



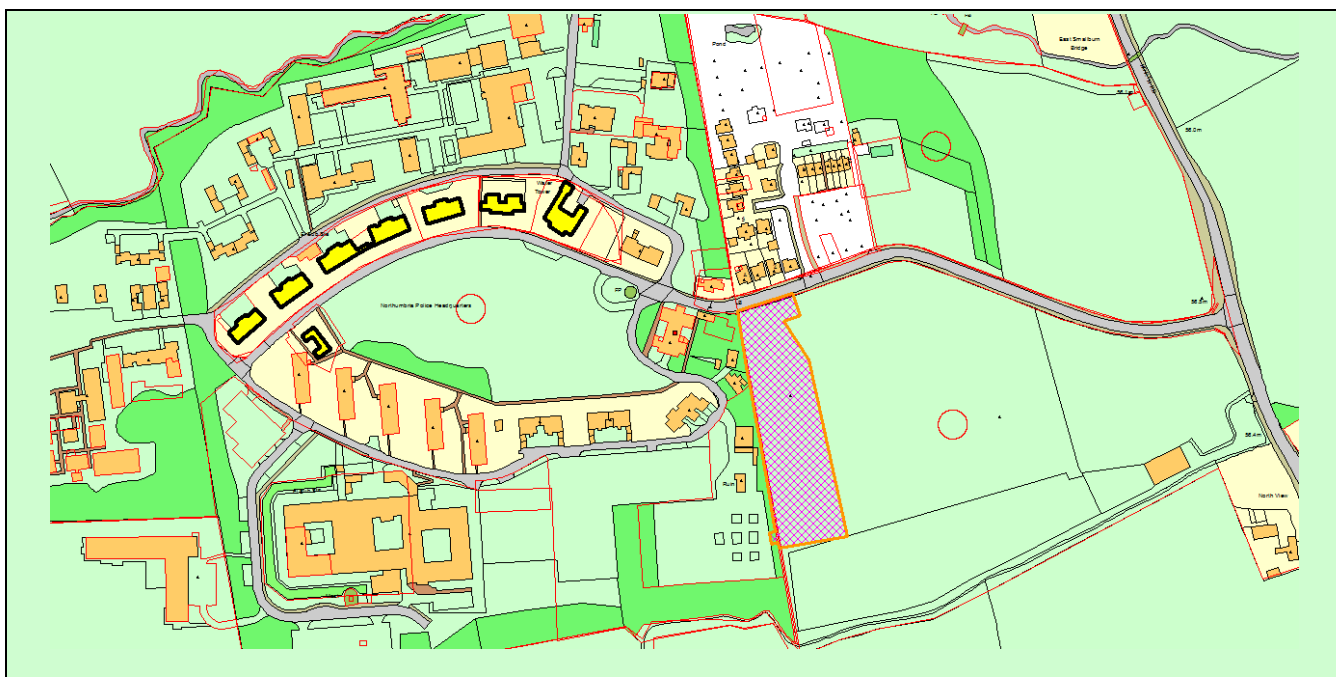
Northumberland

County Council

CASTLE MORPETH LOCAL AREA COUNCIL

11 JUNE 2018

Application No:	18/00483/DISCON		
Proposal:	Discharge of condition 17 attached to planning permission reference 14/01442/OUT - construction method statement including provision of enclosed site compound for a period of 24 months with haul road, contractor buildings, car parking and materials store on land south of Ashcroft adjacent to former Northumbria Police HQ site, relating to redevelopment of former police HQ site to provide a mix of retained Northumbria Police operational functions and buildings and up to 263 dwellings		
Site Address	Former Northumbria Police HQ, Ponteland, Northumberland, NE20 0BL		
Applicant:	Ms Marie Lodge, Bellway Bellway House, Kingsway North, Team Valley, Gateshead NE110JH	Agent:	N/A
Ward	Ponteland North	Parish	Ponteland
Valid Date:	23 February 2018	Expiry Date:	20 April 2018
Case Officer Details:	Name: Mr Geoff Horsman Job Title: Senior Planning Officer Tel No: 01670 625553 Email: geoff.horsman@northumberland.gov.uk		



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1. Introduction

- 1.1 This application is being referred to the Castle Morpeth Local Area Council because it is the subject of substantial local objection and the land to which the application relates is in the Green Belt.

