

NORTHUMBERLAND

Northumberland County Council

Ashington & Blyth Local Area Council Planning Committee 14 February 2018

Application Ref: 17/02792/FUL - Proposed development of an Early Years Centre including associated parking, landscaping and outdoor space for children on Land South Of Ashington Minors Nursery Ashington

Report of the Head of Planning Services

Purpose of Report

- (i) To advise on the robustness and sustainability of the refusal reason for this application as proposed by Members of the Ashington & Blyth Local Area Council on 13 December 2017.
- (ii) To allow Members to review their reason for refusal of the application in advance of the decision being issued and in light of expert technical advice received from an independent highways consultant following the original resolution to refuse consent.

Recommendation

That the Local Area Council reviews its reason for refusal of this application as proposed and that agreement is reached on one of the two following options available to Members:

- (i) Refuse the application on the grounds of the reason previously agreed; or
- (ii) Withdraw the previously agreed refusal reason and be minded to approve the application subject to the conditions set out in the original Committee report (attached).

1. Background

1.1 On 13 December 2017 the Ashington & Blyth Local Area Council Planning Committee considered a full planning application for an Early Years Centre including associated parking, landscaping and outdoor space for children. Members unanimously resolved to refuse the application, contrary to Officer recommendation, on highway safety grounds and the lack of a suitable parking scheme. The decision notice has not yet been issued.

1.2 Since the resolution to refuse the application was made, Officers have assessed the robustness and sustainability of the grounds for refusal. Advice has also been sought from an independent expert highway consultant to inform the assessment of the robustness of the grounds of refusal. Their advice is reflected throughout the remainder of this report.

2. Parking

2.1 The parking provided on-site for this proposal meets NCC requirements and would primarily provide long term parking for staff. Short term pick-ups and drops-off would most likely occur on-street. Parking on-street in the area already occurs and is accepted. There is space on the highway to park safely in the vicinity of the proposed development site. Taking into account the anticipated number of predicted drop-offs and pick-ups set out in the applicant's Transport Assessment at 19 in the AM peak and 17 in the PM peak, this is not considered to represent a significant amount of movement.

2.2 The Transport Assessment highlights local bus stops/services within reasonable walking distance of the site which could be used by staff or parents making onward journeys. Cycle parking would be provided within the site. The development would also serve a local catchment therefore maximising the opportunity for staff/parents/children to travel by sustainable modes of transport rather than relying on the private car.

2.3 It is also worth noting that in Ashington Central Ward, 2011 Census data confirms 41.7% of households have no car/ van in the household, and 43.2% of households have only one car or van. Local car ownership levels therefore are not high.

2.4 The Highway Authority has noted that there have been no recorded accidents in the last five years near the application site and vehicles would leave the site in a forward gear (as set out on the proposed site plan). Safe and suitable access to the site can be achieved.

2.5 The impact on the adjacent highway could be suitably managed through Traffic Regulation Orders, road markings and signage.

3. Residential Amenity

3.1 The impacts during construction could be managed by way of a Construction Management Plan condition as noted by the Highway Authority in their consultation response and as included within the original Committee report.

3.2 Noting spread/number of arrivals/departures in the peak hour and that the design of Sycamore Street supports low vehicle speeds, whilst there would be an increase in comings and goings, this is not considered harmful to residential amenity.

3.3 Parking for both residents and during pick-up/ drop-off times could be accommodated in the vicinity of the application site and the use of adjacent highway suitably managed through Traffic Regulation Orders, road markings and signage.

3.4 Providing parking only for pick-ups and drops-offs, which would only be used for a small proportion of the day, is not considered to be an effective use of land.

4. Conclusion of Independent Engineer

4.1 Overall the impact of parking and an increased number of comings and goings arising from the proposed development is not considered harmful to highway safety nor residential amenity. The proposed development would accord with Policies GP4, T3, T4, T7 of the Wansbeck District Local Plan and paragraph 32 of the NPPF which makes clear that planning permission should only be refused on highway grounds in cases where a development proposal would have a severe impact on the highway network. It is not considered that there would be severe highway impacts arising from this proposal for the reasons explained in this report.

4.2 Taking into account the points set out above it is considered that substantive, precise reasons for refusal are not present and the decision is likely to be contested by the applicant.

5. Costs

5.1 National Planning Practice Guidance (NPPG) makes clear that Local Planning Authorities are at risk of an award of costs at the appeal stage if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include, amongst other things:

- preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations;
- failure to produce evidence to substantiate each reason for refusal on appeal;
- vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; and
- refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead.

5.2 In respect of the grounds for refusal as set out in the report, Officers are of the opinion that there would be a very strong prospect of a substantive award of costs being made on appeal against the Council unless this reason is discontinued. The reason for refusal would, in Officer opinion, fail to stand up to any proper scrutiny and would be incapable of adequate substantiation in evidence at appeal.

RECOMMENDATION

The risk of exposure to a substantial costs award at the appeal stage should the Council refuse the application on the grounds previously agreed by the Ashington & Blyth Local Area Council Planning Committee is high and it is therefore recommended that Members review the decision in light of the advice set out in this report. Following consideration of the advice, it is recommended that agreement is reached on one of the two following options available to the Committee:

- (i) Refuse the application on the grounds of the reason previously agreed; or
- (ii) Withdraw the previously agreed refusal reason and be minded to approve the application subject to the conditions set out in the original Committee report (attached).

IMPLICATIONS ARISING OUT OF THE REPORT

Policy: The application falls firstly to be considered against the policies and provisions of the Wansbeck District Local Plan which remains the adopted development plan for the area within which the application site is located. The National Planning Policy Framework (NPPF) is a material planning consideration in this case however, and the Council's reasons for refusal of the application require consideration against this.

Financial: There is a significant risk of a substantial award of costs against the Council at the appeal stage if it refuses planning permission on the stated grounds of refusal previously agreed by the Ashington & Blyth Local Area Council Planning Committee at its meeting on 13th December 2017.

Personnel: There will be a requirement for input from planning and legal staff regardless of the option taken by Members.

Property: None

Crime and Disorder: No direct effect.

Equalities: There are no specific equality issues.

Customer Considerations: The planning application has attracted a degree of public interest and there is local opposition to the proposed development.

Background Papers

Planning Application File Ref: 17/02792/FUL

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