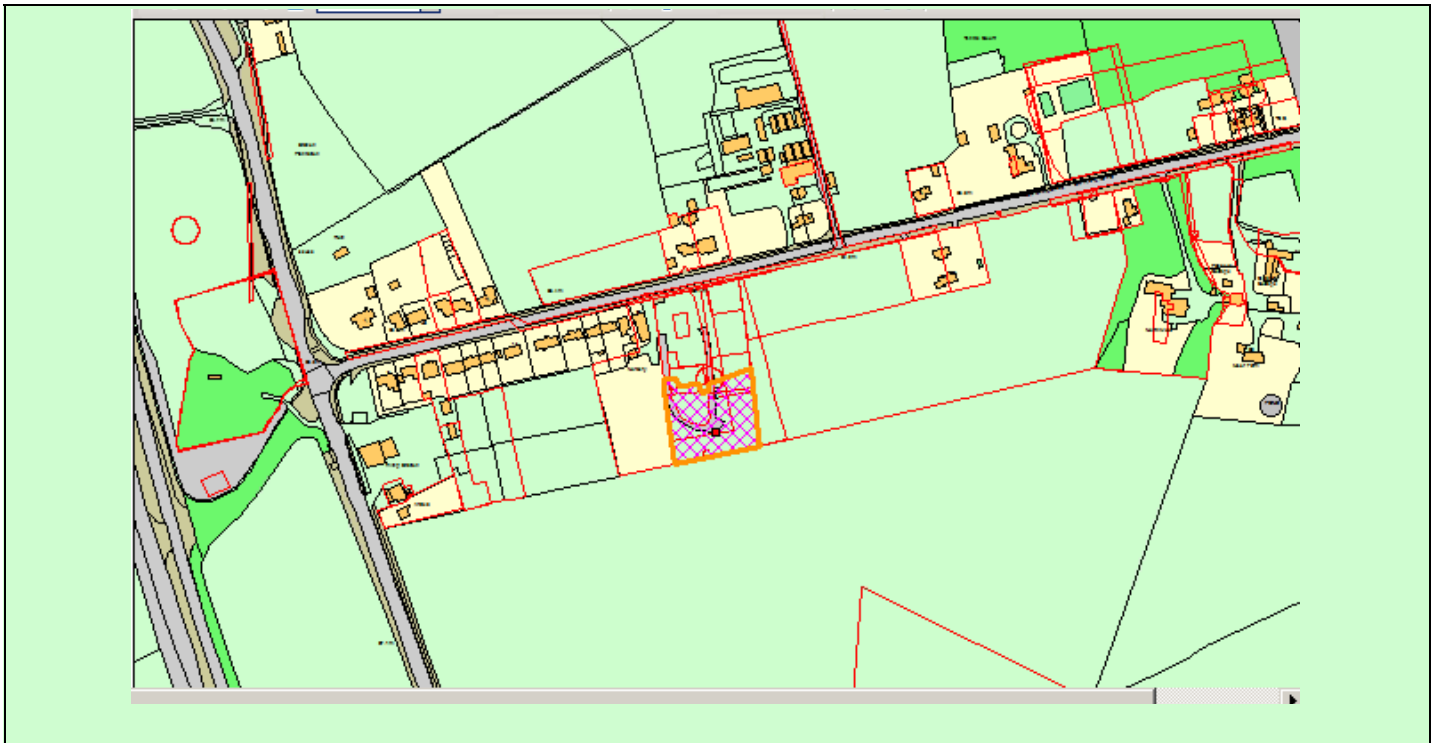


NORTHUMBERLAND

Northumberland County Council

Castle Morpeth Local Area Planning Committee
12th February 2018

Application No:	17/04162/FUL		
Proposal:	Erection of 6 bungalows (C3 use)		
Site Address	Land South Of Furrow Grove, Station Road, Stannington, Northumberland		
Applicant/ Agent	Mr Alan Fleming Altoria Development Ltd, 13 Telford Court, MORPETH, NE61 2DB		
Ward	Ponteland East And Stannington	Parish	Stannington
Valid Date	15 November 2017	Expiry Date	10 January 2018
Case Officer Details	Name: Mrs Tamsin Wood Job Title: Senior Planning Officer Tel No: 01670 625545 Email: tamsin.wood@northumberland.gov.uk		



