

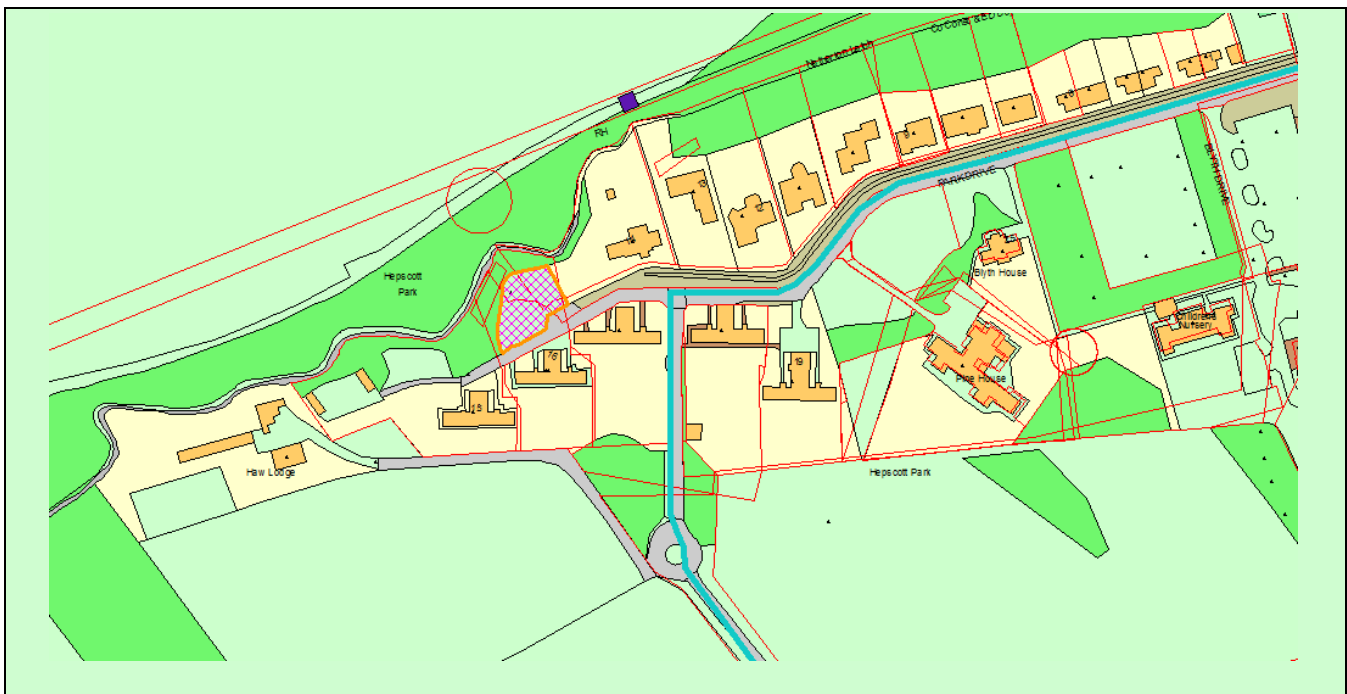


Northumberland County Council

CASTLE MORPETH LOCAL AREA COUNCIL 11 MARCH 2019

Application No:	18/03424/OUT		
Proposal:	Outline planning permission with all matters reserved for residential development (use class C3) of one x 1 1/2 storey dwelling with associated landscaping and access.		
Site Address	Land North Of 16 Park Drive, Park Drive, Hepscoth Park, Northumberland		
Applicant:	Mrs Lynn Nicholson 16 Park Drive, Hepscoth Park, NE61 6QA,	Agent:	Mr Tony Carter 13 Telford Court, Morpeth, NE61 2DB,
Ward	Ponteland East And Stanington	Parish	Stanington
Valid Date:	26 September 2018	Expiry Date:	21 December 2018
Case Officer Details:	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



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1. Introduction

1.1 This application is being referred to the Castle Morpeth Local Area Council as it has been called-in by Cllr Armstrong as it raises significant planning issues in

the Green Belt. Is considered to be appropriate development in the Green Belt against the Officer recommendation.

2. Description of the Proposals

2.1 The application seeks outline planning permission with all matters reserved for residential development (use class C3) of one x 1 1/2 storey dwelling with associated landscaping and access at Land North Of 16 Park Drive, Park Drive, Hepscott Park.

