

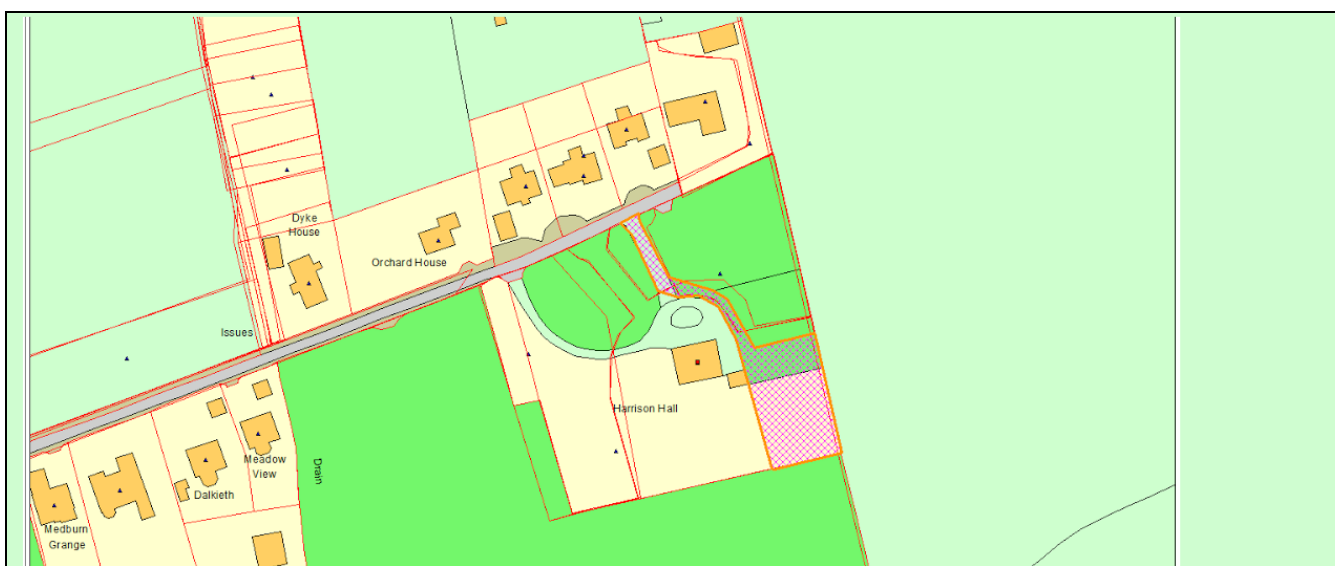
# NORTHUMBERLAND

Northumberland County Council

## Castle Morpeth Local Area Committee Planning Committee

9<sup>th</sup> October 2017

<b>Application No:</b>	17/02770/OUT		
<b>Proposal:</b>	Outline Planning Permission (All Matters Reserved) - Proposed construction of a new dwelling.		
<b>Site Address</b>	Harrison Hall, The Avenue, Medburn, Newcastle Upon Tyne Northumberland NE20 0JD		
<b>Applicant:</b>	Mr J Law Harrison Hall, The Avenue, Medburn, Newcastle Upon Tyne Northumberland NE20 0JD	<b>Agent:</b>	Mr John Cotterill 110 Racecourse Road, Swinton, South Yorkshire, S64 8DR
<b>Ward</b>	Ponteland West	<b>Parish</b>	Ponteland
<b>Valid Date:</b>	3 August 2017	<b>Expiry Date:</b>	28 September 2017
<b>Case Officer Details:</b>	Name: Mrs Tamsin Wood Job Title: Senior Planning Officer Tel No: 01670 625545 Email: <a href="mailto:tamsin.wood@northumberland.gov.uk">tamsin.wood@northumberland.gov.uk</a>		



## **1. Introduction**

- 1.2 Under the provisions of the Council's current Scheme of Delegation, in cases where applications are to be recommended for approval contrary to a valid objection from a Town or Parish Council and/or they receive a significant level of public objection, they are referred to the Head of Service and the Chairs of Planning Committees for consideration to be given as to whether the application should be referred to a Planning committee for determination. The matter was duly considered under these provisions and it was confirmed that the matter should be considered by Planning Committee.