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 provisions of the Council's current Scheme of Delegation, where applications raise significant planning issues they are referred to the Head of Planning Services for consideration to be given as to whether the application should be referred to Committee for determination. The matter has been duly considered under these provisions at which time it was confirmed that the application should be determined by committee as the proposal raises Green Belt policy issues.
- 1.2 This is a resubmission of an application which was refused for the following reasons under delegated powers:

1)The site lies within an area of Green Belt where the siting of new dwellings is considered to constitute inappropriate development, which is, by definition, harmful to the Green Belt. The proposal would be contrary to the core planning principles within the NPPF of protecting the Green Belt, preventing urban sprawl and recognising the intrinsic character of the countryside. No very special circumstances have been demonstrated that would outweigh the harm. The proposal is therefore considered to be contrary to the NPPF, Joint Structure Plan Policy S5 and Castle Morpeth District Local Plan Policy C17. There are no very special circumstances in this case to justify a departure from policy.

2) Insufficient information has been submitted to fully assess the impact of the proposal on hydrology and flood risk. The proposal would therefore, in the absence of the required information, potentially increase the risk of flooding to the site and adjacent site, which would be contrary to section 10 of the NPPF and Castle Morpeth Local Plan Policy RE5 Surface water run-off and flood defences and Policy RE6 Service Infrastructure.

2. Description of the Proposals

- 2.1 Planning permission is sought for the construction of 6 detached bungalows on land to the rear of an existing housing development at Furrow Grove, Station Road. Two properties would have detached garages and the remainder would have integral garages. Properties on Plots 11 and 14 would measure approximately 13m in length, 10.59 m depth with a living room projection of 4.6m, and they would have a hipped roof with a ridge height of 6.5m. Properties on Plots 12 and Plot 13 are handed versions of each other and measure approximately 16.36 in length by 10.5m depth with living room projections. These would also have hipped roofs with ridge heights of 6.5m. The property on Plot 9 would measure approximately 16.6m in length by 12m in depth and reach a ridge height of 6.2m. The property on Plot 10 would measure approximately 13m in length by 12m in depth and reach a ridge height of 6.1m. The properties would all have rear amenity space with depths of approximately 12m. They would be accessed from Station Road, via the new estate road directly to the north of the site which runs through the middle of the recently built 8 properties at Furrow Grove.

- 2.2 The properties would all have three bedrooms, kitchen diners and vaulted living rooms to the rear of the properties, utilities, studies and bathroom facilities. The dwellings would be constructed of brick and have tiled roofs. Parking spaces would also be provided to the front of the garage of each dwelling.
- 2.3 The application site is located in the edge of Stannington Station Road area which is not set within a settlement boundary and as such the site is located in the open countryside. It also lies within the Green Belt. The site formerly formed part of a nursery however the site has been cleared and currently used as a site compound and for storage in connection with the building works at Furrow Grove. Under the reserved matters application for the new 8 dwellings constructed or currently under construction to the north of the site (Furrow Grove), the application site was not shown to have any development on it, however the applicant has submitted information that shows there had been a building as part of the previous nursery use on the site.

3. Planning History

Reference Number: 17/01399/FUL

Description: Construction of 6 bungalows (C3 use)

Status: Refused

Reference Number: 13/01878/OUT

Description: Outline application for the redevelopment of the land south of Stannington Station Road to provide up to 15 no. residential dwellings with all matters reserved.

Status: Refused

Reference Number: 13/03785/OUT

Description: Outline application for the redevelopment of the land south of Stannington Station Road to provide up to 7 no. residential dwellings with all matters reserved

Status: Approved

Reference Number: 15/01577/FUL

Description: Erection of seven, three bedroom bungalows and one, six bedroom house.