2.2 The settlement has seen recent expansion with the construction of a large housing development under (Ref:16/02336/FUL - Demolition of existing buildings and erection of 89 dwellings access, landscaping and associated engineering works). Prior to this, the buildings were in use for office and education purposes by Northumberland County Council. The new dwelling would be positioned within garden land to north of the 16 Park Drive and in between the residential curtilage of properties to the east and west.

3. Planning History

Reference Number: CM/94/D/437

Description: Change of use of residential home for the elderly to private dwelling house

Status: Approved

Reference Number: CM/05/D/795

Description: Erection of 1 No dwelling

Status: Refused

Reference Number: C/06/00125/TPO

Description: Fell 5 Ash trees

Status: CON

Reference Number: CM/88/D/577/A

Description: Details in compliance with conditions 2 3 and 4 change of use of administration block to offices and car parking and provision of new access to Tweed House repositioning main access and improvement of local access roads

Status: Approved

Reference Number: CM/88/D/577

Description: Provision of additional car parking and improvements to service accesses at existing aged persons homes

Status: Approved

Reference Number: CM/94/D/437

Description: Change of use of residential home for the elderly to private dwelling house

Status: Approved

Reference Number: CM/20110175

Description: Sun room extension incorporating undercover car parking

Status: Approved

Reference Number: CM/20080580

Description: Certificate of lawfulness for land used as part of garden

Status: MIND

4. Consultee Responses

Stannington Parish Council	No response received.
Highways	No objections subject to conditions
Northumbrian Water Ltd	No objections
Public Protection	No objections
Strategic Estates	No objections
North Trees And Woodland Officer	No response received.
County Ecologist	No objections subject to conditions

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	4
Number of Objections	0
Number of Support	24
Number of General Comments	0

Notices

General site notice 3rd October 2018

No Press Notice Required.

Summary of Responses:

There has been 24 letters of representation supporting the application as it would infill a small plot of land in a larger new development that has already infilled greenfield plots and there would be no impact to the site.

Councillor Armstrong provided comments on their behalf of Stannington Parish Council supporting the application for the following reasons:

- Sustainable location
- No impact on green belt openness
- No impact on residential amenity
- Limited infill

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=PFMCKCQSJ9P00>

6. Planning Policy

Stannington Parish Neighbourhood Plan

Policy 2 – Settlements

Policy 6 – Broadband

Policy 10 – Design and Character

Castle Morpeth District Local Plan (2003)

C1 Settlement boundaries

H15 New housing developments

H16 Housing in the countryside

C11 Protected Species

C15 Landscaping

C16 Green Belt

C17 Development in the Green Belt.

RE5 Surface water run-off and flood defences

RE6 Service Infrastructure

RE8 Contaminated Land

RE9 Ground Stability

Northumberland County and National Park Joint Structure Plan First Alteration
(February 2005)

Saved Policy S5 – Green Belt

4.3 Emerging Planning Policy

Northumberland Local Plan Publication Draft Plan (Regulation 19)

Policy STP 1 Spatial strategy (Strategic Policy)

Policy STP 2 Presumption in favour of sustainable development (Strategic Policy)

Policy STP 3 Principles of sustainable development (Strategic Policy)

Policy STP 7 Strategic approach to the Green Belt (Strategic Policy)

Policy STP 8 Development in the Green Belt (Strategic Policy)

Policy HOU 1 Making the best use of existing buildings (Strategic Policy)

Policy HOU 2 Provision of new residential development (Strategic Policy)

Policy HOU 3 Housing requirements for neighbourhood plan areas (Strategic Policy)

Policy HOU8 Residential development in the Open Countryside

Policy HOU 9 Residential development management

Policy QOP 1 Design principles (Strategic Policy)

Policy QOP 2 Good design and amenity

Policy QOP 4 Landscaping and trees

Policy QOP 5 Sustainable design and construction

Policy QOP 6 Delivering well-designed places

Policy TRA 1 Promoting sustainable connections (Strategic Policy)

Policy TRA 2 The effects of development on the transport network

Policy TRA 4 Parking provision in new development
Policy ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)
Policy ENV 2 Biodiversity and geodiversity 1
Policy WAT 1 Water quality
Policy WAT 2 Water supply and sewerage
Policy POL 1 Unstable and contaminated land
Policy POL 2 Pollution and air, soil and water quality

