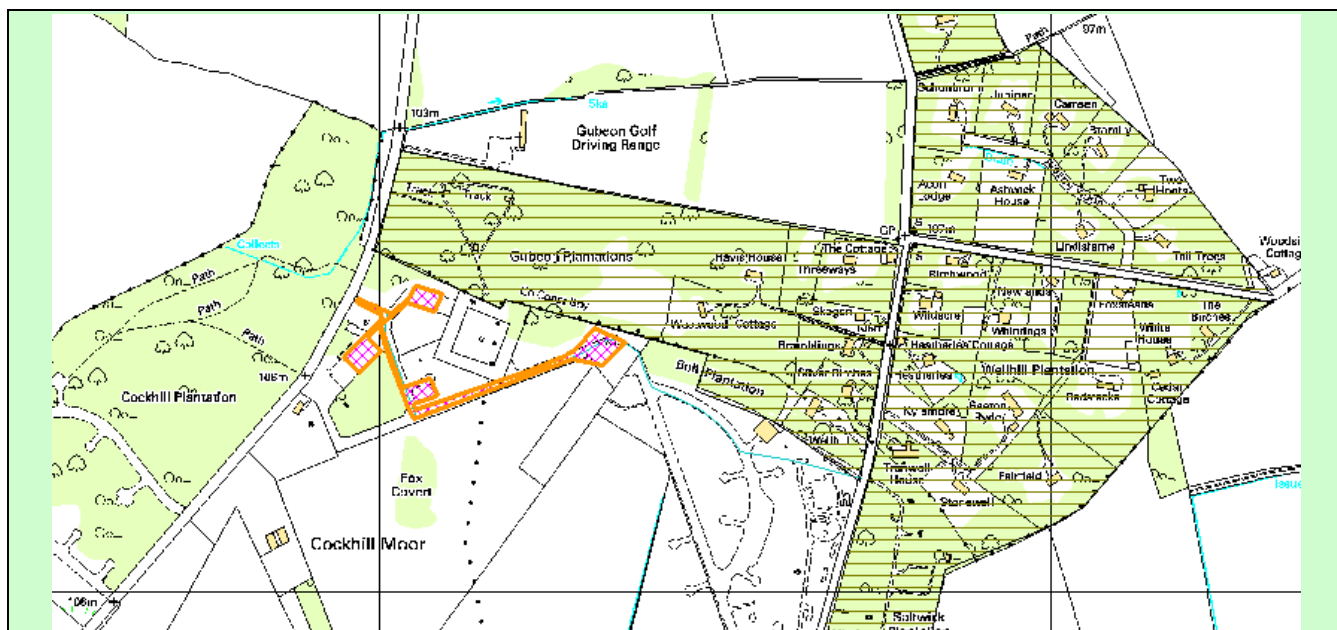




Northumberland
County Council

Castle Morpeth Local Area Planning Committee
14 May 2018

Application No:	18/00250/OUT		
Proposal:	Outline Planning Permission with All Matters Reserved for four detached dwellings with associated garages, parking and garden areas		
Site Address	Land At Tranwell Airfield , C153 At Gubeon Plantations, Tranwell Woods, NE61 3YJ		
Applicant:	Mr L Mawson C/o George F White LLP	Agent:	Miss Laura Dixon 4-6 Market Street , Alnwick, NE66 1TL,
Ward	Ponteland East And Stannington	Parish	Whalton
Valid Date:	25 January 2018	Expiry Date:	22 March 2018
Case Officer Details:	Name: Mr Richard Laughton Job Title: Planning Officer Tel No: 01670 622628 Email: richard.laughton@northumberland.gov.uk		



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1. Introduction

The application is being determined by the Castle Morpeth Local Area Council at the request of Councillor Armstrong due to the differing views from the Parish Councils involved.

2. Description of the Site and Proposals

2.1 Outline permission is sought for the construction of four detached dwellings with associated garages, parking and garden areas. As the application is in outline with all matters reserved further information with regards to the access, layout, scale, appearance and landscaping will need to be agreed at a later stage with the Local Planning Authority.

