



# Northumberland County Council

## Castle Morpeth Local Area Council 14th January 2019

<b>Application No:</b>	18/01908/FUL		
<b>Proposal:</b>	Construction of Place of Worship (Use Class D1) together with car parking and external works.		
<b>Site Address</b>	Land North Of Caldburne Drive Retail Units, Caldburne Drive, Collingwood Manor, Morpeth Northumberland		
<b>Applicant:</b>	Mr Owen Thoburn LDC Department, IBSA House, The Ridgeway, London NW7 1RN	<b>Agent:</b>	John Hare Low Wood, Pottery Bank, Morpeth, NE61 1SH
<b>Ward</b>	Morpeth Kirkhill	<b>Parish</b>	Morpeth
<b>Valid Date:</b>	26 June 2018	<b>Expiry Date:</b>	21 December 2018
<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 GRANTED permission



This material has been reproduced from Ordnance Survey digital map data with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright (Not to Scale)

## 1. Introduction

1.1 Under the Council's current Scheme of Delegation, where an application raises significant planning issues or receives objections or the public, it is referred to the Head of Service for determination as to whether the application should be

considered by Members of the relevant Planning Committee. The application has been vetted by the Interim Head of Service in December 2018, where it was decided that the application raises significant planning issues due to level of objections received from local residents. As such, the application is to be considered by Members of the Committee.

## **2. Description of the Proposals**

2.1 Full permission is sought for the construction of a Place of Worship (Use Class D1) together with car parking and external works at land North Of Caldburne Drive Retail Units, Caldburne Drive, Collingwood Manor, Morpeth.

2.2 The submitted planning statement confirms that the new building will be dedicated as a place of Christian worship and education. Religious services will be held regularly along with weddings and funeral services (Use Classes Order D1(h) Non-Residential Institution. (Places of Worship). Smaller subsidiary meetings will also take place on occasion, such as meetings of trustees. In addition, other ancillary activities include cleaning and general maintenance. Meeting times may vary but typically start after 9am and conclude before 10pm.

2.3 Planning permission was granted at the site (on appeal) on the 28th March 2014 under application reference 11/02454/FUL (appeal reference APP/P2935/A/12/2170840). This permission allowed for a large residential development of 200 dwellings (Use Class C3) incorporating landscaping, open space, access and highway works, and up to 465 square metres of ancillary commercial development (Use Classes A1/A2/A4/D1) on land at South Loansdean, Morpeth. Subsequently this permission has been varied a number of times, with the latest permission (16/04277/VARYCO) granted permission in May 2017.

2.4 The recently granted reserved matters permission for the site incorporated the allowable 465 sqm commercial development permitted and as such the additional proposed D1 use requires a separate planning permission. The approved retail development has now been constructed and the plans retained (although not restricted to) the area to the rear and 'unused space' with grass and tree planting. The application site is within this area.

2.5 The location of the Kingdom Hall will be set toward the north-east of the site to the rear of the new Co-op with a gross internal floor area of 265 sq m. The building, car park and associated landscaping will occupy a site area of 1,215 sq m.

2.6 The walls of the proposed building will be faced in a high performance render with relief panels of coloured fibre cement cladding and achieve good levels of thermal and acoustic insulation. The roof will be clad in slate grey interlocking concrete tiles. A low roof pitch serves to reduce the building mass and results in a main ridge height above finished floor level of approximately 6.5 metres.

2.7 The site would provide 25 parking spaces and accessed via the existing entrance into the retail site.

## **3. Planning History**

**Reference Number:** CM/98/D/329

**Description:** Outline application for mixed use (residential and business) development

**Status:** WDN

**Reference Number:** CM/77/D/726

**Description:** OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AND ANCILLARY WORKS ON 27.08 HECTARES APPROX 69 ACRES

**Status:** REF

**Reference Number:** CM/77/D/725

**Description:** OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AND ANCILLARY WORKS ON 10.40 HECTARES APPROX 26 ACRES

**Status:** REF

**Reference Number:** CM/78/D/656

**Description:** THE DEVELOPMENT OF A RESIDENTIAL ESTATE AND THE CONSTRUCTION OF AN ACCESS ROAD FROM THE A197 ON 10.92 HECTARES OF LAND

**Status:** REF

#### 4. Consultee Responses

Public Protection	No objections
County Ecologist	No objections subject to conditions
Highways	No objections subject to conditions
Morpeth Town Council	No objections
North Trees And Woodland Officer	No response received.
Lead Local Flood Authority (LLFA)	No objections subject to conditions
The Coal Authority	No objections

#### 5. Public Responses

##### Neighbour Notification

Number of Neighbours Notified	27
Number of Objections	37
Number of Support	0
Number of General Comments	0

##### Notices

General site notice 28<sup>th</sup> June 2018

No Press Notice Required.