7. Appraisal

7.1 The main issues for consideration in the determination of this application are:

- Principle of the development
- Green Belt
- Design issues
- Impact on amenity
- Highway issues
- Ecology

Principle of the development

7.2 The Stannington Parish Neighbourhood Plan acknowledges Hepscoth Park has seen significant growth with new housing and along with Netherton park are both large brownfield sites in the plan area. The Castle Morpeth Local Plan 2003 defines settlement limits (under policy C1) within which most housing is to be directed. The proposed development site is located outwith any defined settlement boundary, as outlined in Policy C1 of the Castle Morpeth District Local Plan and is therefore within the open countryside, notwithstanding the fact that it is within a small settlement under recent expansion and would be confined to by surrounding woodland and amongst residential properties. It is considered that whilst it would be located on the open countryside, there would be no encroachment into the open countryside as it would be visually and physically linked to the settlement within garden land. Under Castle Morpeth Local Plan Policy H16, new build houses in the open countryside are only permitted if they meet one of a number of agricultural or other rural requirements, (as set out), and should be well related to a group of other buildings. As such the proposal is within outside of settlement boundaries and does not conform to any exceptions with policy C1 or H16 but there would be no significant encroachment to the open countryside and is related to the existing settlement.

7.3 On a national level, planning policies are set out in the NPPF. Paragraph 78 -79 of the National Planning Policy Framework (2018) states:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby”.

“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling;
or
- e) the design is of exceptional quality, in that it: - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area”.

7.4 The application site is located amongst a large housing development that was recognised to be a sustainable location under application 16/02336/FUL, the proposal would be minor development within a larger scheme. It is not within an isolated location due to the surrounding development and access to everyday services without the use of a private car. The proposed development site is to be accessed from a private road which leads to an existing access on the A192 which is a route between Morpeth, Stobhill and Hepscott. There are existing footways in the vicinity of the proposed site; access to a bus stop provides links to Newcastle and Morpeth, and cyclists are able to utilise the existing highway carriageway. A café is located within the settlement and Station Road can be accessed for some limited facilities.

7.5 The application would contribute to the 3 sustainable objectives – economic, social and environment. There would be some economic benefits, although limited due to the scale of the proposal however, the site would be located within a sustainable location and be linked to the settlement to preserve the wider open countryside.

7.6 Having regard to the relevant policies in the Development Plan and in giving more weight to national policy and neighbourhood plan policies, it is considered that this would be a sustainable location for development and as such in principle of the proposal in the open countryside would accord with paragraph 78 and 79 of the NPPF, notwithstanding the site's location out with any settlement boundary.

Green Belt

7.7 Saved Northumberland Structure Plan Policy S5 establishes the general extent of a Green Belt extension around Morpeth, with the detailed inner and outer Green Belt boundaries to be defined in a future local plan. While the plan did not define a detailed outer boundary or boundaries to settlements located within the general extent, as worded in Policy S5, it is clear that the application site in Hepscott Park is located within this extended area. In addition the Castle Morpeth Local Plan (2003) defines boundaries to a number of settlements, it is considered that areas within these settlement boundaries are out with the Green Belt. Hepscott Park does not have a defined boundary and in effect, is washed over by the Green Belt. The Stannington Neighbourhood Plan also identified that it is in conformity with Policy S5 and settlements identified on the Policies Map are within the general extent of the Green Belt under 'saved' policy S5, with the exception of Stannington Village.

7.8 In turn Paragraph 133 of the NPPF attaches great importance to Green Belts, with the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open.

7.9 Paragraph 143 of the NPPF highlights that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Paragraph 144 requires Local Planning Authorities (LPA) to ensure that substantial weight is given to any harm to the Green Belt, and that “‘very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.

7.10 Both the NPPF and Policy C17 of the Local Plan identify a list of appropriate uses in the Green Belt for which new build development may be permitted. Any other uses not identified are deemed to be inappropriate.

7.11 The provision of new build housing is not listed as one of the appropriate uses in the Green Belt under Local Plan Policy C17. The NPPF, at para 145, lists exceptions to the general policy of Green Belt restraint, setting out forms of development that are considered to be appropriate in the Green Belt. This does however differ slightly to the exceptions listed under Local Plan Policy C17 and so greater weight should be given to the NPPF. In terms of new buildings in the Green Belt the NPPF, under para 145, allows;

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

7.12 In this case, the development would not be for agriculture or forestry or be an appropriate facility for outdoor sport/ recreation. Nor would it consist of an extension or replacement buildings.