2. Description of the Application Site & Proposal

- 2.1 The land to which this application relates comprises a rectangular area of agricultural land covering around 0.73 hectares which lies immediately adjacent to the former Northumbria Police HQ site at Ponteland. The land in question lies within the Green Belt.
- 2.2 To the north of this land lies a private access road which connects the former Police HQ site with North Road. This access road is shared with an estate of dwellings which lie to the immediate north. To the east and south is further agricultural land and to the west is the former Police HQ site. A line of trees separate the former Police HQ site from the land to which this application relates.
- 2.3 The former Police HQ site has planning permission for redevelopment for new housing. In this regard, outline planning permission was granted in August 2015 with a detailed Reserved Matters approval being granted in January 2018 for 253 dwellings. A further planning permission was granted in April 2018 for the conversion to 22 dwellings of existing Grade II listed buildings and buildings of local architectural and historic interest within the former Police HQ site. Part of the site continues to be occupied by the Northumbria Police force communications centre.
- 2.4 This current application seeks discharge in part of condition 17 attached to the outline planning permission (ref: 14/01442/OUT) for redevelopment of the former Police HQ site. This condition is worded as follows:

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. This shall include details of wheel wash facilities, or provision of a road sweeper and road cleaning schedule to ensure that the roads around the construction site are kept clear of mud and debris, compound provision for the storage of materials and temporary parking for site operatives and visitors, and the siting of construction access(es) where applicable. Thereafter, the development shall be undertaken in accordance with the approved Construction Method Statement.

Reason: In order to achieve a satisfactory form of development and to protect the amenity of the existing local residents in accordance with the NPPF.

- 2.5 The applicant seeks approval to site their construction compound for a temporary period of two years on agricultural land outside of, but immediately

adjacent to, the former Police HQ site. The land where they wish to site the compound is within their ownership.

- 2.6 They advise that they are unable to site the construction compound within the former Police HQ site during the initial phase of redevelopment due to the majority of the existing site being covered with buildings. These would be partially removed during the initial development phase which would allow for the compound to be relocated into the former Police HQ site within the next two years. The only currently open areas within the existing former Police HQ site which could accommodate the construction compound are unsuitable or unavailable. These are the 'green' area at the centre of the site and a car park area. The former is allocated as a 'Local Green Space' in the Ponteland Neighbourhood Plan and also lies adjacent to Grade II Listed Buildings whilst the latter is still partially within the ownership of and used by Northumbria Police who have not granted their consent for its use as a compound despite such a request having been made by the applicant, with other areas of this car park forming part of the initial development phase.
- 2.7 The proposed construction compound would comprise 4 elements. Firstly, a contractors car parking area is proposed at its northern end which would accommodate around 30 cars. This would be enclosed by 1.2 metre high post and rail fencing and a 2 metre high landscape screen would also be provided to reduce views of the car park from the estate of dwellings to the north which would lie around 76 metres distant.
- 2.8 Secondly, to the immediate south of the car park would lie an area occupied by various modular buildings. These would comprise two buildings which would be two storeys in height rising to 5.2 metres above ground level. These would accommodate a meeting room, w/c, site office and workers canteen. Seven further single storey modular buildings are proposed rising to 2.5 metres in height that would be used for storage purposes. All of these buildings would be enclosed by a 2.3 metre high metal fence/gates which would enclose an area of 25 metres x 25 metres. To the immediate south of this enclosed area, two silo structures 6.5 metres in height are proposed.
- 2.9 Thirdly, at the southern end of the compound an external materials store is proposed which would be enclosed by 1.2 metre high post and rail fencing.
- 2.10 The final element of the compound would be a 7 metre wide haul road which would provide access to the various areas highlighted above. The haul road would run south from a connection with the existing private access road serving the former Police HQ site and the estate of dwellings to the north. The point at which the haul road meets the existing shared private access road is opposite existing dwellings and beyond the main access to the estate of which those dwellings form a part. The applicant has advised that they cannot place the haul road entrance further to the east at a greater distance from the existing dwellings as this would involve placing the haul road across an existing fibre optic cable which serves the Northumbria Police communications centre within the former Police HQ site, which they are not permitted to do due to risk of damage to that cable which is of critical importance due to the communication

centre building which it serves, which takes all police emergency calls across the force area.