## Summary of Responses:

No objection from Town Council.

A total of 36 local resident objections have been submitted with concerns relating to:

- Traffic concerns and inadequate parking
- Should be located within town centre
- Does not offer a facility for local residents
- The building and use is too large for the site
- Area should be retained as wildlife corridor as per previous planning permission as part of the larger scheme
- Design should incorporate brickwork to match surrounding properties.

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=P9J4UFQSGTP00>

## **6. Planning Policy**

### 6.1 Development Plan Policy

Morpeth Neighbourhood Plan (2016)

Policy Sus1 Sustainable Principles

Policy Set1 - Settlement Boundaries

Policy Des1 - Design Principles

Policy Tra3 – Transport Requirements for New Developments

ENV1 – Landscape Corridors

Castle Morpeth Local Plan (2003)

C1 Settlement boundaries

C14 Trees

C15 Trees

RE5 Surface water run-off and flood defences

### 4.1 National Planning Policy

National Planning Policy Framework (2018) (NPPF)

National Planning Practice Guidance (2014, as updated) (NPPG)

## **7. Appraisal**

7.1 In assessing the acceptability of any proposal regard must be given to policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that the starting point for determining applications remains with the development plan, which in this case contains policies from the Morpeth Neighbourhood Plan and Castle Morpeth District Local Plan.

7.2 The main issues for consideration include:

- Principle of Development
- Design, Layout and Scale
- Amenity
- Trees
- Highway Safety
- Water Management

### Principle of development

7.3 Planning permission was granted at the site (on appeal) on the 28th March 2014 under application reference 11/02454/FUL (appeal reference APP/P2935/A/12/2170840). This permission allowed for residential development of 200 dwellings (Use Class C3) incorporating landscaping, open space, access and highway works, and up to 465 square metres of ancillary commercial development (Use Classes A1/A2/A4/D1) on land at South Loansdean, Morpeth. It is noted that the recently granted reserved matters permission for the site incorporated the allowable commercial development permitted under the above permission and as such consideration of additional proposed D1 use would be required.

7.4 Policy Sus 1 within the Morpeth Neighbourhood Plan (MNP) states that proposals for new development will be supported at a scale and in locations that accord with policies contained elsewhere in the Neighbourhood Plan where they support the continued sustainability and viability of communities in the Plan area by providing development including infrastructure associated with leisure, recreational pursuits and social, community, business and educational activities. A presumption in favour of sustainable development will be exercised across the Plan area. Proposals will be expected to conform to the following development principles by demonstrating that they contribute to the sustainability of settlements and their communities and can be accommodated within settlement boundaries defined in the Neighbourhood Plan other than in those circumstances defined in Policy Set1.

7.5 Policy Set1 states that Settlement boundaries are defined on the Proposals Map. Development proposals will be supported within settlement boundaries subject to being in accordance with other relevant policies in the Development Plan including the Neighbourhood Plan.

7.6 The site is located outside of the inset Morpeth settlement boundary and is therefore not in accordance with Policy C1 of the Castle Morpeth District Local Plan. This policy states that development in the open countryside beyond settlement boundaries will not be permitted unless the proposals can be justified as essential to the needs of agriculture or forestry or are permitted by other policies in the plan.

7.7 There must be greater weight afforded to the settlement boundary policies within the up to date Morpeth Neighbourhood plan as this in particular, includes the extension of the built form of the south west of Morpeth based upon the approval of the large housing scheme in which the applicant site is located within. Policies Sus1 and Set1 support community infrastructure of an appropriate scale within the settlement boundary. It is considered that the site is within a reasonably accessible location, close to residential development and public transport links. The proposal

would provide a community facility within a sustainable location, as such it is considered that the proposed use at the small scale indicated would be acceptable in principle as it is in accordance with Policies Sus1 and Set 1 of the Morpeth Neighbourhood Plan and sustainability principles within the NPPF.