7.13 In relation to criterion e) The NPPF allows ‘*limited infilling in villages*’ but offers no definition of ‘limited infilling.’ There are definitions within local plan documents and previous appeal decisions that can be used to as a material planning consideration to determine how infill development has been interpreted. Whilst it is accepted that

all applications should be assessed on its own merits, there has to be a consistent approach on how the authority assess such development in order to ensure planning policies are not undermined.

7.14 A recent appeal decision for a development of 2 dwellings at Bowes Hill (APP/P2935/W/18/3197543) in the Green Belt, accepted that there is no formal definition in planning law, policy or guidance, or in the development plan, of the terms 'limited', 'infilling' or 'village'. However, it is reasonable to consider limited infilling as development which would occupy a small gap in an otherwise built up frontage.' This is supported by the definition within the glossary of the Castle Morpeth Local Plan that states '*Infilling of small gaps within an otherwise continuously built up frontage*'.

7.15 The Draft Northumberland Local Plan seeks to further define limited infilling as a small gap in an otherwise built up frontage in a village however and does not recognise development between loose groups of buildings; gaps between the built edge of a village and other buildings which are not physically and visually linked to the settlement.

7.16 The Authority received a High Court Appeal Judgement for a house at Tranwell Woods at 'The Bramblings' that refers to a previous Inspectors decision which states:

'The site is enclosed on three sides by dwellings with Belt Plantation to the south, and with an extended shared access from the C151. The development intended does not represent a gap in an otherwise [developed] frontage on the C151 through TW – this, in my view, [is] one reasonable test of infill development. To allow the Appeal would add an intrusive element to this sensitive area of countryside. While the dwelling would have limited visibility from public viewpoints, that cannot establish a convincing justification for the proposal. It would be able to be repeated too often, to the detriment of the countryside. Similarly, to grant planning permission would make it more difficult for the Council to resist similar proposals, undermining the clear intent of local planning policy...'

7.17 The test adopted was whether the development would occupy a gap in an otherwise (developed) built up frontage and whilst "enclosed on three sides" with a plantation to the south, it did not represent a gap on the frontage of the main C151 road through the village.

7.18 The existing property has its own rear garden and the application site forms a separate plot of land that is divided from the residential curtilage by the access road. The plot is sited to the end of the current building line and has a distinctly open rural character and would be considered development between a loose group of buildings and not infill an obvious gap in between development. Furthermore, the plot and row of housing is within a newly re-developed site built upon previously developed Council buildings, still to be fully completed. There are no characteristics such as a central village core or any focal points or features that would indicate the recently expanding settlement to be a village. It is accepted that whilst there is no clear definition of what constitutes a 'village' within the NPPF or local development plans, it is the Authority's judgement however, that the settlement is not considered to be a 'village' due its characteristics and lack of amenities. It has also not been recognised as a service village or settlement in the emerging Northumberland Local Plan.

7.19 In summary, as there is no filling of an obvious gap between buildings and the site is not considered to be within a village, the proposal would not be considered as 'limited infill within a village' in the Green Belt.

7.20 Criterion g) states that: *'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development'*. The site is separate amenity space from the existing property within a settlement and the definition of previously developed land within the Green Belt *'excludes land in built up areas such as residential gardens'*. Should this even be considered as previously developed land, the construction of a dwelling onto an undeveloped plot would have a greater impact to the openness of the Green Belt than the existing development. It is accepted that there would be no significant visual intrusion from the wider area due to the surrounding woodland however, the plot is an open landscape when approaching the site from Park Drive. The development of the site would therefore not be in accordance with paragraph 146 of the NPPF as there would be a greater impact to openness of the Green Belt than the existing development.

7.21 Overall, the development of the site in the Green Belt is not considered to be acceptable in principle as it does not fall under any of the exceptions allowed under paragraph 145 and 146 of the NPPF. Very special circumstances also do not exist which would justify the development in the Green Belt. The application is therefore not in accordance with Saved Policy S5, Policy C17 and the NPPF.

Housing Supply

7.22 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.