- 2.11 The haul road would also provide a further connection at its southern end into the former Police HQ site, in addition to the existing access into the site further north immediately adjacent to the estate of dwellings referred to earlier. This will allow for construction materials once delivered to be transported to and from the initial phase build area without having to pass existing dwellings to the north. The haul road would also be used by the police to access their communications centre during the two year temporary period it is proposed to be in place because during the initial phase of building it will be necessary to re-configure the existing road layout within the former police HQ site and therefore it would not be possible for the police to utilise the existing access point. Traffic on the haul road would be two way. A vehicle waiting/stacking area is provided adjacent to the haul road to minimise the likelihood of construction vehicles having to wait on the existing shared private access road.
- 2.12 A small number of trees would need to be removed to connect the haul road into the former Police HQ site at its southern end. However, the vast majority of trees on the boundary between the construction compound and the former Police HQ site would be retained and a Tree Protection Plan has been submitted with the application to demonstrate how such trees would be safeguarded.
- 2.13 The applicant has advised that at the end of the temporary two year period the compound site would be restored to agricultural land and the gap where trees were removed to link the haul road into the former Police HQ site would be infilled with new tree planting.
- 2.14 In addition to the above-mentioned compound details, the application also includes a traffic management plan which includes detail on the routing of construction vehicles through Ponteland into the application site. Vehicles would access the site via the town centre and North Road from the A1 and A696. The traffic management plan also makes reference to conditions attached to the outline planning permission regarding hours of construction working and deliveries and need for delivery vehicles to park in a lay-by on the A696 during school drop-off and pick-up times before proceeding through Ponteland Town Centre to/from the site.
- 2.15 In terms of outline planning permission conditions no demolition or construction work or deliveries are permitted before 8am or after 6pm Monday to Friday, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays. There is also a restriction on deliveries during school drop-off/pick-up periods with no construction traffic allowed to enter or leave the site between 8.15-9.15am or between 2.30-3.15pm on Weekdays.
- 2.16 The applicant has also provided a road and vehicle cleaning plan which states that roads adjacent to the site will be inspected at least once a day and a road sweeper or machine bucket used to clear any material deposited by

construction vehicles. Regular inspection and general cleaning of construction vehicles will also be encouraged.

- 2.17 Finally, a Dust Management Plan has been submitted detailing those measures that would be put in place to minimise the likelihood of dust pollution to nearby occupiers

3. Planning History

Reference Number: 14/01442/OUT

Description: Outline: Redevelopment of site to provide a mix of retained Northumbria Police operational functions and buildings and housing with up to 263 dwellings.

Status: PER

Reference Number: 17/02747/REM

Description: Reserved Matters details of access, layout, scale, appearance and landscaping in respect of the erection of 253 dwellings (C3 use class) with associated car parking, boundary treatments, and landscaping pursuant to Outline Application 14/01442/OUT.

Status: PER

Reference Number: 17/03697/FUL

Description: Change of use, conversion and extension of former office buildings (B1 use class) to provide 22 no. dwellings (C3 use class), erection of associated garages and boundary treatments, car parking and landscaping.

Status: PER

4. Consultee Responses

Ponteland Town Council	No comment.
Highways	No objection subject to restrictions regarding construction vehicles entering/exiting site during school pick-up times being extended to 3.45pm due the finishing time of the nursery school at Ponteland Primary School. Details also need to be provided on where the construction compound will be sited following expiry of the two year temporary period in respect of which approval is sought for the currently proposed compound.
County Ecologist	No objection subject to submitted Tree Protection Plan being implemented during construction works.
Public Protection	Cannot provide comments on any aspect of this development as none of the conditions on permission reference 14/01442/OUT were recommended by them.
West Tree And Woodland Officer	No response received.