Status: WDN

Reference Number: 15/02576/REM

Description: Reserved Matters - Construction of seven, three bedroom bungalows approved on planning application 13/03785/OUT

Status: Approved

Reference Number: 16/02285/FUL

Description: Proposal for bungalow x 1 on plot 7 (amended plans and information received 18.08.2016 and 25.08.2016)

Status: Approved

Reference Number: 16/02363/VARYCO

Description: Variation of condition 1 (Approved Plans) pursuant to planning permission 15/02576/REM in order to allow for changes to the layout of plot 1 with a sunroom extension

Status: Approved

Reference Number: 16/02386/DISCON

Description: Discharge of Conditions 1 (Approval of Reserved Matters), 2 (2 Years Expiration), 3 (Layout, Scale _ Appearance), 4 (Landscaping), 5 (Ecology), 6 (Construction of Footpath), 7 (Highways Method Statement), 8 (Highway Safety), 9 (Parking Scheme), 10 (Turning Area), 11 (Surface Water), 12 (New Vehicular Access), 13 (Disposal of Surface and Foul Water) for planning permission 13/03785/OUT - Outline application for the redevelopment of the land south of Stannington Station Road to provide up to 7 no. residential dwellings with all matters reserved

Status: Approved

Reference Number: 16/02390/DISCON

Description: Discharge of Conditions 1 (Plans), 2 (Materials) and 3 (Flood Risks) for planning permission 15/02576/REM - Reserved Matters - Construction of seven, three bedroom bungalows approved on planning application 13/03785/OUT

Status: Approved

Reference Number: CM/77/D/717

Description: Residential development

Status: Refused

Reference Number: CM/81/D/544

Description: Change of use of existing building from agricultural to storage of hay and straw and sheltering of horses

Status: Approved

Reference Number: CM/82/D/370

Description: Use of existing building and erection of new building in connection with a rabbit breeding unit

Status: Approved

Reference Number: CM/82/D/370/A

Description: Use of existing building and erection of new building in connection with a rabbit breeding unit

Status: Approved

4. Consultee Responses

Stannington Parish Council	The Parish Council notes that the proposed development lies within possible INSET lines and that the land subject to the application is likely to be developed at some point. Whilst the Council would have wished to see open views across the countryside retained at the end of this development we do not wish to raise objection to this development as it seeks to tidy up a piece of land that has been derelict for many years and has been a nuisance to residents.
Highways	No further highway objections subject to conditions.
County Ecologist	No objection and recommend condition regarding bird bat boxes.
Housing Department	As it is a 10 unit or under scheme and it is unlikely the gross floor area will exceed 1000 sq m, there will be no requirement for affordable housing on site or a commuted sum contribution.
Waste Management - North	No response received.
Lead Local Flood Authority (LLFA)	Object require further information
Northumbrian Water Ltd	The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development and therefore request a condition requesting details.
Lead Local Flood Authority (LLFA)	Remove objection and propose a condition.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	26
Number of Objections	0
Number of Support	17
Number of General Comments	0

Notices

General site notice, 1/12/17

No Press Notice Required.

Summary of Responses:

17 letters of support have been received which in summary state:

- Site is an eyesore
- There is a short supply of bungalows
- Site has a B8 use which could be utilised.
- There would be no impact on the openness of the Green Belt
- Increase in population would help the local services.
- Land is of no agricultural or amenity value.

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=OZEPP4QSKKP00>

6. Planning Policy

6.1 Development Plan Policy

C1 Settlement boundaries
H15 New housing developments
H16 Housing in the countryside
RE5 Surface water run-off and flood defences
RE6 Service Infrastructure
RE8 Contaminated Land
C11 Protected Species
C15 Landscaping
C16 Green Belt

Stannington Parish Neighbourhood Plan- Submission Draft Plan - October 2017

Policy 6 Broadband

Policy 10 Design and Character

6.2 National Planning Policy

National Planning Policy Framework 2012

National Planning Practice Guidance (2015)

6.3 Other Documents/Strategies

Policy S5 of the Northumberland County and National Park Joint Structure Plan First Alteration (February 2005)

.

7. Appraisal

7.1 Following officer assessment and in light of the comments received the main issues for consideration in the determination of this application are as follows:

- Principle of development
- Siting and design
- Impact on residential amenity
- Landscaping/ Impact on trees
- Highway safety
- Ecology
- Sewerage and surface water
- Affordable Housing

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 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan for this site is comprised of the “saved” policies of the castle Morpeth District Local Plan (2003) and the Northumberland County and National Park Joint Structure Plan (2005). The saved policies of the Local Plan and Structure Plan continue to constitute the development plan and therefore remain relevant to the determination of this application. However, the weight that can be afforded to these policies varies due to their differing degree of conformity, or conflict, with the NPPF.