7.23 As set out in paragraph 73 of the NPPF, where the strategic policies are more than 5 years old, local planning authorities should measure their housing land supply against their local housing need. In accordance with the standard methodology, Northumberland's local housing need figure is currently 717 dwellings per annum. Against this requirement, and taking into account the supply identified in the Council's latest Five Year Supply of Deliverable Sites 2017 to 2022 report, the Council can demonstrate a 12.1 years supply of housing land. Therefore Northumberland clearly has more than a 5-year housing land supply, and as such, in this context, the presumption in favour of sustainable development does not apply.

7.24 This supply position updates that presented in the Council's 'Position statement following withdrawal of the draft Core Strategy (Nov 2017), and in the Five Year Supply of Deliverable Sites 2017 to 2022 report (Nov 2017) which used an Objectively Assessed Need of 944 dwellings per annum, informed by superseded evidence. While the draft Northumberland Local Plan includes a housing target of 885 dwellings per annum, given that the plan is not yet adopted, this target has not

been used for the calculation of the Council's five year housing land supply position, as to do so would not reflect the NPPF.

Design and amenity

7.25 The immediate surrounding style of properties comprises a consistent formation of 'Dutch' bungalows to the south. On approach to the site through Park Drive however, there is mixture of large detached housing and semi-detached properties with a bungalow neighbouring the site. It is considered that the proposed 1 ½ storey scale would have a detrimental impact to the open natural character of the site but remain sympathetic to the surrounding built environment. The reserved matters application would ensure that the layout and materials would be consistent with the neighbouring properties. On balance, a dormer bungalow would not have a significant detrimental impact in this location in terms of design and visual amenity.

7.26 The size of the plot would allow a new dwelling without compromising the residential amenity of future an existing occupants. A 20m distance between primary elevations could achieved and a layout that would not become overbearing or incur a loss of light to adjacent properties or install windows that overlook and compromise privacy. The size of the plot would allow for the proper function of a garden for amenity purposes and the storage of refuse and recyclables without detracting from the street scene. The application would accord with Policy 10 of the Stannington Neighbourhood Plan and Policy H15 of the Castle Morpeth Local Plan subject to the details within a reserved matters application.

Highways

7.27 The Highway Authority has been consulted and offers no objections to the application in principle as adequate access, on-site parking provision and safe manoeuvring space can be provided to ensure there is no adverse impact to highway safety in accordance with the NPPF.

7.28 Access by sustainable modes are in keeping with the rural nature of the surrounding area. No details have been submitted at this stage in regards to access. Park Drive is currently private and unadopted but there are future plans for this to be adopted but to what extent is currently unknown. Any proposed access will need to incorporate visibility splays of 2.4m x 43m, which will need to be detailed on plans at future stages.

7.29 As the application is seeking outline permission, there is still information sought such as details on the site access, parking, surface water drainage, a construction method statement, refuse storage. It is considered that appropriate conditions can be attached to any approval granted. The application is in accordance with the NPPF.

Ecology

7.30 The site comprises an area of amenity grassland, bordered by broad-leaved woodland, and garden planting. The site is found to be likely to support Species of Principal Importance (under section 41 of the Natural Environment and Rural Communities Act 2006) such as hedgehog, and foraging bats, due to the presence of woodland and a waterbody. Appropriate mitigation is included in the submitted

ecology report for these species and the presence of the burn. Rivers and streams are a Habitat of Principal Importance in Northumberland.

7.31 The site was found to support a species of Cotoneaster, however the specific species was not identifiable. Five species of Cotoneaster are listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) making it an offence to allow these species to grow in the wild. As the species could not be ascertained, appropriate measures will be carried out to ensure legislative compliance.

7.32 The County Ecologist raises no objections on ecological grounds, on condition that the avoidance, mitigation and enhancement measures are carried out via a suitably worded condition. The application is therefore in accordance with the NPPF.

Equality Duty

7.33 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

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

Human Rights Act Implications

7.35 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.

7.36 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.

7.37 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:

8.1 The development represents an unacceptable form of development by virtue of its encroachment into the Green Belt. No special circumstances have been demonstrated to outweigh the harm to the openness of the Green Belt. The development is therefore contrary to the provisions Policy C17 Castle Morpeth District Local Plan, the NPPF and Local Development Plan Policy S5.

Date of Report: 26.02.2019

Background Papers: Planning application file(s) 18/03424/OUT