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

- 2.1 Outline planning permission is sought for the construction of one dwelling within the boundary of and east of Harrison Hall, Medburn, with all matters reserved for later approval including access, layout, scale, appearance and landscaping. Whilst details of access have been reserved for later approval an indicative plan has been submitted with the application that shows the existing access to Harrison Hall would be split so the application site would have its own drive directly from The Avenue. The same plan shows an indicative layout of the property which would have a detached garage and its own rear garden.
- 2.2 The application site forms garden land to Harrison Hall. Planning permission has been granted for two dwellings in the curtilage of the grounds already. One has already been constructed and clearing works have just started on the second.
- 2.3 The site lies within the settlement boundary for Medburn (as defined by Local Plan Policy MBC1) and an area identified for infill development (as defined by Local Plan Policy MBH2).

## **3. Planning History**

**Reference Number:** C/89/D/482

**Description:** Outline application for the development of existing settlement incorporating residential development and provision of ancillary facilities on 34.7 ha

**Status:** OBJ

**Reference Number:** 13/03198/FUL

**Description:** Creation of an Orangery and three car garage with usable loft space above. Internal and External alterations to existing envelope of the main house (Harrison Hall).

**Status:** Approved

**Reference Number:** 13/03199/FUL

**Description:** Proposed new build detached dwellings on both Plots 1 and 3

**Status:** Approved

**Reference Number:** 16/04048/Ful

**Description:** Erection of new build detached dwelling on

**Status:** Approved

**Reference Number:** 17/02321/FUL

**Description:** Proposed construction of a new detached dwelling and detached garage

**Status:** Approved

**Reference Number:** CM/20090784

**Description:** Application for a new planning permission to replace an extant planning permission in order to extend the time limit for implementation and demolition of existing dwelling and construction of three dwellings.

**Status:** Approved

**Reference Number:** CM/20070381

**Description:** Demolition of existing dwelling and replacement with three dwellings

**Status:** Approved

#### 4. Consultee Responses

Ponteland Town Council	<p>Object: The proposal is contrary to Policy MBH2 of the Castle Morpeth District Local Plan as the site is neither brownfield nor infill and is not within the curtilage of existing properties. The construction of this dwelling on agricultural land would constitute new housing development on greenfield land in a part of Medburn where only infill development on brownfield sites is permitted.</p> <p>Medburn is a small settlement without any services, only a limited bus service and poor paths for cyclists and pedestrians. Such development in this location would have a detrimental impact on the agricultural/rural and undeveloped character present in this part of the settlement, contrary to Policy H15 of the Castle Morpeth District Local Plan.</p> <p>The development would also have an adverse impact on the C345 which is a narrow country lane and the only access road.</p>
Highways Authority	<p>The proposed development has been assessed in conjunction with the National Planning Policy Framework. It should be noted that The Avenue is a privately maintained road but we have concerns regarding the access onto the C345. The</p>

	access presents major visibility issues and with the increasing development down The Avenue and also throughout Medburn the anticipated trip generations will increase. This could lead to the increased chance of a potential accident at this junction. We believe a scheme should look to be put in place where all developments down The Avenue and in the surrounding areas should be willing to provide a contribution to help address the issues at the junction.
Northumbrian Water Ltd	Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority: Discharge into ground (infiltration) Discharge to a surface water body Discharge to a surface water sewer, highway drain, or another drainage system As a last resort, discharge to a combined sewer

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	4
Number of Objections	1
Number of Support	0
Number of General Comments	0

### Notices

General site notice, posted on 24th August 2017.  
No Press Notice Required.