2.2 As set out above, all matters are reserved at this stage, however indicative plans and information has been submitted to show how the dwellings could be accommodated within the site and accessed using an existing private access which currently serves four dwellings. The planning statement states that the dwellings would be two storeys.

2.3 It is proposed to develop the site for 4 no. residential dwellings providing for their own garage, garden / amenity areas and parking. A dedicated vehicle access will be provided to serve each dwelling.

2.4 The application site is currently undeveloped. It lies within Tranwell Woods which is in the open countryside and Green Belt to the south west of Morpeth. The site is well screened by mature trees which lie within the western part of the site and on adjoining land to the north and south.

2.5 The site has had permission for 4no. holiday lodges (CM/20100582 & CM/20070593) and a refusal for 4 detached dwellings (CM/04/D/553).

3. Planning History

Reference Number: 12/03731/RENEIA

Description: Erection of 4 no. wind turbine generators with a tip height of up to 115 metres and ancillary infrastructure.

Status: Refused

Reference Number: 15/00617/COU

Description: Change of use from disused airfield to use as car boot fair from the third week in March to the end of October (Sundays and bank holidays) and siting of a metal container to house portaloos

Status: APPRET

Reference Number: 15/01757/CLEXIS

Description: Certificate of Existing Lawful Use as car boot fair/market

Status: Permitted

Reference Number: 17/00888/OUT

Description: Outline Planning Permission with all matters reserved for the construction of three detached dwellings, garages and associated gardens

Status: Withdrawn

Reference Number: CM/20100582

Description: Application for new Planning Permission to replace an extant permission (CM/20070593) in order to extend time limit for implementation.

Status: Permitted

Reference Number: CM/20070593

Description: Erection of 4 single storey detached holiday chalets

Status: Permitted

Reference Number: CM/04/D/553

Description: Outline - Erection of 4 No dwellinghouses

Status: Refused

4. Consultee Responses

Planning Strategy	No response received.
Mitford Parish Council	Objection
Natural England	No objections
Whalton Parish Council	Objection
Planning Strategy	No response received.
Highways	No objection subject to conditions
Countryside/ Rights Of Way	Objection
County Archaeologist	Objection
County Ecologist	Objection
SE Tree And Woodland Officer	No response received.
Public Protection	Objection
Lead Local Flood Authority (LLFA)	No objections
Northumbrian Water Ltd	No objections

Stannington Parish Council	Supportive to the principle but not a greater density or two storey dwellings
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5. Public Responses

Neighbour Notification

Number of Neighbours Notified	3
Number of Objections	2
Number of Support	1
Number of General Comments	0

Notices

Site notice - Departure & PROW - 5th February 2018

Morpeth Herald 8th February 2018

Summary of Responses:

Whalton and Mitford Parish Council

The Councils object to this application on the following grounds:

1. The site is within the Green Belt and the application does not come within any of the exceptions in NPPF Paragraph 89.
2. In particular four large houses of the type proposed would have a greater impact on the openness of the Green Belt than the existing development which is hard-standing. The definition of "Previously developed land" in the NPPF specifically excludes land where "the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time"
3. The application is not within the national policy for the release of Green Belt brownfield land, not only as these are clearly not starter homes but also because the site is predominantly hard-standing and thus four new two-storey houses, plus probable sloping roofs, would substantially harm the openness of the Green Belt.
4. The application site is only just outside the area covered by the recently adopted Morpeth Local Plan (MNP). The site is within Morpeth's hinterland and there is no shortage of housing sites within the MNP area, indeed the most recent figures show an excess of that required for a five-year supply.
5. The application site appears to be part of the aircraft parking areas for the WWII airfield. Both Councils fear that if this site is given consent, further applications for housing on the aircraft parking areas and runway will follow, leading to a massive extension to the village of Tranwell Woods. In particular the application refers to the cessation of the existing car boot sales (Planning Statement Paragraph 6.15). This

leads the Councils to consider that an application for the development of that part of the former airfield is probable.

6. There would inevitably be pressure to allow development within the Gubeon Plantation, a protected woodland. There is clearly an abundance of wildlife in the area which would at best be compromised by any development.

7. The area's use as a WWII airfield was clearly selected because of its high, flat and open nature. Development would therefore clearly affect the openness of the Green Belt as being highly visible.

