

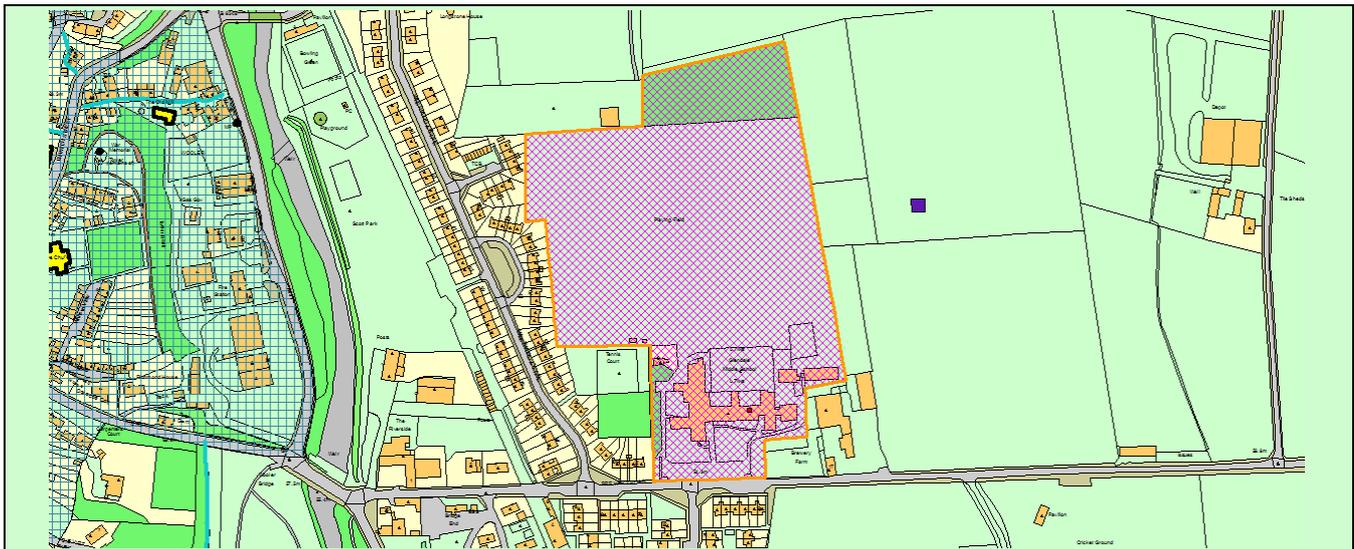


# Northumberland County Council

## North Northumberland Local Area Council Planning Committee 18<sup>th</sup> April 2019

<b>Application No:</b>	19/00744/CCD		
<b>Proposal:</b>	Erection of log cabin to be used as a weather shelter		
<b>Site Address</b>	Wooler First School, 15 Brewery Road, Wooler, Northumberland NE71 6QG		
<b>Applicant:</b>	Mrs Rachael Tait 1 Turvelaws Farm Cottages, Wooler, Northumberland, NE71 6AJ	<b>Agent:</b>	None
<b>Ward</b>	Wooler	<b>Parish</b>	Wooler
<b>Valid Date:</b>	8 March 2019	<b>Expiry Date:</b>	3 May 2019
<b>Case Officer Details:</b>	Name: Mr Jon Sharp Job Title: Planning Officer Tel No: 01670 623628 Email: Jon.Sharp@northumberland.gov.uk		

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



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### 1. Introduction

1.1 This application falls to be determined by the North Northumberland Local Area Council planning committee as it is a County Council Development. It is being recommended for approval.

### 2. Description of the Proposals

2.1 Planning permission is sought for the construction of a log cabin to be used as a weather shelter within an area of woodland used as a "Forest School" within the grounds of Wooler First School, Brewery Road, Wooler.

2.2 The proposed cabin would have a maximum height of approximately 4.5 metres and would be octagonal in shape with a footprint of approximately 18sqm. These works would ordinarily be considered to be permitted development under Schedule 2, Part 7, Class M of the Town and Country Planning (General Permitted Development) Order 2015, however as the development would be within 5 metres of the boundary of the curtilage of the premises, planning permission is required.

2.3 The site is located towards the eastern edge of Wooler and is accessed from the public highway (Brewery Road) which passes along the southern boundary of the site.

### 3. Planning History

**Reference Number:** 18/02478/CCD

**Description:** Addition of new concrete ramp with up hand and steel handrails to entrance to swimming pool within school grounds

**Status:** Permitted

### 4. Consultee Responses

Wooler Parish Council	No response received.
Strategic Estates	No response received.

### 5. Public Responses

#### Neighbour Notification

Number of Neighbours Notified	48
Number of Objections	0
Number of Support	10
Number of General Comments	0

#### Notices

No Site Notice Required.

No Press Notice Required.

#### Summary of Responses:

10 letters of support received highlighting the benefits arising from the proposal which would enhance existing outdoor learning activities

The above is a summary of the comments. The full written text is available on our website at:

## **6. Planning Policy**

### 6.1 Development Plan Policy

Berwick upon Tweed Local Plan (1999)

F1 Environmental Wealth

F3 Tweed Valley, Kylee Hills, Glendale Areas of High Landscape Value

F31 Social and Economic Welfare

### 6.2 National Planning Policy

National Planning Policy Framework (2019)

Planning Practice Guidance (2018, as updated)

### 6.3 Emerging Planning Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (Jan 2019, updated February 2019)

STP1 Spatial Strategy

QOP1 Design Principles

QOP2 Good Design and Amenity

TRA1 Promoting Sustainable Connections

TRA2 Effects of Development on the Transport Network

TRA4 Parking Provision in New Development

ENV1 Approaches in Assessing the Impact of Development

ENV2 Biodiversity and Geodiversity

Wooler Neighbourhood Plan - Pre-submission Draft Plan (2019)

### 6.4 Other Documents/Strategies

None relevant

## **7. Appraisal**

7.1 The application has been assessed against national planning policy and guidance, development plan policies, other material planning considerations and the advice of statutory consultees. In assessing the application the key considerations are;

Principle of development,  
Scale, design and visual impact,  
Residential amenity, and  
Highways.