7.4 Consideration also needs to be given to the emerging Stannington Parish Neighbourhood Plan which has reached pre-submission draft stage. The draft Plan was published for consultation in April 2017. The Stannington Parish Neighbourhood Plan- Submission Draft Plan - October 2017 is currently at consultation. In accordance with paragraph 216 of the NPPF weight may be given to the policies in emerging plans, depending on: the stage of preparation of the plan, the extent to which emerging policy aligns with the NPPF: and the extent of unresolved objections to the emerging plan. Therefore it is considered that weight can be given to the policies in the emerging Neighbourhood Plan, which comprise material considerations in the determination of applications. However, the weight that can be given may vary, depending on how much consultation has been undertaken on the

policies, the nature of the unresolved objections and how consistent the policies are with the NPPF.

Principle of Development

- 7.5 The adopted Development Plan for the area within which the application site is located comprises the saved policies of the Castle Morpeth District Local Plan, adopted in 2003 and saved Policy S5 in the Northumberland County and National Park Joint Structure Plan First Alteration (February 2005). Policy S5 establishes the general extent of an extension to the Tyne and Wear Green Belt around Morpeth.

Open Countryside

- 7.6 The application site lies in an area beyond the settlement boundaries of Morpeth and Hepscoth as defined in the Castle Morpeth District Local Plan (2003). Therefore the site can be considered as being located in an area of open countryside. Following publication of the National Planning Policy Framework (NPPF) the provisions of saved Local Plan Policies C1, H15 and H16 are still relevant in the determination of this application and remain the starting point for determining the proposals. Policy C1 of the Castle Morpeth Local Plan establishes settlement boundaries and states that development in the open countryside beyond settlement boundaries will not be permitted unless the proposals can be justified as being essential to the needs of agriculture or forestry or are permitted by alternative policies in the development plan. Policy H16 also states that new housing in the open countryside will only be permitted where, inter alia, they are required in connection with the day-to-day operation of an agricultural enterprise and where the proposal accords with other criteria. There are no policies which allow the construction of market residential buildings in the open countryside and the dwellings would not be used in connection with the operation of an agricultural operation. Given this it is considered the principle of new build dwellings on this site would be contrary to Local Plan Policies C1 and H16. These policies generally align with the NPPF which only allows new build housing in the open countryside under very special circumstances, and so appropriate weight may be given to their provisions.
- 7.7 In addition the NPPF goes on to state at paragraph 55 that: 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Station Road Stannington does have a few services available for residents including petrol filling station with a small shop, tea room/ farm shop and a restaurant/take-away, and public transport links. This means that the principle of new residential development on the site would accord with the NPPF, as it would boost housing supply and would be located in a settlement that has both services of its own and which would utilise services in nearby settlements, such as in Stannington itself which has the first school.

- 7.8 Having regard to the relevant policies in the Development Plan and in giving more weight to national policy, 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 para 55 of the NPPF, notwithstanding the sites location out with any settlement boundary.

Housing supply

- 7.9 As set out above Station Road does not lie within an identified settlement boundary. However, the NPPF does seek to implement the Government's growth agenda by significantly boosting the supply of housing. The NPPF requires Local Planning Authorities to provide a five year supply of deliverable housing land and, where this cannot be demonstrated, relevant policies for the supply of housing, such as in the Castle Morpeth Local Plan, should be considered out of date.
- 7.10 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. This means that the lack of a five year supply of deliverable housing land could not form a material consideration in determining this application. Moreover, policies relating to the supply of housing within the Local Plan can be given due weight in determining the application but only so far as they are consistent with the NPPF.
- 7.11 Notwithstanding the above, consistent with the presumption in favour of sustainable development, the housing figures are a minimum and should not be viewed as a ceiling. The key consideration is whether the proposed development is considered sustainable development, in line with the NPPF. It is considered that the principle of new dwellings within this location would be generally acceptable and would not undermine the ability to manage housing supply. Given the proposed location immediately adjacent to existing development, this is considered to be a suitable site for new development at the proposed scale, and it is considered that there would be no significant or adverse effects on housing land supply should permission be granted. The principle of development on the site is therefore considered to be generally acceptable, although further consideration needs to be given to Green Belt policy and other considerations.