8. The Parish Councils also noted that the application site was not in the latest SHLAA. Site 3105 is close-by but was assessed as unsuitable for the following reasons which are endorsed by the two Councils

“Former airfield adjacent to Tranwell Woods residential area. Mostly grassed with areas of hard standing and building remains. Development would significantly increase the size of Tranwell Woods residential area. Minor county roads to site. Speed limit and adoptable standards required. Transport assessment required. Restricted sewerage capacity. Great crested newts likely to be present. Site is unsuitable for development as located within designated Green Belt within emerging policy.”

9. Both Councils note there was a now expired permission for holiday chalets. There is a considerable difference between visual intrusion of single storey chalets and four large houses, nor were the chalets for permanent occupation.

10. Both Councils are concerned to note the statement in Paragraphs 4.3 and 4.4 of the applicant's planning statement to the effect that the Councils were consulted and support the application. Neither Mitford nor Whalton Parish Council can recall any such consultation, let alone statements of support. This erroneous statement leads both Councils to question the validity of other parts of the statement.

11. There are issues with public rights of way which do not appear to have been addressed.

Stannington Parish Council

Stannington Parish Council Stannington Parish Council notes that part of the land pertaining to this application lies in the parish of Stannington. We also note that the land is a former airfield and largely hardscaped having been used extensively over the years for car boot sales etc. The property lies adjacent to Tranwell woods, a low density development of properties in woodland. The council believes that this land is brownfield because of its former use and it already has planning for chalets. On the basis of the low density proposed and the low impact on the countryside the council supports this application as it will tidy up this land (notwithstanding the need to remediate it) and remove the use as a car boot sale area. The council would not support however a greater density or two storey development.

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=P2YK8VQSLTI00>

6. Planning Policy

4.1 Development Plan Policy

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

Castle Morpeth District Local Plan (2003)

C1 – Settlement Boundaries
C10 – Sites of Local Conservation Interest
C11 – Protected Species
C15 – Trees in the Countryside and Urban Areas
C16 – Green Belt
C38 – Protection of Historical Assets
RE6 – Service Infrastructure
RE8 – Contaminated Land
RE9 – Ground Stability
H1 – Housing Land Supply
H6 Special executive housing
H7 Tranwell Woods
H9 – Affordable Housing in Rural Areas
H15 – New Housing Developments
H16 - Housing in the Countryside
R8 - Public Footpath and Bridleways

4.2 National Planning Policy

National Planning Policy Framework (2012)
National Planning Practice Guidance (2014)

7. Appraisal

7.1 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. The NPPF operates under a presumption in favour of sustainable development which is at the heart of the NPPF. It states that development proposals which accord with the development plan should be approved without delay unless material considerations indicate otherwise. The NPPF also provides specific policy guidance on development proposals which is, in itself, a material consideration in the determination of such schemes. The adopted Development Plan for the area within which the application site is located comprises the saved policies of the Castle Morpeth Local Plan, adopted in 2007.

Principle of Development

7.2 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

7.4 The application site lies in an area beyond settlement boundaries of Morpeth 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. The site is also just outside the boundaries of the Morpeth Neighbourhood Plan and therefore, the policies within this document cannot be taken into consideration.

7.5 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.

7.6 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.

7.7 Policy H16 is of relevance and states that new houses in the open countryside will only be permitted if:

- they are required in connection with the day-to-day operation of an agricultural or forestry enterprise;
- it can be clearly shown that it is essential for a full time worker to live adjacent to his or her place of work;
- the unit and agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
- the accommodation cannot be provided by the conversion of an existing building on the holding;
- there are no suitable dwellings in the area available for occupation by that worker.

7.8 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.

7.9 Policy H16 also states that in all such cases the proposed dwelling must satisfy all other planning requirements and be sited to form a natural extension to an

existing group of buildings, or where there are no existing buildings, be carefully sited in relation to the natural landform and existing trees and woodland.