Architectural Liaison Officer - Police	No objection from a crime prevention point of view but they do agree with the objections of local residents related to highway safety. They suggest rotating the compound area by 90 degrees to move it further back from the road with the haul road coming off the existing shared private access road before the estate of dwellings.
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5. Public Responses

Neighbour Notification

Number of Neighbours Notified	45
Number of Objections	16
Number of Support	0
Number of General Comments	0

Notices

No Site Notice Required.

No Press Notice Required.

Summary of Responses:

- Noise & disturbance,
- Visual amenity harm,
- Dust,
- Compound should be located within former HQ site,
- Highway and pedestrian safety concerns,
- Haul road access point should be sited closer to North Road,
- Loss of trees/hedges,
- Inappropriate development in Green Belt,
- No need for a separate haul road,
- Overlooking,
- Wildlife impact,
- Compound likely to be there longer than 24 months.

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

<https://publicaccess.northumberland.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P3QC7VQSM6000>

6. Planning Policy

6.1 Development Plan Policy

Ponteland Neighbourhood Plan (2017) (PNP)

PNP1 – Sustainable Development Principles

PNP2 – High Quality and Inclusive Design

PNP5 – Heritage Assets
PNP10 – Green Infrastructure
PNP11 – Landscape
PNP12 – Green Approaches
PNP13 – Biodiversity
PNP15 – Local Green Space
PNP18 – Economic Development
PNP29 – Transport and New Developments

Castle Morpeth District Local Plan (2003) (CMDLP)

C1 – Settlement Boundaries
C4 - Landscape Corridors
C11 – Protected Species
C15 – Trees in the Countryside and Urban Areas
C17 – Green Belt
PC1 – Ponteland Settlement Boundary
PC3 – Landscape Corridors

6.2 National Planning Policy

NPPF
NPPG

7. Appraisal

7.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that:

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Therefore the starting point from a planning perspective in considering the acceptability or otherwise of the proposals is the development plan. This principle is also acknowledged in paragraphs 2, 11-12, 196 and 210 of the NPPF.

7.2 The development plan in respect of the application site comprises the Ponteland Neighbourhood Plan (2017) and the saved Policies of the Castle Morpeth District Local Plan (2003).

7.3. However, the NPPF advises at paragraph 215 that, in respect of Development Plans adopted prior to publication of the NPPF, local planning authorities (LPAs) should afford due weight to relevant Policies according to their degree of consistency with the NPPF (the closer the Policies in the Plan to the policies in the NPPF, the greater the weight that may be given).

7.4 Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations

indicate otherwise); Approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

7.5 NPPF Paragraph 6 advises that the policies set out in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view on what sustainable development in England means in practice for the planning system. Paragraph 7 provides the key starting point against which the sustainability of a development proposal should be assessed. This identifies three dimensions to sustainable development, an economic element, a social element and an environmental element. Paragraph 8 goes on to advise how the three elements of sustainable development are mutually dependant and should not be considered in isolation. It makes clear that to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

7.6 The main issues for consideration in respect of this application comprise:

- Principle of development
- Impact on the character and appearance of the area
- Residential amenity impact
- Highway safety
- Ecology

Principle of Development

7.7 In considering the principle of development it should first be noted that this application is for partial discharge of a planning condition that has been attached to an extant planning permission and is not in itself an application for planning permission. Indeed, if Condition 17 had not been attached to planning permission reference 14/01442/OUT then planning permission would not have been required from the Council for the majority of the proposed construction compound works as such works would have been permitted development under Class 4 of Schedule 2 to the Town & Country Planning General Permitted Development Order. The only works that would have required planning permission would have been any fencing more than 1 metre in height adjacent to a highway or more than 2 metres in height elsewhere.

7.8 Notwithstanding the above, Condition 17 of the said permission does give the Council control over the matters detailed in that condition relating to construction work arrangements and therefore the submitted details do need to be considered against relevant Development Plan Policies and other material considerations such as the NPPF.

