line for the dwellings although on a similar alignment to the existing garage building.

7.21 A significant issue is the choice of brick for the new development. Given the external walls to the listed garden are stone (as are the large houses within it), Rookwood House is sandstone and the existing garage buildings are sandstone there would appear to be a compelling case that the new buildings should be sandstone. Further, it was observed the recent development facing this site at GR 412878,600774 is a mix of mostly sandstone with some render and only one example in brick.

7.22 Following discussion with the agent/applicant, they have confirmed that they are amenable to stone fascias on the houses facing Rothbury Road, which are recommended to be secured by condition and are appended to this report. This approach is deemed to be appropriate by the Planning Officer, given the mix of construction materials in the locality and the mixture of materials already in existence on the site, it is considered that the presence of stone on this frontage would be acceptable. Following discussion with the Building Conservation Officer it is deemed that the proposal remain as 'less than substantial harm' in terms of its impact on the setting of the listed buildings, in terms of the levels of harm identified in the NPPF (Chapter 16). Therefore it is deemed appropriate to weight this harm against the potential public benefits of the scheme. It is the opinion of this officer that the provision of market housing on this previously developed site, and therefore ensuring its reuse, would be a significant enough public benefit to outweigh this level of harm in this instance.

7.23 Comments have been raised by the Parish Council with respect of the impact of the brick in the scheme. The proposed condition regarding stone in the facia of the buildings fronting Rothbury Road appears to go some way to overcoming those concerns.

#### Impact on landscape

7.24 The Northumberland Landscape Character Assessment (LCA) 2010 and the Alnwick District Landscape Character SPD are the key documents in relation to landscape character in relation to this site. The LCA identifies this area as Landscape Character Type 38: Lowland Rolling Farmland (38a Longframlington), and is typified by a large area of rolling or undulating farmland.

7.25 The proposal site is located within the context of the village of Longframlington, and is surrounded by development on three sides, and Rothbury Road to the south. Given the location of the proposal site, and its situation in the local topography, the proposal site will be viewed in the context of the built up area of Longframlington and will not be visible from long range views, and will therefore have a limited impact on the local and wider landscape and is therefore deemed to be compliant with policies S13 of the ACS and the NPPF and the Alnwick District Landscape Character Assessment Supplementary Planning Document.

7.26 In terms of the emerging Local Plan policy, policy ENV3 is the relevant policy and although it can only be given limited weight at this stage, it is considered that this

proposal is compliant with this policy, and those included in the development plan, and the relevant section of the NPPF.

### Impact on neighbour amenity

7.27 The NPPF (Chapter 12) requires that planning should always seek to secure high quality design and a seek to secure better places in which to live and work. Paragraph 180 requires that planning decisions should aim to avoid impacts on health and quality of life. Paragraph 91 of the NPPF stresses the importance of aiming to achieve healthy, inclusive and safe places. The relevant local policy in relation to this is B8 of the ADWLP, and accompanying Appendix A (design and layout of new dwellings).

7.28 The layout and scale of the development is deemed to be acceptable and demonstrates satisfactory separation distances can be achieved, which ensure that residential amenity is protected. In the context of the above, the proposals are not considered to be in conflict with Chapter 12 of the NPPF.

7.29 Comments regarding the impact the proposal may have on amenity have been considered during the preparation of this report, however it is not considered that the distances within the site are not of a size which would warrant refusal on these grounds.

7.30 It is therefore considered that the proposal is compliant with the relevant policies in the Development Plan, relevant sections of the NPPF and those in the emerging Northumberland Local Plan.

### Highways Matters

7.31 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.

7.32 Policy S11 of the ACS is the key policy in relation to accessibility and maximising accessibility and minimising the impact from travel, and therefore the key local policy in determining whether the proposal is acceptable from a highways standpoint, alongside relevant national policy. Due to the scale of the proposal it is not deemed appropriate to require a transport statement/assessment. In terms of accessibility, the site has access to bus stops (on Rothbury Road), bus services from Longframlington provide access to the town centre of Morpeth approximately 11 miles away, and Rothbury which is 6 miles away. In Longframlington itself are a number of Shops, Cafe's and a Public House, the village centre is situated approximately 300-400m from the site.

7.33 Subject to conditions the Highways Development Management Team have not raised any concerns in relation to this outline planning application.

7.34 Although the Parish Council have objected with regards to the impact on highways matters, these are not considered to be 'severe' by Highways Development Management and therefore it is not considered to be a significant enough reason as to warrant refusal.

7.35 Further to the above, the proposal is also deemed to be in general compliance with the relevant highway policies in the Emerging Northumberland Local Plan (Policies TRA1, TRA2, TRA4).

