



Northumberland

County Council

CASTLE MORPETH LOCAL AREA COUNCIL

11 JUNE 2018

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| Application No: | 18/00836/OUT | | |
| Proposal: | Proposed detached two storey dwelling | | |
| Site Address | Land East Of Prospect Farm , The Avenue, Medburn, Northumberland NE20 0JD | | |
| Applicant: | Mr M Lithco 4 High Street, Stanley, DH9 0DQ, | Agent: | Mr Robin Wood 1 Meadowfield Court, Meadowfield Ind. Est., Ponteland, Newcastle upon Tyne NE20 9SD |
| Ward | Ponteland West | Parish | Ponteland |
| Valid Date: | 7 March 2018 | Expiry Date: | 15 June 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

1.1 Under the provisions of the Council's current Scheme of Delegation, the application raises significant planning issues and therefore the matter should be considered by the Castle Morpeth Local Area Planning Committee.

2. Description of the Proposals

2.1 This application seeks outline planning permission for the erection of a detached two storey dwelling on land east of Prospect Farm, The Avenue, Medburn. The outline application is seeking approval for the access, layout and scale with matters relating to the appearance and landscaping reserved for subsequent approval.

2.2 The proposal is a re-submission of a previous permission granted under reference 14/00815/OUT, which has now expired.

2.2 The site is located along The Avenue, a private road within Medburn. The plot is located along the frontage of The Avenue and would sit on an infill plot between Tynedale and Prospect House.

2.3 The site is located within the settlement boundary of Medburn which is inset within the Green Belt located to the west of Ponteland.

3. Planning History

Reference Number: CM/89/D/482

Description: Development of existing settlement incorporating residential development and provision of ancillary facilities on 34.7 ha

Status: OBJ

Reference Number: C/93/D/082

Description: Outline application for residential development on 8.2 ha at Windyridge and Prospect Cottage

Status: NOOBJ

Reference Number: 14/00815/OUT

Description: Outline Application - Construction of detached two storey dwelling

Status: Permitted

Reference Number: 14/02966/FUL

Description: New residential dwelling at Plot 1 including change of use from meadow to garden.

Status: Permitted

Reference Number: 17/03642/DISCON

Description: Discharge of Conditions 4 (Tree and hedge planting), 5 (Foul and surface water), 6 (Access) and 9 (Materials) on approved planning application 14/02966/FUL as amended by landscaping details received 28/11/17

Status: Permitted

4. Consultee Responses

| | |
|------------------------|-------------------------------------|
| County Ecologist | No objections |
| Ponteland Town Council | Objection |
| Highways | No objections subject to conditions |
| Northumbrian Water Ltd | No objections |

5. Public Responses

Neighbour Notification

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

Notices

General site notice,
No Press Notice Required.

Summary of Responses:

Ponteland Town Council objection

The Town Council strongly supports the objection from the neighbour. Medburn is a small settlement without any services, only a limited bus service and poor paths for cyclists and pedestrians. The ongoing developments have caused major problems for the residents of Medburn. Construction traffic has all but destroyed the road surface on the Avenue.

The noise and times construction is being carried out has been a nuisance, residents have reported this to environmental health. Concerns for lack of consideration and care has become a major factor. Medburn has moved on from a small quiet hamlet to a large housing estate.

The construction of yet another dwelling will have an overwhelming and adverse impact on this small settlement and the C345, which is a narrow country lane and the only access road, it is also contrary to the Castle Morpeth District Plan Policy MBH1 ii) which states that no new residential access will be permitted onto the Avenue, a substandard road. It is also contrary to the PNP2 policy which aims to create a sense of place by protection to an area's quality, distinctiveness and character. The National Planning Policy Framework 11 conserving and enhancing the natural environment declares that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The increasing expansion of Medburn is becoming a major burden on the infrastructure of Ponteland

which is struggling to cope with the additional residents and vehicles. These points have duly been addressed within the below appraisal.