Green Belt

- 7.12 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 on Stannington Station Road is located within this extended area.

- 7.13 As 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. Stannington, Station Road does not have a defined boundary. Therefore it is considered that in effect, Stannington Station Road is washed over by the Green Belt.
- 7.14 Whilst full weight cannot be given to Green Belt policy given that the Green Belt extension remains proposed by the Structure Plan rather than being established as such, of particular relevance are two recent appeal decisions. One relating to High House Lane to the west of Morpeth (APP/P2935/W/17/31677263) , and one relating to land north of Lynebank at Ulgham (APP/P2935/W/17/3167852. In both cases the Planning Inspector in refusing the appeals adopted a consistent approach to the application of Green Belt policy whereby he recognised the proposed Green Belt status under Policy S5, then went on to assess the contribution that each site made to the five Green Belt purposes set out in paragraph 80 of the NPPF. In both cases, the Inspector concluded that the sites contributed significantly to the purposes of Green Belt and as such fell to be considered fully against established local and national Green Belt policy. Therefore a similar approach will be taken in the assessment of this application.
- 7.15 Firstly, to decide whether the site is within the general extent of the Green Belt the site needs to be assessed against its contribution towards the Green Belt purposes. The Inspector for the High House Lane Appeal, referred to another appeal decision by the Secretary of State on an appeal for 'Land off Avon Drive' near York where it was concluded that it is enough for a site to make a contribution to one of these purposes for it to be within the general extent of the Green Belt.
- 7.16 In terms of the sites contribution to the five purposes of the Green Belt as defined by paragraph 80 of the Framework, the first Green Belt purpose is “to check the unrestricted sprawl of large built up areas”. It is not considered the site acts as a barrier to the unrestricted sprawl of the built up area of Morpeth given its distance and therefore it does not makes a contribution to the first Green Belt purpose. The proposal would not lead to “neighbouring towns merging into one another”, and the second Green Belt purpose is therefore not an issue. The third Green Belt purpose is to “assist in safeguarding the countryside from encroachment”. The applicant has submitted information that shows that the site was used as part of the former nursery use on the site and it had a building/ buildings on and thus as it was previously developed the proposed development would not represent an encroachment into the countryside and so does not contribute to the third Green Belt purpose. The fourth Green Belt purpose is “to preserve the setting and special character of historic towns”. It is however considered that the site does not make a significant contribution to the fourth Green Belt purpose. The fifth Green Belt purpose is “to assist in urban regeneration, by encouraging the recycling of derelict and other urban land”. The inclusion of

the site within the Green Belt would direct development to urban areas, including potentially suitable sites within Morpeth, thereby contributing to urban regeneration. As such in relation to the Green Belt as existing, the site contributes to the fifth purpose of the Green Belt. It is therefore concluded that the site is within the general extent of the Green Belt as established by Policy S5 of the Joint Structure Plan.

- 7.17 In turn Paragraph 79 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. The essential characteristics of Green Belts are their openness and their permanence. Paragraph 80 sets out that Green Belt serves five purposes:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.18 Paragraph 87 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 88 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”*.
- 7.19 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.
- 7.20 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 89, 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 89, allows;
- :
- *buildings for agriculture and forestry;*
 - *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
 - *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;*
 - *the replacement of a building, provided the new building is the same use and not materially larger than the one it replaces;*
 - *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
 - *limited infilling or the partial or complete redevelopment of previously*

developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

- 7.21 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 replacement buildings in the same use. The NPPF does allow *limited infilling in villages* however and under bullet point 6 para 89 *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.* In terms of bullet point 6 whilst under the previous application it was considered that the site could not be classed as an infill site in a village given there are open fields to the east of the site, since then the applicant has submitted further information which showed the site had previously been used for B8 (Storage and Distribution) purposes and had buildings on it. They also provided evidence that the Local Planning Authority had also confirmed that this site along with the rest of the wider site to the north, constituted previously developed / brownfield land. As such whilst the site is currently being used for storage in connection with the construction of the residential development to the north of the site, it is considered that this site is considered as previously developed land. In terms of the impact of the proposal on the Green Belt whilst the development of 6 dwellings on the site would create more form of development than was shown to be on the site on aerial photographs and is likely to have a greater impact on the openness of the site when viewed from directly next to the site, the development would however have a very limited physical impact on the openness of the Green belt when viewed from the adjacent highway and wider public views. This is due to the low built form of the dwellings being bungalows which means that the proposal would not be more prominent than that of the adjacent dwellings constructed to the north. The site is also discreetly located behind this existing development and the development would not extend beyond the boundary of the former B8 site and thus not erode the qualities of the surrounding attractive landscape . In addition the site adjoins residential development to the north and the curtilage of a residential property to the west which means the site would be seen against the back drop of this when viewed from the south. The circumstances are therefore as such that the development would not have a greater impact upon the openness of the Green Belt when viewed from outside of the site, insofar as it would be assimilated with the existing development of bungalows which is more substantial in its scale.
- 7.23 In addition Officers have also considered the purposes that Green Belt serves as set out in paragraph 80 of the NPPF. In terms of the purposes that the Green Belt serves, the proposed development would not result in unrestricted sprawl of a large built-up area, and it would not result in merging of neighbouring settlements/towns. Given that there is no settlement boundary, development of the site could be said to encroach in to the countryside by definition. However, the nature of the site and scheme as a whole is that it

would result in the redevelopment of the site of a former business with associated buildings, earthworks and infrastructure. On this basis there would be limited impacts in terms of encroachment into the countryside and therefore the level of harm is reduced. Furthermore, Stannington Station is not covered by any conservation area designation and nor are there any listed buildings or other heritage assets in the vicinity of the site. On this basis the development would not affect the setting or special character of historic towns. The final bullet point in paragraph 80 is that Green Belts assist in urban regeneration, by encouraging the recycling of derelict and other urban land. Although already stated earlier that the inclusion of the site within the Green Belt would direct development to urban areas, including potentially suitable sites within Morpeth, thereby contributing to urban regeneration, the proposal to a degree could be seen to be in accordance with this through redevelopment of the site. Thus overall the proposal would not have a greater impact upon the purpose of including land within it than the existing development.

- 7.24 Overall, therefore the principle of the proposal in the Green Belt is considered to be acceptable as it is considered the proposal falls under the final bullet point of para 89, which allows the *complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.* Very special circumstances therefore do not need to be demonstrated to justify the development in the Green Belt in this instance.

Siting and design

- 7.25 The NPPF states that in decision-taking, Local Authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of buildings. The NPPF states that great weight should be given to outstanding or innovative designs which help to raise the standard of design in an area. Policy H15 of the Local Plan specifies the detailed requirements for new housing developments and seek to ensure high quality design whilst protecting the amenity of neighbouring properties. Given that Local Policy H15 promotes good design, it is considered that due weight can be given to these policies as they are generally consistent with guidance set out in the NPPF.
- 7.26 It is considered the curtilage of the proposed dwellings are commensurate with the size of the proposed dwellings and the building line respects that of the dwellings adjacent which have recently been constructed. Whilst Stannington Station Road has a diverse and varied character which includes a variety of individual house types, designs and a mix of materials with no distinctive or singular vernacular character the dwellings do reflect the general character, scale and density of the dwellings directly to the north of the site, with similar rear garden spaces too. As such the properties would not look out of character in the street scene. Given these material considerations it is considered that, the design and siting of the new dwellings is acceptable

and would not adversely impact upon the character of the area and accord with Local Plan Policy H15 and the NPPF and with Policy 10 of the Stannington Parish Neighbourhood Plan- Submission Draft Plan - October 2017. In addition the applicants agent has confirmed that ducting will be installed for superfast broadband connection which is in accordance with Policy 6 of the Stannington Parish Neighbourhood Plan- Submission Draft Plan - October 2017.

Impact on residential amenity

- 7.27 It is considered that the proposed dwellings would not adversely impact upon the residential amenity currently enjoyed by the occupiers of any neighbouring properties and given the position and distances between each new dwelling the residential amenity of the occupiers of the proposed dwellings would not be impacted upon, in accordance with Policy H15 of the Local Plan.