Principle of the development

7.2 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 Framework'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.

7.3 Paragraph 213 of the NPPF advises that weight should be given to relevant policies in existing plans according to the degree of consistency with the NPPF i.e. the closer a policy in a local plan accords with the NPPF, the greater the weight that may be given to them. The adopted development plan for the area the application site is located in comprises the policies of the of the Berwick Local Plan (1999) (BLP). The policies referred to in this report are considered to be in accordance with the NPPF and can therefore be given due weight.

7.4 Policy F1 of the BLP seeks to ensure that "primary importance will be given to sustaining and enhancing the Borough's environmental wealth". Policy F3 of the same document seeks to ensure that any development, within the areas of high landscape value, accords with its surroundings, in terms of scale, mass, materials etc. and sets out locational requirements for development. Meanwhile Policy F31 seeks to ensure that, in applying Framework policies, appropriate 'weight' is given to the degree to which proposals enhance the quality of life of communities or complement the range of their social and economic functions.

7.5 Development in Wooler would have good access to a range of services and to public transport links and can be considered a sustainable location for small scale development. The proposed development would improve access to local facilities and in this context it is therefore considered that the principle of the proposal is acceptable.

#### Emerging Policy

7.6 Paragraph 48 of the NPPF states that weight may also be given to the policies in emerging plans, depending on the stage of preparation of the plan, the extent to which emerging policy aligns with the NPPF and the extent of unresolved objections to the emerging plan.

7.7 The emerging Northumberland Local Plan - Publication Draft Plan (Reg 19) (NLP) was published for consultation on 30th Jan 2019. The policies contained within this document carry some weight in the determination of planning applications at this stage. Policy STP1 of the emerging NLP seeks to deliver sustainable development which enhances the vitality of communities across Northumberland, supports economic growth, and which conserves and enhances the County's unique environmental assets. Wooler is identified in the emerging plan as a Service Centre which will accommodate development that maintains and strengthens their role.

7.8 Wooler Parish is a designated Neighbourhood Area. A Neighbourhood Plan has been prepared and is currently subject to consultation in accordance with statutory requirements. The draft Neighbourhood Plan is therefore a material consideration in the determination of this planning application, although it may be afforded little weight at this stage.

## Scale, Design & Visual Impact

7.9 Policy F3 of the BLP sets out the criteria against which new development shall be assessed. This includes the impact on adjacent land uses in terms of scale, massing, materials, etc and sets out locational requirements for development.

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. Paragraph 127 seeks to ensure that developments are sympathetic to local character and design.

7.11 The proposed works would be modest in scale and would be in keeping with the woodland setting and its surroundings. It is therefore considered that the proposal is acceptable in terms of its scale, design and appearance and is in accordance with Policy F3 of the BLP and the NPPF in this respect.

7.12 Policy QOP1 of the emerging Northumberland Local Plan (NLP) echoes this and seeks to support development which respects its surroundings. Policy ENV1 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. The proposal is considered to be in general accordance with these policies, however little weight can be attributed to them at this time.

## Amenity

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

7.14 Due to the site location, it is considered that there would not be any substantive impacts on amenity resulting from the proposal in terms of loss of light, outlook or privacy. As such the proposal is considered to be in accordance with the NPPF in this respect.

7.15 Policy QOP2 of the emerging NLP seeks to ensure that development would not result in unacceptable adverse impacts on the amenity of neighbouring land uses. It is considered that the proposal is in accordance with this, however little weight can currently be given to this policy.

## Highways

7.16 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.

7.17 The proposed works would not have a substantive impact upon the public highway. The location of the site is away from the highway to the rear of the school site and there is sufficient parking within the school grounds to ensure that no

materials or operatives vehicles would block the highway. It is therefore considered that the proposal is in accordance with highways policy and the NPPF in this respect.

7.18 Policy TRA2 of the emerging NLP seeks to ensure that all development will minimise any adverse impacts upon the highways network. The proposal is considered to be in accordance with this, however little weight can currently be given to this policy.

### Equality Duty

7.19 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

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

### Human Rights Act Implications

7.21 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.

7.22 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.

7.23 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 is appropriate in relation to the host property and represents an appropriate form of development that would not have a significant adverse impact on the appearance of the property, the street scene or the amenity of nearby residents. It is therefore considered that the proposal is in accordance with national and local planning policies and accordingly it would be unreasonable to withhold planning permission.

## **9. Recommendation**

That this application be GRANTED permission subject to the following:

### Conditions/Reason

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

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

02. The development hereby permitted shall not be carried out other than in complete accordance with the following approved plans:

1. Drawing No. 5246 / 01 / A - Location Plan;
2. Drawing No. 5246 / 02 - Proposed Site Plan;
3. Drawing No. 5246 / 04 - Building Details.

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

**Background Papers:** Planning application file(s) 19/00744/CCD