### Summary of Responses:

One letter of objection has been received which in summary makes comments regarding:

- Overdevelopment of Medburn and impact on character of the area
- Contrary to MBH2 policy
- Highways safety will be compromised due to traffic generation and road capacity with The Avenue, along with other applications.
- NPPF states development should be refused where there is a 'severe' impact. This is happening from work lorries, forklifts. As such access for emergency services is limited.
- Council has 5 year housing land supply as such should not be allowed under para 49 of the NPPF.
- Noise disturbance from work traffic from developments is huge which impacts upon health and quality of life.
- Approval will enhance the problems.

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

<http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=OU3KFRQS0JT00>

## **6. Planning Policy**

### **6.1 Development Plan Policy**

Castle Morpeth District Local Plan, 1991-2006), Adopted February 2003

RE5 Surface water run-off and flood defences

RE6 Service infrastructure

C1 Settlement boundaries

H11 Tandem and backland development

H15 New housing developments

MBH2 – Medburn Infill policy

MBC1 – Medburn Settlement Boundary

### **6.2 Emerging Policy**

Ponteland Town Council, as a qualifying body for the purposes of neighbourhood planning for the Ponteland neighbourhood area, have submitted the Ponteland neighbourhood plan to the county council for independent examination. The Ponteland Neighbourhood Plan has successfully been passed by an independent examiner; the Plan will now proceed to a local referendum. An independent examiner has looked at the Plan and confirmed that it satisfies all legal requirements. The county council considered the recommendations made by the independent examiner and accepted all of the proposed modifications recommended by the examiner. Northumberland County Council considers that this Plan meets the necessary legal requirements. The Plan will now proceed to local referendum, which will take place on the 28th September 2017.

The following policies in the current Referendum Version (September 2017) has been considered:

Policy PNP 1: Sustainable Development Principles

Policy PNP 2 : High Quality and Inclusive Design

Policy PNP 3: Infrastructure

Policy PNP 13: Biodiversity

Policy PNP 28: Sustainable Drainage Systems

Policy PNP 29: Transport and New Developments

### **6.3 National Planning Policy**

National Planning Policy Framework (2012)

National Planning Policy Guidance (2014, as updated)

## 7. Appraisal

7.1. The main planning considerations relating to this proposal are as follows:

- Housing Supply and Principle of Development
- Design, Layout and Impact on Amenity
- Disposal of Surface Water
- Access and Parking

7.2 On 27th March 2012 the Government published the National Planning Policy Framework (the NPPF). The policies within this Framework are material considerations which Local Planning Authorities should take into account from the day of its publication.

7.3 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration. The saved Policies of the Castle Morpeth District Local Plan (adopted 2003) (CMDLP) remain the development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF. The Ponteland Neighbourhood Plan (Submission Draft, May 2017) has successfully been passed by an independent examiner and as such the Plan will now proceed to a local referendum to be held on the 28<sup>th</sup> September 2017 and as such *limited* weight can also be afforded to this.

### Housing Supply

7.4 Paragraph 47 of the NPPF requires Local Planning Authorities to boost significantly the supply of housing with Paragraph 49 then advising that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

7.5 Given the above, officers consider that at the present time a significant supply of housing land can be demonstrated across the County as a whole with much of this supply benefitting from planning permission. In this regard, as of the 31 March 2017 there were extant planning permissions for approximately 12,400 dwellings. Furthermore, housing completions have accelerated in recent years. 1,531 new housing completions were achieved during 2016-17 with an average of 1,323 dwelling completions per annum over the last 3 years. Therefore in the context of paragraph 49 of the NPPF, the tilted balance in Paragraph 14 is not engaged on the grounds of housing land supply. Due to the level of supply, officers are confident that the strong delivery that has been achieved recently will continue. Whilst an objection has been received stating as the Council has 5 year housing land supply the proposal should not be allowed under Paragraph 49 of the NPPF, whether or

not a housing target has been achieved would not be relevant if the principle of the proposal is considered to be acceptable.