7.10 There is no settlement boundary drawn around Tranwell woods in the Local Plan Proposal map however there is a clear defined boundary and the woodland north of the site forms a natural buffer to the settlement. It is considered that development beyond the woodland would be disjointed from the settlement and would result in significant encroachment into the open countryside. It is therefore considered that the proposal would result in the extension of the built form into the open countryside which would in itself, affect the character in the area by introducing an incongruous form of development which would fail to integrate into the surrounding area.

7.11 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.

Sustainability

7.12 In addition paragraph 49 the NPPF states that 'Housing applications should be considered in the context of the presumption in favour of sustainable development.' 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. There are no facilities near the site or within Tranwell Woods however, it is considered that given the proximity of this small settlement to Mitford and Morpeth, on balance, residential development on this site would satisfy this overall policy approach.

7.13 Paragraph 55 of the NPPF also states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. It is considered that development located within Tranwell Woods could not be classed as "isolated" given that there are a number of dwellings located relatively closely to the application site. Therefore there is no requirement for the special circumstances examples in paragraph 55 of the NPPF to be demonstrated. The definition of a "village" is explored within the Green Belt section below.

7.14 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.

7.15 It must be noted however, paragraph 14 of the NPPF indicates that there is a presumption in favour of sustainable development 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 this

framework indicate development should be restricted. There should be no presumption in favour of sustainable development if the proposal is considered inappropriate development and 'restricted' by Green Belt policies as set out below.

Green Belt

7.16 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 is located within this extended area.

7.17 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.

7.18 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.

7.19 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" - The site would extend beyond built form of Tranwell Woods and into the open countryside. It would form an extension of the settlement and therefore be regarded as adding the sprawl of a built up area;
- "neighbouring towns merging into one another"- due to the location and distance to other settlements, the proposal would not contribute to the merging of towns;
- "assist in safeguarding the countryside from encroachment" - the proposed development would represent an encroachment into the countryside beyond a settlement and open landscape;
- "to preserve the setting and special character of historic towns". This is not applicable;

- "to assist in urban regeneration, by encouraging the recycling of derelict and other urban land". The site is a disused airfield and 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 purposes of the Green Belt, notably to check the unrestricted sprawl of large built up area and the encroachment into the countryside. 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.

7.20 In turn 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.

7.21 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 or 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 in 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.

7.22 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. The NPPF however, does allow limited infilling in villages or limited infilling on partial or complete redevelopment of previously developed sites and the site is within proximity to Tranwell Woods on a former Airfield.

7.23 There has been previous applications for a dwelling at Seaton Ryde, Tranwell Woods (Ref:17/02929/FUL) that considered Tranwell Woods a 'village' despite not consisting of a settlement boundary within the local plan and lacking any local facilities. A "village" or "infill development" is not defined under the NPPF or

development plan and ultimately a judgment is required to be made as regards what does and does not amount to (limited) infill development within a village.

7.24 Whilst not providing for any planning-specific classification, the 2011 Rural Urban Classification (RUC) issued by the Department for Environment Food & Rural Affairs, does however seek to explain how a "village" may be characterised. In part, the RUC defines villages as a cluster of dwellings. Further to this, within the characterised hierarchy, the RUC regards a cluster of three to eight farmsteads as a hamlet. Villages, by contrast, disclose a core and are defined on the basis of a distinctive density profile (the different categories of settlement are thus identified on the basis of form, not on the basis of population).

7.25 Tranwell has in the region of 27 residential units. Contrastingly, Tranwell Woods has approximately 45 residential units. A cluster of farms that may qualify as a hamlet may equally form part of a group of dwellings that is sufficiently substantial to satisfy density profile guidance as to be regarded as a village. Some small clusters of properties may however, neither be classified as a hamlet or a village. These may include traditional rural settlement forms such as isolated farmsteads, with or without additional dwellings, other isolated dwellings and small groups of dwellings such as single terraces that are associated with former mining or rural industrial activity.

7.26 Having regard to the above factors and to all relevant site and geographical location-specific factors, it is considered that Tranwell Woods constitutes a "village". The application site however, is not considered to be within the informal boundary limits and built up area of the settlement and would not be positioned between any existing structures but within an open landscape. The proposal would therefore, create an extension of the southern boundary of Tranwell Woods rather than infill land between a cluster of existing properties. In addition, the site is not within the Morpeth Neighbourhood Plan and the boundary line divides the site from Tranwell Woods. This further indicates that the site is not recognised to be part of the settlement. As it is not considered to be within a village, the proposal would not constitute limited infilling in a village, and would therefore amount to inappropriate development in the Green Belt.