- 7.9 In terms of the principle of development, a key initial consideration is the location of the compound site within the Green Belt and in particular its location outside of, albeit immediately adjacent to, the former Police HQ site. Given its location the proposed compound is considered to constitute inappropriate development in the Green Belt for the purposes of CMDLP Policy C17 and the NPPF.
- 7.10 Inappropriate development is by definition harmful and cannot be permitted unless the Council is satisfied that there are very special circumstances of sufficient weight to override the harm by way of inappropriateness and any other harm arising.
- 7.11 As detailed above, the applicant has provided justification as to why they cannot site the construction compound within the former Police HQ site itself during the initial phase of development and it is considered that the constraints highlighted do amount to very special circumstances of sufficient weight to support a partial discharge of Condition 17 to allow the compound to be sited in the proposed location for a temporary period of two years only having regard to the matters considered elsewhere in this report and the need to facilitate redevelopment of the currently unsightly former Police HQ site which will improve the visual amenity of the wider locality, bring back into use heritage assets and provide much needed new housing on previously developed land.
- 7.12 For the same reasons, it is considered that a temporary compound is acceptable notwithstanding the out of settlement boundary location of the proposed compound site for the purposes of CMDLP Policies C1 and PC1 and bearing in mind that the NPPF does not preclude development such as this in itself within open countryside.

Impact on the character and appearance of the area

- 7.13 PNP Policy PNP1 states that one of its principles of sustainable development is the protection/enhancement of heritage assets and their setting, whilst Policy PNP2 seeks to ensure that the design of development respects local character. Policy PNP5 again seeks to safeguard heritage assets, Policy PNP10 seeks to protect and enhance existing green infrastructure assets whilst Policy PNP11 promotes the maintenance/enhancement of landscape character. Policy PNP12 relating to Green Approaches seeks to ensure that development does not adversely affect the character and amenity created by grass verges, trees and hedgerows in these areas. The North Road corridor is identified as one of the green approaches to Ponteland. Finally, Policy PNP15 designates a number of Local Green Spaces which will be protected from development due to their particular local significance or community value. Development will only be permitted on such green spaces where there are very special circumstances. The 'Green' area at the heart of the former Police HQ site is shown as one of these Local Green Spaces on the PNP Policies Map and included in the list of Local Green Spaces in the wording of Policy PNP15.

- 7.14 In terms of the CMDLP, the North Road corridor is again identified as a landscape corridor under Policies C4 and PC3. Proposals within those corridors will be encouraged to include a landscaped zone, with an average width of not less than 15 metres from the edge of the highway, for the whole frontage of the development site. Policy C15 seeks to safeguard existing trees and secure new tree/hedge planting.
- 7.15 In terms of national landscape classification, the application site itself lies within the South East Northumberland Coastal Plain National Character Area (NCA). A more localised landscape classification is provided by the Northumberland Landscape Character Assessment and this places the site within the Coalfield Farmland Landscape Character Type (LCT 39).
- 7.16 Key landscape characteristics of the above NCA and LCT are large scale fieldscapes, woodland/wetland areas and significant urban fringe/development influences including coal mining legacy influence on the landscape.
- 7.17 The Northumberland Landscape Character Assessment also identifies Landscape Character Areas (LCAs) within each LCT and the application site lies within area 39c – Stannington. The character of this landscape is significantly modified and influenced by adjoining urban areas and their associated infrastructure. Several transport corridors run north-south through this landscape, including the A1, East Coast Main Line, A192, and another rail line. Scattered development east of the A1 gives a more urban fringe impression associated with the west edge of the industrial settlements of Bedlington and Cramlington. To the west of the A1, the landscape is more rural, and includes the wooded Blagdon Estate designed landscape. From many vantage points, electricity transmission lines, housing and industry are prominent if not dominant elements. The wooded, incised valleys of the Blyth and Wansbeck rivers are significant features cutting through the farmland, and both have public access, with Plessey Woods Country Park on the River Blyth.
- 7.18 In terms of LCT39 the Northumberland Landscape Character Assessment vision statement in terms of future management of this landscape advises that in general, it could be argued that the most significant changes to this landscape have already occurred, in the form of extensive mining activity and urbanisation. Where key qualities remain intact, their long-term viability should be secured. The approach for this landscape is therefore one of restoration where possible, and recreation where the landscape has been overly damaged.
- 7.19 Also of relevance in assessing landscape value is the Northumberland Key Land Use Impact Study which sought to assess the value of the various LCA's against a number of landscape criteria. The study places the LCA's into 4 broad categories of landscape quality with those landscapes of highest value scoring above 30. Upper and lower middle ranking landscapes are then categorised, having scores of 26-30 and 21-25 respectively. The lowest quality landscapes are categorised as those scoring 20 or less.