### **Principle of Development**

- 7.6 The site is located within the settlement boundary of Medburn as defined by Policies C1 and MBC1 of the Local Plan. Boundaries are drawn to identify the limits to settlements and are defined on the proposals map insets.
- 7.7 The site is located within an area defined by Local Plan Policy MBH2. Local Plan Policy MBH2 considers development as being appropriate, in principle, for infill development on brownfield land. The site is not previously developed as it is garden land in a built up area which is excluded from the definition of previously development land in the NPPF. It is also not considered to constitute infill development given its location at the edge of the settlement with open fields to the east of the site. The site is garden area to Harrison Hall and this is considered to fall within the curtilage of this building. Planning permission has been granted for two dwellings within the curtilage of Harrison Hall. One directly to the north of the site which has been constructed, under reference 16/04048/Ful and one to the east of the site under 17/02321/FUL. As such, whilst the site may lie within the wider settlement boundary for Medburn, the proposal would be contrary to the provisions of Local Plan Policy MBH2. In addition however the NPPF is a material consideration which needs to be taken into account. Firstly while giving emphasis to the reuse of previously developed land that is not of high environmental value, it does not specifically state that a sequential approach should be adopted in terms of developing brownfield land before greenfield land or specifically states land needs to be infill development. In addition Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise); approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
- 7.8 In addition, it is acknowledged that Medburn does not feature any services or facilities, nor does it have a regular public transport service. However, regard should be had to para 55 of the NPPF. In relation to this, is worth noting a Planning Inspector's decision on a post-NPPF planning appeal for residential development, also in Medburn. (ref APP/P2935/A/2176272 - 11/01959/OUT). In that instance the Inspector noted that Medburn had a lack of facilities and that it was not a "remote rural location". The ability to access the services and facilities of Ponteland by cycle (albeit along un-lit country lanes with no footpaths) and limited public transport meant that the site offered potential for access by means other than a private car. In another appeal against the development of 14 dwellings on land to the east of the Nursery (12/00892/out) the Inspector agreed with this position. Based on this, it can be argued that the village of Medburn should not be regarded as completely isolated from

essential services. From this point of view, it accords with NPPF Paragraph 55.

- 7.9 The close proximity of Medburn to Ponteland therefore means that additional housing there could be regarded as within reach of the wide range of services in Ponteland village centre, something which clearly this has played a key part in the decisions made by the Inspectors in both appeal cases. Therefore, as the proposed scheme would provide new housing development in a location that is not remote from Ponteland and Darras Hall, which has reasonable access to services and facilities by means other than the private car, it is considered that new housing in Medburn would accord, in principle, with paragraph 55 of the NPPF and be generally consistent with the approach taken by the Inspectors in determining the recent Prospect Farm and Land East of The Nursery appeals.
- 7.10 In conclusion, although the proposal would not accord with the provisions of Local Plan Policy MBH2, as the NPPF does not require development to be on brownfield land or for it to be infill (unless in the Greenbelt) and as the development would be within the settlement boundary of Medburn where the Planning Inspectorate has agreed the development would accord with the NPPF particularly with para 55 in terms of being a form of sustainable development and as such accord with the Principles of Policy PNP 1 of the Ponteland Neighbourhood Plan, the principle of the development is therefore on balance considered to be acceptable.

### **Design, Layout and Impact on Amenity**

- 7.11 The Government attaches great importance to the design of the built environment and, through the NPPF, recognises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 57 of the NPPF stresses the importance of planning positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Paragraph 60 continues by stating that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is recognised however that it is proper to seek to promote and reinforce local distinctiveness.
- 7.12 At the local level, and in specific relation to new housing development, Local Plan Policy H15 despite significantly pre-dating the NPPF firmly aligns with the design objectives of the NPPF by setting out a number of criteria for new residential developments to satisfy in the interests of achieving high quality living environments., as does Policy PNP 2: High Quality and Inclusive Design of the Ponteland Neighbourhood Plan.
- 7.13 Details of appearance and landscaping have been reserved for determination at reserved matters stage. However it is considered that a development of appropriate scale and design could be achieved in accordance with the