7.36 Further to the above, the proposal is deemed to be in compliance with the relevant local and national policy from a highways perspective.

### Ecology

7.37 Policy S3 of the ACS sets out sustainability criteria one of which is that there would be no significant adverse effects the natural resources, environment, biodiversity and geodiversity of the district and S12 of the ACS stipulates that all development proposals will be considered against the need to protect and enhance the biodiversity and geodiversity of the district. These form the relevant development plan policies in relation to ecology in this area of the Former Alnwick District.

7.38 NPPF, Chapter 15, Paragraph 170 requires the planning system to contribute to and enhance the natural and local environment by, minimising impacts on biodiversity and providing net gains in biodiversity. Further to this Paragraph 175 requires Local Planning Authorities to apply the following principles when determining planning applications:

*if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*

7.39 The application has been submitted with an Ecology Survey which has been subject to assessment in consultation with the County Ecologist and Natural England.

7.40 In addition to the above, the County Ecologist has raised no objection on issues relating to on-site impacts. Therefore the on-site ecological impacts arising from the proposal can be suitably mitigated in accordance with S12 of the ACS and the NPPF and is therefore considered to be acceptable in terms of the impact the proposal has on.

7.41 In this instance, due to the location of the proposal, there are no off-site ecological impacts which need to be mitigated for. Further to the above, the proposal

is deemed to be in compliance with the relevant local and national policy from a highways perspective.

### Drainage

7.42 The relevant local plan policy is policy CD37 of the ADWLP and S3 and S16 of the ACS, with Chapter 14 of the NPPF forming the national planning policy context, and Chapter 11 'Water Environment' of the emerging Northumberland Local Plan also being relevant to this section.

7.43 Consultation has taken place in relation to drainage and foul sewage with Northumbrian Water (NWL) and the council's Lead Local Flood Authority Officer (LLFA).

7.44 Initially the LLFA raised some concerns over the proposed development from a flood risk and drainage perspective, however following the submission of further information these concerns have been overcome, subject to conditions to be appended to this report.

7.45 The proposal is therefore considered to be compliant with the relevant policies in the Development Plan, the NPPF, and with those in the Emerging Local Plan, where these can be apportioned weight.

### Contaminated Land

7.46 Further to the above matters, Public Protection have requested that an appropriate condition is attached to the application requiring a Phase 1 Desktop Study to investigate any risks of potential land contamination is submitted and agreed with the LPA, this condition will also include provision for further work, should the study require this.

### Other Matters

7.47 Some comments have been received in respect of the impact the proposal may have on the village green, for the purposes of this planning appraisal the officer has assumed this refers to King George's Field to the south of the site. It is not considered by the case officer that the proposal will impact on the fields, other than a minor change to the context in which they are located.

7.48 With regards to the potential loss of jobs from the site, due to the change of the proposal from a working garage/showroom to residential dwellings, it is important to note that the applicant is the operating company of the garage/showroom itself, which is part of a wide group operating within the county. Also, the proposal site is not protected for this use within the development plan, nor is there provision in the plan for the protection of this type of site. Further to this there is no protection against the redevelopment of this site in the emerging Northumberland Local Plan.

7.49 Comments have also been received in relation to the preferability of other uses for the site, given we only have this application in front of us, this is the only application we can consider at this stage.

7.50 Further comments have been received with regards to the scope of the consultation undertaken, in terms of that undertaken by the applicant and the Local Planning Authority (LPA). Whilst the LPA encourages applicant's to undertake consultation with the public prior to submitting schemes, this is not mandatory. When considering the consultation and notification undertaken by the LPA, this has been undertaken in line with the legal requirements including public notices, neighbour notification has been undertaken in line with legislative requirements, and beyond those at the request of the Case Officer to ensure the application is widely consulted on.

7.51 Comments have also been received in relation to the impact of the proposal may have on local infrastructure, no objections have been received from infrastructure consultees or other infrastructure providers in relation to the application. Therefore it is not considered appropriate to consider this potential impact as a refusal reason in relation to this application.

### Equality Duty

7.52 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

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

### Human Rights Act Implications

7.54 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.

7.55 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.

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

## **8. Conclusion**

8.1 The location of development is considered a suitable location for new residential properties. It is acknowledged that there will be an environmental impact resulting from the introduction of further development to the area, although the social and economic benefits, as well as other environmental benefits are considered to outweigh this.

8.2 The main planning considerations in determining this application have been set out and considered above stating accordance with relevant Local Plan Policy. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF), and the Emerging Northumberland Local Plan, where this can be apportioned weight in the determination of planning applications, and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

8.3 The application has addressed the main considerations and would accord with relevant policy, with further matters to be addressed through a subsequent reserved matters application. The proposal is therefore supported.