- 7.20 LCA 39c within which the application site lies has a landscape value score of 18 – i.e. it is generally a low quality landscape.
- 7.21 Having regard to all of the above, whilst the erection of a construction compound on the land in question would clearly have some adverse impact on the visual amenities of the locality, this would be a temporary impact for a period of up to two years and that surrounding locality is not considered to be of high quality in landscape terms.
- 7.22 Impact on the landscape corridor along North Road is not considered to be significantly harmful as the compound area would be set in around 280 metres from North Road itself and would be partially screened by existing planting to field boundaries adjacent to North Road. When approaching the former Police HQ site along the private access road from North Road, the compound would be visible but would be viewed alongside the existing estate of dwellings to the north. Turning the compound through 90 degrees as suggested by the Police Architectural Liaison Officer is considered problematical as this would result in the compound having a greater impact on landscape character as it would bring the compound closer to North Road and elements of it closer to the private access road to the north.
- 7.23 As stated above, connection of the haul road into the former Police HQ site would result in the removal of a small group of trees. However, these trees are not considered to be of significant amenity value and the vast majority of trees on the eastern boundary of the former Police HQ site adjacent to the construction compound would be retained and safeguarded through implementation of the submitted Tree Protection Plan. Notwithstanding, the above, replacement planting would be provided following expiry of the two year temporary period.
- 7.24 In terms of alternative locations for the construction compound it is not considered that it would be acceptable to site this on the central 'Green' area within the former Police HQ site. Not only would this result in the temporary loss of a designated Local Green Space under PNP Policy PNP15 but there would also be temporary harm to the setting of the Grade II listed 'Cottage Homes' buildings on the northern side of the 'Green' contrary to PNP Policies PNP1 and PNP5.
- 7.25 It is acknowledged that in terms of PNP Policy PNP2 the proposed structures are not of high design quality. However, these are temporary buildings that would be placed within the compound area for a temporary period of two years and are therefore considered acceptable on this basis.
- 7.26 Overall the proposals are considered acceptable in terms of impact on the character and appearance of the area for the temporary two year period that they would be in place.

Residential amenity impact

- 7.27 PNP Policy PNP1 states that one of its sustainable development principles is that development shall minimise its impact on amenity for new and existing residents. This is re-stated in Policy PNP2 which states that proposals will be supported where they will not have an unacceptable adverse impact on the amenities of the occupiers of nearby properties.
- 7.28 It is accepted that locating the construction compound within the former Police HQ site would potentially result in lesser amenity impact on existing residents of the estate of dwellings to the north of the proposed temporary compound location. However, for the reasons given earlier it is not possible for this to be done during the initial phase of redevelopment, although it is intended that the compound will be relocated within the former Police HQ site within two years once extensive demolition works have taken place.
- 7.29 It is also acknowledged that the proposed construction compound will have some adverse impact on residents occupying dwellings to the north. However, amendments to the layout of the compound have been made which seek to mitigate such impact.
- 7.30 In this regard the northernmost area of the compound to be occupied by a contractors car park would be 76 metres away from the nearest dwellings. Furthermore the layout of the compound area has been amended to place the amenity buildings and materials storage areas furthest away from the dwellings as it is considered that these are likely to result in greater disturbance than the contractors car park. The materials storage area is at the far southern end of the compound adjacent to the haul road link into the former Police HQ site which would allow construction vehicles carrying materials from that storage area into the construction site to do so well away from existing neighbouring dwellings. A 2 metre high landscape screen is also proposed to partially screen views of the contractors car park, arrangements will be put in place to remove any mud or other debris deposited on local roads with preventative measures also proposed in this regard and screens are proposed to 1st floor amenity building windows facing towards dwellings to prevent overlooking, even though those windows will be in excess of 100 metres from the nearest dwelling.
- 7.31 In addition to the above, a vehicle waiting area would be provided adjacent to the haul road to prevent construction vehicles having to park on the shared private access used by existing residents and those currently entering the former Police HQ site. The applicant has agreed to re-locate this further into the compound site to give greater separation from existing dwellings and amended plans showing this will be submitted prior to committee. The restrictions on construction vehicles coming to/from the site during school pick-up times on weekday afternoons have also been discussed with the applicant in light of the request from the Council's Highways team for a further 30 minutes restriction until 3.45pm, notwithstanding that the current condition attached to the outline planning permission only restricts construction vehicle