above policies. An indicative plan has been submitted too which shows that a lay out could be achieved which would ensure a good amount of amenity area and space with the neighbouring dwellings which would ensure neighbouring residents of the property would not be impacted upon in terms of loss of light, outlook and privacy in accordance with the NPPF and Local Plan Policy H15. In addition the proposal would accord with Local Plan Policy H11 which deals with tandem backland as it would not cause a loss of amenity or poor relationship with existing properties, the access would be acceptable and it would not breach building lines. Whilst an objection has been raised with regard to impact on the character of Medburn from increasing development in the area, as this site would be located behind another dwelling and at the edge of Medburn in a location not highly visible it is considered the proposal would not impact upon the character of Medburn.

- 7.14 In addition whilst the objection raises concerns over noise from construction traffic as this would only be for a limited period whilst construction is being carried out and subject to conditions restricting times of work and construction vehicle movement, it would be unreasonable to refuse the application on these grounds. Subject to conditions the proposal is therefore considered to be acceptable in terms of impact upon residential amenity in terms of impact from noise and is in accordance with Local Plan Policy H15 and Policy PNP 2: High Quality and Inclusive Design of the Ponteland Neighbourhood Plan, in this respect.

#### **Disposal of Surface Water**

- 7.15 Northumbrian Water have been consulted state that they actively promote sustainable surface water management across the region and so the developer should develop their surface water drainage solution by working through the following, listed in order of priority: Discharge into ground (infiltration); Discharge to a surface water body; Discharge to a surface water sewer, highway drain, or another drainage system and as a last resort, discharge to a combined sewer. Subject to an informative requesting this and condition asking for details of surface water disposal to be submitted the proposal would therefore in principle accord with Local Plan Policy RE6 Service Infrastructure .

#### **Access and Car Parking**

- 7.16 Details of access and parking have been deferred for reserved matters approval and the Highway Authority have suggested conditions which would ensure parking, refuse and cycle parking details are submitted. They have also stated that the principle of splitting the existing access to the site and driveway in two is acceptable. Subject to the recommended conditions it is considered that the proposal conforms with NCC parking standards and would be acceptable in terms of refuse and access onto the site.
- 7.17 Whilst there is an objection from a local resident in relation to highways issues in terms of increased traffic and impact on the road safety along the Avenue, the Highway Authority have not raised any concerns regarding this, although do state that construction traffic must be extra cautious when proceeding along the Avenue which can be attached as an informative.

- 7.18 The Highways Authority have raised concerns regarding the access onto the C345 from The Avenue and state the access presents major visibility issues and with the increasing development down The Avenue it is anticipated this could lead to the increased chance of an accident at this junction. However, it is considered the limited increase in vehicular movement due to this one dwelling would not have a severe impact, in terms of the NPPF, over and above the movements already in place.
- 7.19 The Highways Authority note that The Avenue is a privately maintained road and as such all developments/residents down The Avenue should consider providing a contribution to help address the issue at the junction. In addition any upgrading of the road would be a civil matter to be agreed with all residents along The Avenue, not Northumberland County Council.
- 7.20 As such subject to the conditions suggested by the Highway Authority the development is considered to be acceptable in terms of access and parking and in this regard accords with the NPPF.

## **8. Conclusion**

- 8.1 The principle of the proposal is considered to be acceptable and in accordance with the NPPF and as such subject to conditions requesting further details to be submitted within a reserved matters application it is considered the proposal is acceptable.

## **9. Recommendation**

That this application be GRANTED permission subject to the following conditions:

Conditions/Reason:

01. Approval of the details of the access, appearance, landscaping, layout and scale hereinafter called the reserved matters shall be obtained from the Local Planning Authority.
- Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended)
02. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended)
03. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended)

04. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the, access, appearance, layout and scale shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason: To achieve a form of development that complies with the Development Plan and other material considerations.