Landscaping/ Impact on trees

- 7.28 There are no trees on the site although there is a hedge along the western boundary. No landscaping details have been submitted in support of the proposal. As such subject to conditions which require this hedge to be protected throughout development and that a landscaping scheme is submitted the proposal would therefore be in accordance with Local Plan Policy C15.

Highway Safety

- 7.29 The proposed dwellings would be served by an existing new access which has been created from Stannington Station Road to provide access for the development to the north of the site. This access lead to an estate road which would be extended and lead to two turning heads at the southern end of the site. From this road each dwelling would be provided with a garage and parking area to the front of this. The Highway Authority have been consulted through out. They have examined the access arrangements, parking, provision for cycle parking and refuse facilities and ability for the road network to accommodate further traffic and have raised no objection subject to a number of conditions. The proposed development is therefore considered acceptable in this respect, subject to the suggested Highways conditions and as such the proposal would be in accordance with Local Plan Policy H15.

Ecology

- 7.30 The County Ecologist has no objections to the scheme as they are aware that the site has been cleared and as such state there is little risk that protected species or habitats will be affected by the development. They have requested one condition however in relation to bat/ bird boxes. Subject to this the proposal would accord with Local Plan Policy C11, which is designed to safeguard protected species from harm and disturbance. This aligns with the

NPPF at chapter 11 in terms of minimising impacts on biodiversity and providing net gains where possible.

Sewerage and surface water

- 7.31 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Policy RE5 states that new development shall not be permitted in flood risk areas or where development may increase the risk of flooding elsewhere. Policy RE6 states that the Council will consider the implications of granting planning permission for new developments as they affect land drainage, water supply and sewerage. Policy H15 also advises that developers must, where proposals are at risk of flooding or may increase flooding elsewhere, demonstrate that the proposal will not cause an unacceptable risk of flooding.
- 7.32 The application site is located within Flood Zone 1, which is the lowest risk for flooding; as such a Flood Risk Assessment is not required for this application. On sites where there is an increase in impermeable area, or development within the flood zone, however there is always the potential to increase the risk of flooding as a result of the development. A foul and surface drainage strategy has been submitted with the application.
- 7.33 Northumbrian Water have been consulted and have stated that they would have no issues to raise provided the development is carried out within strict accordance with the Foul and Surface Water Drainage Strategy document. In this document it states that foul and surface water will discharge to the existing combined sewer between manholes 2301 and 3301, with surface water being restricted to 5l/sec. They do however state that the LLFA may require a lower discharge rate though and thus the condition may need to be amended. The Lead Local Flood Authority have been consulted and although originally objected to the proposal on the grounds that further information was required, have now withdrawn their objection subject to a condition which amalgamates both Northumbrian Waters and the LLFA requirements. As such subject to their suggested condition the scheme for the disposal of foul and surface water is considered to be acceptable and would not potentially increase the risk of flooding to the site and adjacent site, in accordance with Local Plan Policy RE5 Surface water run-off and flood defences and RE6 Service Infrastructure and the flooding section of the NPPF.

Affordable Housing

- 7.34 Whilst the floor space is over 1000 sq m, it is only just over by 30 sq m, which is the foot print of one of the detached garage. As such in this instance as the foot print of the actual houses is less than 1000 sq m and the scheme could easily be revised to change one of the detached garages to a car park space, it would be unreasonable to refuse this application on the grounds that the

floorspace meets the threshold where affordable housing is required and that no affordable housing contribution has been agreed.

Other Matters

- 8.80 Members should be aware that whilst not documented within the report, the application has been assessed under the Equality Act, Crime and Disorder, and the Human Rights Act. A short assessment of these is provided below.

Equality Duty

- 8.81 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

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

Human Rights Act Implications

- 8.83 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 well-being 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.
- 8.84 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.