## **9. Recommendation**

That this application be subject to the following:

### Conditions/Reason

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

02. Except where modified by the conditions attached to this planning permission, the development hereby approved relates to and shall be carried out in accordance with the following approved plan:

Title: Proposed Site Layout - Drawing No. 201561-C Rev D Nov 2018 (Jan 2018)  
[uploaded 3rd December 2018 to DMS]

Title: Proposed Floorplans and Elevations Units 1-3 - Drawing 201561-D Rev B Nov 2018 (Jan 2018) [uploaded 3rd December 2018 to DMS]

Title: Proposed Floorplans and Elevations Units 4-6 - Drawing 201561-E Rev B Nov 2019 (Jan 2018) [uploaded 3rd December 2018 to DMS]

Title: Proposed Floorplans and Elevations Units 7-9 - Drawing 201561-F Rev C Nov 2018 (Jan 2018) [uploaded 3rd December 2018 to DMS]

P18-104-3E-ZZ-XX-RP-C-9000 Rev 4 Flood Risk Assessment and Drainage Strategy Rothbury Road, Longframlington, Phase 2 Dated 16.01.2019 produced by 3E Consulting Engineers Ltd

P18-104-3E ZZ XX DR C 0001 P3 Feasibility Drainage And Levels Strategy Dated Oct 2018 produced by 3E Consulting Engineers Ltd

P18-104-3E-ZZ-XX-DR-C-0100 - P1 - Existing Plan, Flood Flow Analysis Dated Jan 2019 produced by 3E Consulting Engineers Ltd

P18-104-3E-ZZ-XX-DR-C-0101 - P1 - Proposed Plan, Flood Flow Analysis Dated Jan 2019 produced by 3E Consulting Engineers Ltd

Reason: To ensure the development is carried out in accordance with the approved plans, in the interests of proper planning.

03. 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.

04. No buildings shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS2 standard specified in BS8485:2015 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), have been submitted to and approved in writing by the Local Planning Authority.

The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases). The development shall be carried out in accordance with the approved report.

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the health & amenity of the occupants of the respective properties.

05. No building shall not be brought into use or occupied until the applicant has submitted a validation and verification report to the approved methodology in Condition 2 above, which has been approved in writing by the LPA. The development shall be carried out in accordance with the approved report.

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the occupants of the respective properties.

06. Development shall not commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The

approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement shall, where applicable, provide for:

- i. details of temporary traffic management measures, temporary construction 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
- vi. measures to control the emission of dust and dirt.

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

07. Development shall not commence until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use.

Reason: In the interests of visual amenity of the area, in accordance with the National Planning Policy Framework.

08. 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

09. No dwelling shall be occupied until the car parking area indicated on the approved plans, including any disabled car parking spaces contained therein, has been 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.

10. The development shall not be occupied until details of the vehicular accesses have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the vehicular accesses shall be retained in accordance with the approved details.

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

11. Notwithstanding the details submitted, development shall not commence until details of the required highway works (including the footway connection around the perimeter of the site on Rothbury Road and Church Road linking to the existing footway network at the north east corner of the site, including dropped kerbs at



crossing points and reinstatement of kerbing and footway at redundant access areas), have been submitted to and approved in writing by the Local Planning Authority. 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 safety, in accordance with the National Planning Policy Framework.

12. No dwelling shall be occupied until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority.

The approved cycle parking shall be implemented before the each dwelling] is occupied. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.

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

13. Prior to occupation. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is occupied and thereafter maintained in accordance with the approved details.

Reason: In order to prevent surface water run off in the interests of the amenity of the area and to ensure suitable drainage has been investigated for the development and implemented, in accordance with the National Planning Policy Framework.

14. No external refuse or refuse container shall be stored outside of the approved refuse storage area except on the day of refuse collection.

Reason: In the interests of the amenity of the surrounding area and highway safety, in accordance with the National Planning Policy Framework

15. Prior to first occupation details. A maintenance schedule and log, which includes details for all SuDS features for the lifetime of development shall be comprised within and be implemented forthwith in perpetuity.

Reason: To ensure that the scheme to disposal of surface water operates at its full potential throughout the development's lifetime.

16. Prior to the commencement of development, amended plans and details (including samples) of the proposed stone facing to the south elevations and external materials for plots 7, 8 and 9 shall be submitted to and approved by the Local Planning Authority. The materials as approved shall be used in the construction of plots 7, 8 and 9 hereby approved.

Reason: To ensure the protection of the setting of the nearby listed buildings on Rothbury Road (Rookwood House and Adjacent Cottage).

**Background Papers:** Planning application file(s) 18/02671/FUL