7.27 The NPPF, under para 89, also allows '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". The NPPF defines previously developed land as:-

"Land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure... this excludes land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process over time".

7.28 It is accepted that the hardstanding areas are still present from the airfield but the use and condition of the surface has deteriorated over time and there are no fixed structures on site. It could be argued that the former use has blended into the

landscape although there is still much evidence of the runway. For the avoidance of doubt and as previously discussed, the site would not represent limited infilling. In addition, the site has no current use (with the exception of car boot sales) but the hardstanding is currently evident from the former airfield and no buildings are present. By virtue of its former use as a small airfield, the site had to remain open from development. The construction of dwellings on the site would therefore have a greater impact on the openness of the Green Belt based on the existing site only consisting of hardstanding. The proposal would therefore not accord with the final criterion of para 89 of the NPPF.

7.29 The submitted Planning Statement within the application refers to extant permission for 4 holiday lodges that was permitted in 2007 with the time period further extended until 2010. It was confirmed by a letter of correspondence from the Local Authority, that works had commenced before this permission lapsed through the implementation of foundations to one of the lodges. The statement highlights that there would be some volumetric offset as a result of the extant planning permission as the lodges can be constructed at any time.

7.30 During the officers site visit, there appeared to be no obvious evidence of foundations on site and furthermore, the completion of works was not confirmed by a formal certificate of lawfulness under section 191 of the Town and Country Planning Act 1990. It is therefore considered that little weight should be afforded to this fall back position.

7.31 Whilst outline permission is sought, the scale and design of the proposals has not been confirmed at this stage. The submitted planning statement indicates that the dwellinghouses would be of a two storey scale and that the volumetric difference should not be the only consideration when assessing the impact to the Green Belt. This implies that the proposed structures will be of a larger scale to the approved single storey timber holiday lodges.

7.32 The holiday lodges are modest structures of temporary occupancy and new dwellinghouses would provide a more intensive use. A restrictive condition was also attached to the approval to retain the lodges as holiday use and only be occupied between the months of March and December.

7.33 It must also be noted that the proposed red line boundary does not entirely correspond with the previous approval with the lodges sited in different positions and one new dwelling would be located further east beyond the communications mast. It is considered therefore, that the impact is not directly comparable between the extant permission and the proposed application. In this respect, the position of new proposals would offer a greater impact due to their location being dispersed within the site rather than being contained into one area. It is accepted that the site has a level of screening with dense tree coverage to the northern and western boundaries but it largely remains open due to the historic use as an airfield. There is also a public footpath running through the site, therefore visible from the public domain. As previously stated, it is considered that the general siting of new dwellings is inappropriate development in the Green Belt but furthermore the larger structures would have a greater presence in this setting. On balance, when considering the extant permission for the holiday lodges, the proposed dwellinghouses would have a

greater impact to the openness of the Green Belt by virtue of their scale, position and intended permanent use. There is also concern that any approval granted would create a precedent for further housing on the site that would add to the increased sprawl from Tranwell Woods and diminish the intended purpose of the Green Belt.

7.34 Overall, the proposed dwellings would represent inappropriate development in the Green Belt, which by definition is harmful, as the buildings proposed do not fall within any of the categories under which new build in the Green Belt would be allowed in the NPPF, as well as Local Plan Policy C17. It is therefore considered that in principle the development of the new dwellings on this site in the Green Belt would be inappropriate and would be contrary to Local Plan Policy C17, and the NPPF. Very special circumstances have not been demonstrated through these proposals where the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. It is considered in this respect that the proposed development would cause material harm to the Green Belt and approval of the development in this location would conflict with the purposes of designating the area as Green Belt.

7.35 A fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to prevent urban sprawl by keeping land permanently open. Even though the application is at the outline stage, the proposal would lead to significant built development on a site where currently no development exists. The proposal would therefore also reduce the openness of the Green Belt.