activity between 2.30pm and 3.15pm. The applicant has agreed that in addition to the existing condition restriction HGV's associated with construction activities will not be permitted to enter/leave the site between 3.15pm and 3.45pm until the 3 metre wide footpath/cycleway has been provided along the southern side of the private access road which links the site with North Road as per the details approved under the Reserved Matters application.

- 7.32 Whilst it is acknowledged that construction traffic will be entering the haul road opposite existing dwellings on the estate to the north, it would not be possible to site the haul road entrance further to the east for the reasons given earlier in this report related to the presence of a fibre optic cable serving the Police Communications Centre. However, it needs to be borne in mind that if the construction compound were sited within the former Police HQ site, construction traffic would still be passing these dwellings to access that compound.
- 7.33 It also needs to be borne in mind that the amenity of residents will also be safeguarded through the condition attached to the outline planning permission which does not permit construction, demolition or deliveries before 8am Monday – Saturday or after 6pm on weekdays (1pm on Saturdays) and no construction, demolition or deliveries are permitted on Sundays or Bank Holidays.
- 7.34 Concerns have been expressed that the proposed off-site compound could be in place for the full duration of construction works not just the initial two year period. However, that is not what has been applied for and if the applicant wished to retain the compound in the currently proposed location for longer than two years then a further approval would need to be sought from the Council.
- 7.35 Overall, it is not considered that the proposals would have a significantly harmful impact on the amenities of nearby residents for the duration of the temporary 2 year period that the construction compound would be in place.

Highway safety

- 7.36 PNP Policy PNP29 states that development proposals will be supported where it can be demonstrated that the cumulative impact on traffic flows on the highway network will not be severe, or that appropriate mitigation measures can be secured and are undertaken.
- 7.37 The Council's Highways team have confirmed that they have no objections to the proposed compound arrangements or the submitted traffic management and road/vehicle cleaning plans.
- 7.38 The applicant has agreed to an extension of the construction vehicle restrictions during the afternoon weekday school pick-up period as detailed earlier in this report

7.39 Overall it is considered that the proposals are acceptable in highway safety terms.

Ecology

7.40 PNP Policy PNP13 and CMDLP Policy C11 seek to safeguard and promote biodiversity and safeguard protected species.

7.41 The land on which the proposed temporary construction compound would be sited is not considered to be of significant value in ecology terms and although some minor tree removal is proposed to connect the haul road into the former Police HQ site the Council's ecologist raises no objections to the proposals subject to implementation of the submitted Tree Protection Plan to ensure the safeguarding of existing trees to be retained to the immediate west of the proposed compound.

7.42 Overall the proposals are considered to be acceptable on ecology grounds.

Equality Duty

7.43 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

7.44 These proposals have no implications in relation to crime and disorder and this is confirmed by the comments of the Police Architectural Liaison Officer.

Human Rights Act Implications

7.45 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.

7.46 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.

- 7.47 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

Overall it is considered that the proposed details in respect of construction arrangements for the initial two year development period are acceptable. Although the proposals would constitute inappropriate development in the Green Belt and lie outside of the defined settlement boundary for Ponteland it is considered that there are very special circumstances of sufficient weight to override the harm by way of inappropriateness and other harm arising. Whilst there would be some adverse impact from the proposals on nearby residents it is not considered that significant harm would arise in this regard. The proposals are likewise considered acceptable in terms of their impact on the character and appearance of the area, highway safety and ecology.

9. Recommendation

That condition 17 of planning permission reference 14/01442/OUT be discharged in part in respect of construction method arrangements for the initial two year redevelopment period.

Background Papers: Planning application file(s) 18/00483/DISCON