### Design, Layout and Scale

7.8 MNP Policy Sus1 requires good quality design which respects the character and appearance of the setting of the development and the surrounding area. MNP Policy Des 1 seeks to ensure that the design and layout of the development achieves a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements and respects or enhancing the character of the site and its surroundings in terms of its proportion, form, massing, density, height, size, scale, materials and detailed design features.

7.9 NPPF Paragraphs 56 and 57 stresses the importance of planning positively for the achievement of high quality and inclusive design. Paragraph 64 reinforces this message by stating that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

7.10 Any proposed development should reflect local style, in terms of layout, scale, height, design and materials and follow the principles of good quality design which respects the character and appearance of the setting and the surrounding area. Any proposed building should be of high quality in terms of its layout, design, materials, scale, massing, height, size, and detailed design features, both in terms of built development, together with boundary treatments and hard and soft landscaping.

7.11 The layout shows that the siting of the development as being adjacent to the existing commercial development. The size of the building is considered to be appropriate within the context of the site. The style, scale, massing and design of the development is similar to the recently approved adjacent commercial development and the surrounding area comprises a mixture of red brick work, cladding and white render therefore, the proposed building would not be an incongruent addition to its setting. Whilst it is accepted that there will be a loss of open space in relation to the approval within the previous application, there has been boundary planting to the northern boundary as well as retaining the row of protected trees on the eastern boundary. This will ensure the area surrounding the site is appropriately landscaped. Overall, the application has no significant impact on the visual amenity being located within a built up area and is therefore in accordance with Policy Des1 of the Morpeth Neighbourhood Plan and the NPPF.

### Amenity

7.12 MNP Policy Des1 seeks to ensure that development does not cause an unacceptable adverse impact on the amenities of occupiers of existing or proposed nearby properties.

7.13 The site would not appear to be impacted by any significant existing noise sources although the proposal would introduce new noise sources, potentially from inside the building, as well as vehicular traffic and comings and goings. It has been acknowledged that the site is immediately adjacent to the commercial properties and

a busy highway which already produces a level of traffic noise and visitors to the site. The Public Protection Team has been consulted and no objections have been received. The use of the building would be for small subsidiary meetings and events that would not create undue disturbance on a regular basis. It is not considered that the amount of visitors and traffic volume would be as frequent in comparison to the nearby retail units due to the proposed use attracting members of the public on occasion.

7.14 The existing western boundary has a 2.5m double boarded timber fence and the northern boundary hedge would be retained with additional planting proposed to mitigate the impacts from vehicular movements and also to help screen properties from headlights in the evening and winter. The building is located in excess of 20m from the existing residential properties and nearest habitable windows to ensure there is no significant impact to outlook, privacy, overlooking and light. Whilst there would be development in closer proximity to residential properties, there is boundary treatment to mitigate the impact and the proposal itself would provide a community facility that would not introduce an intensive use that would provide unacceptable levels of noise or disturbance. The application is therefore in accordance with MNP policy Des 1 and the NPPF.

### Ecology and Trees

7.15 Policy C14 and C15 of the Castle Morpeth Local Plan require improvement of the landscape, the provision of landscaping including tree planting and hedgerows and the protection of existing trees and hedgerows on sites where development is in progress. Policy Des1 of the Morpeth Neighbourhood Plan seeks to ensure development safeguards, respects and enhances the natural environment, the biodiversity, landscape and wildlife corridors and the countryside, incorporating landscaping, where appropriate. Policy Env1 of the Morpeth Neighbourhood Plan requires that defined Landscape and Wildlife Corridors will be protected from development. The landscape and wildlife corridor runs beyond the eastern boundary of the site along the highway with a linear formation of mature trees.