05. Before construction above damp proof course level of any dwelling commences, details of all proposed means of enclosure, and boundary walls and fences to the site, shall be submitted to, and approved in writing by, the Local Planning Authority, and shall thereafter be implemented in complete accordance with the approved details.

Reason: In the interests of visual amenity and securing the satisfactory appearance of the development from the outset of development, and in accordance with the provisions of Local Plan Policy H15.

06. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, dormer windows, or free standing buildings or structures shall be added to or constructed within the curtilage of the dwelling house hereby permitted without the prior grant of planning permission from the Local Planning Authority.

Reason: In order that the impact on neighbouring properties of any additions or curtilage buildings may be properly assessed in the interests of amenity and in accordance Local Plan Policy 15.

07. The dwellings hereby approved shall not be occupied until approval has been given to detailed plans showing the hard and soft landscaping of the site. This shall include, where required, the planting of trees and shrubs, the provision of screen walls, retaining walls or fences, the mounding of earth, areas to be seeded with grass, areas of hard surfaces and proposed surface materials and other proposals for improving the appearance of the development. The scheme shall be carried out in accordance with the approved drawings before the end of the year in which the development starts, or within such other time as may be agreed with the Local Planning Authority in writing beforehand. The landscaped areas shall be subsequently maintained to ensure rapid and complete establishment of the agreed scheme, including watering, weeding and the replacement of any plants which fail.

Reason: In the interests of the appearance of the area. In accordance with the provisions of Local Plan Policy H15.

08. Details of the disposal of surface water shall be submitted to and approved in writing by the Planning Authority before the development is commenced. The development shall then be carried out in accordance with the approved details.

Reason: To help reduce flooding in accordance with Local Plan Policy RE5.

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

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 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 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

11. 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 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.

12. The development shall not be occupied until details of refuse storage facilities and a refuse storage strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and design of the facilities and arrangement for the provision of the bins. The approved refuse storage facilities shall be implemented before the development is brought into use. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.

Reason: To ensure sufficient and suitable facilities are provided for the storage and collection of household waste in accordance with Chapter 7 of the National Planning Policy Framework.

13. Deliveries to and collections from the demolition and/or construction phase of the development shall only be permitted between the hours:  
Monday to Friday - 08:00 to 18:00

Saturday - 08:00 to 13:00

With no deliveries or collections on a Sunday or Bank Holiday, unless agreed in writing with the LPA.

Reason: To protect residential amenity and provide a commensurate level of protection against noise. In accordance with Local Plan Policy H15.

14. During the construction period, there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside the hours: Monday to Friday -0800 to 1800, Saturday 0800 to 1300.

Reason: To protect residential amenity and provide a commensurate level of protection against noise. In accordance with Local Plan Policy H15.

Informatives:

- 1) The developer should develop their surface water drainage solution by working through the following, listed in order of priority: Discharge into ground (infiltration); Discharge to a surface water body; Discharge to a surface water sewer, highway drain, or another drainage system and as a last resort, discharge to a combined sewer.
- 2) Construction traffic must be extra cautious when proceeding along the Avenue.
- 3) Any areas of hardstanding areas (patio, driveways etc.) within the development shall be constructed of a permeable surface so flood risk is not increased elsewhere. There are three main types of solution to creating a permeable surface:
  - Using gravel or a mainly green, vegetated area.
  - Directing water from an impermeable surface to a border rain garden or soakaway.
  - Using permeable block paving, porous asphalt/concrete.

Further information can be found here:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7728/pavingfrontgardens.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/pavingfrontgardens.pdf)

In addition the development should explore disconnecting any gutter down pipes into rain water harvesting units and water butts, with overflow into rainwater garden/pond thus providing a resource as well as amenity value and improving water quality.

- 4) Reminder to not store building material or equipment on the highway  
Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.
- 5) Reminder to not deposit mud/ debris/rubbish on the highway  
In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

**Background Papers:** Planning application file(s) 17/02770/OUT