Public Right of Way

7.36 A Public Right of Way Whalton Public Footpath No.8 runs through the site from the access onto the C153 leading south-east, Stannington Public Footpath No.10, runs along the southern boundary of the site. The Public Rights of Way Officer object to the application as the proposed development would obstruct the legally recorded line of the path. The application should be able to demonstrate that the diversion is made to the Public Footpath under the Town and Country Planning Act 1990 Section 257, prior to work commencing on site.

7.37 Policy R8 of the Castle Morpeth District Local Plan supports the protection, maintenance and where appropriate, extension of the rights of way network. As there has been no information submitted following a request from the Local Planning Authority, the application is not in accordance with Policy R8 due to the proposed obstruction to a Public Footpath.

Ecology

7.38 The County Ecologist has been consulted and considers that there is a potential for nesting birds on site. All wild birds and their nests are protected by Part 1 of the Wildlife and Countryside Act 1981 (as amended) and it is an offence to damage or destroy a nest when being built or when in use.

7.39 Consequently, there is a need for (a minimum of) a Preliminary Ecological Assessment (PEA) survey for the entire site before I can provide advice about the ecological impact of this scheme. Given the site's situation (within and adjacent to a

Habitat of Principal Importance; deciduous woodland) the applicant can expect further bat surveys are likely to be needed following the PEA. Great crested-newts are also present in the area.

7.40 Any potential impacts on protected habitats/species that may be present will need to be accounted for by way of appropriate avoidance, mitigation and/or enhancement strategies to ensure that favourable conservation status of the population/habitat is at least maintained and to ensure that individual animals are not harmed in accordance with Paragraphs 9, 109 and 118 of the National Planning Policy Framework.

7.41 In the absence of any such Ecological Surveys being submitted with the application following a request from the Local Planning Authority, it has not been demonstrated that the proposal would not pose a risk to protected habitats and species. As such, the proposal would be contrary to the provisions of the NPPF in this respect and also Local Plan Policy C11.

Public Protection

7.42 Public Health Protection has been consulted and object to the application on the grounds that the applicant has submitted insufficient information to assess the risk from contaminated land.

7.41 The proposed development location is a former military airfield. Based on the submitted site layout plan it would appear that part of the development will occupy under the areas where the aircraft were historically parked and may have been subject to fuel leaks, spillage etc. The application would therefore need to be supported by a phase 1 desktop study and phase 2 intrusive investigation. Should the intrusive investigation identify contamination is present then a remediation statement will also need to be submitted with the application. As the application is proposing to develop 4 residential properties with gardens on the site there is a potential risk to future occupiers and as such contaminated land must form a material planning consideration prior to the determination of the application.

7.42 In the absence of any such site investigations within the application following a request from the Local Planning Authority, it has not been demonstrated that land contamination would pose a risk to future occupants. As such, the proposal would be contrary to the provisions of RE8 of the Castle Morpeth District Local Plan and the NPPF.

Archaeology

7.43 The proposed development site is located within the former Tranwell Airfield (RAF Station Morpeth). The County Archaeologist has objected to the application as the proposed development has potential to physically impact the surviving remains of the former airfield and harm its setting.

7.44 The NPPF defines the setting of a heritage asset as:

“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”.

7.45 Historic aerial photographs from 1947 show much of the airfield infrastructure, including hangers, dispersal bays, accommodation huts and ancillary buildings as still extant. Most of these structures had been removed by 1960, though sections of the runways and hardstandings were still visible.

7.46 The proposed development site is also located within a landscape considered to retain the potential for significant unrecorded archaeological remains pre-dating the construction of the airfield. A number of cropmark enclosures, conventionally interpreted as being of Iron Age / Romano-British date are recorded within the surrounding landscape. These features are interpreted as the sites of enclosed settlements or farmsteads. The identification of a large, previously unrecorded enclosure associated with Iron Age pottery at the site of the former Well Hill surface coal mine (approximately 1km east of the site at White House Farm), in 2015 highlights the potential for significant unrecorded archaeology to occur within the proposed development site.