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 approved shall be carried out in complete accordance with the approved plans. These plans are:

Phase Two Proposed Plan, 1417/101D
Proposed Plot 9 Elevations, 1417/104
Proposed Plot 9 Plan, 1417/103
Plot 10 elevations, 1417/106
Proposed plot 10 Plan, 1417/105
Proposed Plot 11 and 14 Handed Elevations, 1417/108
Proposed Plot 11 Plan, 1417/107
Proposed Plot 11 and 14 Garages, 1417/113
Proposed Plot 12 and 13 Handed Elevations, 1417/110
Proposed Plot 12(13 handed) Plan, 1417/109
Proposed Plot 14 Plan, 1417/111
Proposed Plot 14 Elevations, 1417/112

Reason: In the interests of proper planning, and for the avoidance of doubt.

03. Notwithstanding any description of the materials in the application, before any building works are carried out above damp proof course level, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and / or roof(s) of the building(s) have been submitted to, and approved in writing by, the Local Planning Authority. All roofing and / or 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 from the outset in the interests of amenity and in accordance with the provisions of in accordance with the provisions of Local Plan Policy H15.

04. Prior to the occupation of the new dwelling created, a detailed landscaping scheme, showing both hard and soft landscaping proposals, shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include, where required, the planting of trees and shrubs including, the location of areas of hardstanding, pathways, etc and their surface treatments, areas to be seeded with grass, and other works or proposals for improving the appearance of the development including all boundary treatments. The plans scheme of landscaping shall include locally native trees and shrubs, and ornamental planting as recommended in the RHS Publication 'Plants for

Pollinators'. The scheme shall be carried out in accordance with the approved drawings and be fully implemented during the first full planting season (November - March inclusive) following the commencement of development or within such other time as may be approved with the Local Planning Authority.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site and in the interests of visual amenity and the satisfactory appearance of the development upon completion, and in accordance with the provisions of Local Plan Policies H15 and PH2.

05. No trees or hedges shall be removed within or outside the application site boundary including the hedge to the western boundary.

Reason: To ensure the protection of existing trees and hedges in the interests of visual amenity in accordance with Local Plan Policy C15.

06. All remaining trees, bushes and hedges within, and to the boundaries of the site shall be protected throughout the course of development in accordance with British Standard 3998 (Tree Work).

Reason: To ensure the protection of existing trees and hedges in the interests of visual amenity in accordance with Local Plan Policy C15.

07. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars;

- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of the same species.

Reason: To protect the trees on the site. In accordance with Local Plan Policy C15.

08. Prior to commencement of development a scheme to dispose of foul and surface water from the development shall be submitted to and approved by the Local Planning Authority. This scheme shall

- i. Restrict surface water discharge from the development to 5l/s for all rainfall events up to and including the 1 in 100 year event, unless otherwise agreed by the LLFA and Northumbrian Water and the local planning authority.
- ii. Adhere to the principles as set out in the drainage strategy from Datum dated 14 December 2017 Issue 3.
- iii. Provide attenuation on site for the 1 in 100 year plus climate change event.

- iv. Ensure that foul and surface water flows discharge to the combined sewer between manholes 2301 and 3301.
- v. Incorporate vegetated sustainable drainage techniques throughout the development wherever possible and practicable, justification for alternatives should be by means of a viability assessment.
- vi. Provide details of the adoption and maintenance of all surface water features on site.

Reason: To ensure the effective disposal of surface water from the development and to prevent the increased risk of flooding from any sources in accordance with the NPPF and Local Plan Policies Re5 and RE6.

09. The development shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

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

10. The development shall not be occupied until cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety ,residential amenity and sustainable development, in accordance with the National Planning Policy Framework.

11. No external refuse or refuse container shall be stored outside of the approved refuse storage area except on the day of refuse collection.

Reason: In the interests of the amenity of the surrounding area and highway safety, in accordance with the National Planning Policy Framework

12. No development will commence until the applicant has submitted to the LPA, for approval in writing, plans to incorporate in-built bat and bird boxes into the new dwellings at an average ratio of 1 per dwelling.

Reason: To enhance the biodiversity value of the site in accordance with paragraph 118 of the NPPF.

Informatives

- 1) 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.
- 2) In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway

- 3) The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010.

Namely:-

Soakaway

Watercourse, and finally

Sewer

If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates & points into the public sewer network.

This can be done by submitting a pre development enquiry directly to us. Full details and guidance can be found at

<https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646.

- 4) 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

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.

Date of Report: 03.01.2018

Background Papers: Planning application file(s) 17/04162/FUL