7.16 The site had been included within the proposed commercial area during the initial approval for the wider scheme but retained as unused grassed space as part of the recently approved reserved matters application. The amended site layout plan has now been submitted showing some indicative planting proposals for trees and additional hedge planting along the northern boundary as well as some additional planting alongside the eastern footpath. The line of mature trees will be retained along the eastern boundary and protection measure should be in place during construction. The County Ecologist has been consulted and considers that the proposals are broadly acceptable though further details will be required as well as the inclusion of native species. It is unfortunate that a small pocket of open space is not provided however, this area of land was always originally included as provision for commercial use. It is considered that the provision of a community facility overrides the requirement of an informal unprotected area of open space that has yet to be established and with the retaining wildlife corridor, it is not considered this would warrant sufficient reason to refuse the application.

### Water Management

7.17 MNP Policy Des1 requires the incorporation of sustainable drainage systems. MNP Policy Inf1 requires that developments should demonstrate how they will minimise flood risk to people, property and infrastructure from all potential sources. Part 10 of the NPPF advises that development should be directed towards areas at lowest risk from flooding, ensuring that development does not increase flood risk elsewhere. Castle Morpeth Local Plan Policy RE4 seeks to protect the quality of surface or underground waters. Policies RE5 and H15 seek to prevent development in flood risk areas or where development may increase the risk of flooding elsewhere and encourages SUDS. Policy RE6 considers land drainage water supply and sewerage. Local Plan Policy RE6 seeks to protect land drainage, water supply and sewerage.

7.18 The LLFA has been consulted and has no objections to the scheme based on the car park drainage to be via an appropriate SuDS system. The application is in accordance with the MNP Policy Des1 subject to a condition ensuring the adoption and maintenance features shall be submitted and secured prior to occupation of the building.

### 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 The main planning considerations in determining this application have been set out and considered above whilst having regard to the appropriate local plan policies. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

## **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:

Proposed Site Layout MOR-21C

Proposed Plan Layouts MOR-10

Proposed Elevations MOR-11

Proposed Elevations & Section MOR-12

Site Location Plan MOR-20

Drawing number DO 150 Rev A Hydro Orifice Plate

Drawing number 18N2028-100 Drainage and Levels schematic

Drawing number 18N2028-135 Proposed drainage sections and car park section

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans and documents and to ensure that a satisfactory form of development is obtained.

03. The development shall not be brought into use until the car parking area indicated on the approved plans, including any disabled car parking spaces contained therein, has been hard surfaced, sealed and marked out in parking bays in accordance with the approved plans. Thereafter, the car parking area shall be

retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

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

04. Notwithstanding details submitted, the development shall not be brought into use until details of covered and secure cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before the development is brought into use. 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.

05. Development shall not commence until a Construction Method Statement, together with supporting plan 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 and plan shall, where applicable, provide for:

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

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

06. Prior to the development being occupied an Event Travel and Parking Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Event Travel and Parking Management Plan shall detail how travel and parking will be managed on large scale events as well as a definition of when these large scale events will occur and when the approved details are implemented. The Event Travel and Parking Management Plan shall be implemented in accordance with the approved details.

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

07. Prior to first occupation details of the adoption and maintenance of all SuDS features shall be submitted to and approved by the Local Planning Authority. 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 developments lifetime.

08. Prior to occupation a detailed landscape planting plan, including the planting of locally native trees and shrubs of local provenance and a scheme for a tree and shrub screen planting belt along the northern boundary of the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter this screen planting shall be implemented in the first planting season following commencement of development, or within such other time as may be approved with the Local Planning Authority in writing beforehand. The screen planting shall be maintained in accordance with a maintenance schedule which shall first be approved in writing by the Local Planning Authority and any trees or shrubs which are removed or found to be dead, dying or diseased shall be replaced with similar species during a period of five years following the completion of the screen planting scheme.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion, and in accordance with the provisions of the NPPF.

09. Notwithstanding any description of the materials in the application, no development shall be commenced until precise details, to include samples, of the materials to be used in the construction of the external walls and roof of the building have been submitted to, and approved in writing by, the Local Planning Authority. All roofing and external facing materials used in the construction of the development shall conform to the materials thereby approved.

Reason: To retain control over the external appearance of the development in the interests of amenity and in accordance with the provisions of the NPPF.

**Date of Report: 20.12.2018**

**Background Papers:** Planning application file(s) 18/01908/FUL