7.47 The application is not currently supported by a Heritage Statement and the application therefore does not currently satisfy the requirements of paragraph 128 of the NPPF or demonstrate consistency with the principles of sustainable development as set out at paragraphs 7-9 of the NPPF. The applicant should therefore commission and submit an appropriate Heritage Statement and Archaeological Impact Assessment prior to the determination of this application.

7.48 The proposed development would introduce new and overtly domestic / residential structures to the setting of the airfield. Detailed information regarding the scale, mass and design of the proposed dwellings is not provided. However, the application indicates that some landscaping will occur and that garages, garden and amenity space will be provided.

7.49 Overall, it is considered that the proposed development has the potential to impact the setting of the former WWII airfield as an ‘undesigned heritage asset’. In the absence of a detailed application a precautionary response is necessary; given the layout and extensive footprint of the proposal, it is considered that the proposal will generate an impact of ‘less than substantial harm’ to the setting of the airfield as a heritage asset. In the absence of a Heritage Statement, following a request from the Local Planning Authority, it is not possible to accurately assess the impact of the development proposal on the archaeological resource and is therefore not in accordance with the NPPF.

Highways

7.50 The proposed dwellings are to be accessed from a private road which leads to the existing access onto the C153. Following consultation, the Highway Authority has no objections to the scheme, subject to conditions being granted to further details in relation to parking provision, site access, refuse storage facilities. The application

would not have a severe impact on highway safety and is therefore in accordance with the NPPF.

Equality Duty

7.51 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

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

Human Rights Act Implications

7.53 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.

7.54 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.

7.55 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

8.1 The main planning considerations in determining this application have been set out and considered above and assessed against the relevant Development Plan Policies and the National Planning Policy Framework (NPPF). It is considered that the application proposes an unacceptable encroachment into the open countryside and an inappropriate form of development in the Green Belt. The proposal would also have a greater impact to the openness of the Green Belt in comparison with the extant permission on site. As the site is restricted by Green Belt Policies, there should be no presumption in favour of sustainable development.

8.2 There are also outstanding technical issues which form refusal reasons due to lack of information relating to:-

- Ecology
- Archaeology
- Land Contamination
- Public Right of Way

8.3 Overall, the application would conflict with Local Plan Policies C1, H15, C11, RE8 and R8 and the NPPF. The proposal is therefore recommended for refusal.

9. Recommendation

That this application be REFUSED permission subject to the following:

01. The development represents an unacceptable form of development by virtue of its extension beyond Tranwell Woods. The encroachment of the development into the open countryside is to the detriment of the character of the area and the rural countryside setting. The development is therefore contrary to the provisions of the NPPF and Castle Morpeth Local Development Plan Policy C1 and H15.

02. 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 of the NPPF and Local Development Plan Policy S5.

03. There is the potential for protected species to be present on site however, no Ecological Surveys have been submitted in support of the application. It has therefore not been demonstrated that there would be no risk to any protected species, and as such the development would be contrary to the provisions of the NPPF and Local Plan Policy C11.

04. The proposed development site is located within the former Tranwell Airfield, and there has been no Heritage Statement or Archaeological Impact Assessment submitted in support of the application. It is not possible to accurately assess the

impact of the development proposal on the archaeological resource and is therefore not in accordance with the NPPF.

05. The proposed development location is a former military airfield and insufficient information has been submitted to assess the risk from contaminated land. In the absence of any such site investigations within the application following a request from the Local Planning Authority, it has not been demonstrated that land contamination would pose a risk to future occupants. As such, the proposal would be contrary to the provisions of Policy RE8 and the NPPF.

06. There is the potential for protected species to be present on site however, no Ecological Surveys have been submitted in support of the application. It has therefore not been demonstrated that there would be no risk to any protected species, and as such the development would be contrary to the provisions of the NPPF and Local Plan Policy C11.

07. The proposal would directly obstruct a Public right of Way running through the site. As there has been no information submitted following a request from the Local Planning Authority, the application is not in accordance with Policy R8 of the Castle Morpeth District Local Plan due to the obstruction of a Public Footpath or any information to demonstrate if this can be diverted.

Date of Report: 24.04.2018

Background Papers: Planning application file(s) 18/00250/OUT