4 objections were received from neighbouring residents within Medburn with concerns relating to:

- Highways and access issues;
- Amenity of neighbouring residents;
- Over development of the site;
- Tandem development;

6. Planning Policy

6.1 Development Plan Policy

Ponteland Neighbourhood Plan (2017)

Policy PNP 1: Sustainable Development Principles

Policy PNP 2: High Quality and Inclusive Design

Policy PNP 3: Infrastructure

Policy PNP 11: Landscape

Policy PNP 13: Biodiversity

Policy PNP 27: Flood Risk

Policy PNP 28: Sustainable Drainage Systems

Policy PNP 29: Transport and New Developments

Castle Morpeth District Local Plan (2003, saved policies 2007):

RE6 – Service Infrastructure

C1 - Settlement Boundaries

C11 – Protected Species

C15 – Trees in the countryside and urban areas

H1 - Housing Land Supply

H11 - Tandem and Backland Development

H15 - New Housing Developments

MBC1 - Medburn Settlement Boundary

MBH1 - Infill Development

MBH2 - Infill Development

T5 – Public Transport

6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2012)

National Planning Practice Guidance (NPPG) (2014, as updated)

7. Appraisal

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

- Principle of Development

- Housing Supply
- Visual amenity and design
- Residential amenity
- Highway matters

7.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration. The Ponteland Neighbourhood Plan and saved Policies of the Castle Morpeth District Local Plan (adopted 2003) remain the development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF. The Ponteland Neighbourhood Plan was made in November 2017 and as such, can be afforded full weight.

Principle of Development

7.4 Policy PNP1 of the Ponteland Neighbourhood Plan seeks to take a positive approach to new development with a presumption in favour of sustainable development in line with the NPPF. The site is located within the settlement boundary of Medburn as defined by Policies C1 and MBC1 of the Local Plan. Boundaries are drawn to identify the limits to settlements and are defined on the proposals map insets.

7.5 The site is located within an area defined by Local Plan Policies MBH2 which considers development as being appropriate, in principle, for infill development on previously developed land. The site is not previously developed and the construction of new dwellings on the site is not considered to constitute infill development. As such, whilst the site may lie within the wider settlement boundary for Medburn, the proposal would be contrary to the provisions of Local Plan Policy MBH2.

7.6 Notwithstanding this, 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.

7.7 NPPF Paragraph 6 advises that the Policies set out in Paragraphs 18 to 219 of the document, 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 undertaken 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.

7.8 Whether the presumption in favour of sustainable development is successful in this case is dependent on an assessment of whether the proposed development of the site would be sustainable in terms of its economic, social and environmental roles.

7.9 It is acknowledged that Medburn as a settlement is poorly served by services/facilities with no shops, school, pub, community centre or other such community facilities. However, previous planning decisions in Medburn have given weight to two appeal decisions within Medburn, one for five dwellings and one for 14 dwellings. Both of these decisions determined that, although Medburn itself has no services of its own, it is not a remote or unsustainable location by virtue of its close proximity and connectivity to Ponteland and its range of services. In respect of the appeal against five dwellings at Prospect Farm (planning application ref: 11/01959/OUT and appeal decision dated 22nd October 2012) the Inspector determined that:

"The Local Plan indicates that limited housing development is acceptable at Medburn with the clear implication that it is not considered to be an unsustainable location for limited new housing. Although the small settlement has no facilities of its own, it is not a remote rural location. Whilst it appears that residents generally have private cars and the site is outside convenient walking distance of the shopping, social, educational and employment facilities at Ponteland and Darras Hall, the site appears to be within cycling distance of such facilities and there is a limited regular bus service and school transport. Therefore, the site offers scope for accessing facilities and services by means other than private cars."

7.10 In the appeal against the development of 14 dwellings on the application site (no. 12/00892/OUT) the Inspector agreed with this position and stated that:

"The appeal site in this instance is close to Prospect Farm. It is within easy reach of a bus stop, a bridleway and a cycleway, and I am in agreement with that Inspector with regard to the accessibility of Medburn to the service facilities of nearby Ponteland. In addition, the bus service from Medburn to the nearest Metro Station, notwithstanding the Council's argument regarding frequency, would provide suitable links to the employment, shopping and leisure facilities to be found in the wider Tyne and Wear area."

7.11 It is acknowledged that Medburn does not feature any services or facilities, nor does it have a regular public transport service. However, regard should be given to para 55 of the NPPF. Whilst the NPPF provides a strong presumption in favour of sustainable development, it also recognises at Paragraph 55 that in cases where a number of settlements are closely grouped together, new housing in one village may support services in an adjacent settlement. The close proximity of Medburn to Ponteland is one such example where new housing development on the application site could potentially lend support to the wide range of services in Ponteland village centre, and clearly this has played a key part in the decisions made by the Inspectors in both appeal cases. Therefore, as the proposed scheme would provide new

housing development in a location that is not remote from Ponteland and Darras Hall, which would support the existing services and facilities in an adjacent settlement, and which has reasonable access to such services and facilities by means other than the private car, it is considered that new housing in Medburn would accord, in principle, with Paragraph 55 of the NPPF and be generally consistent with the approach taken by the Inspectors in determining the Prospect Farm and the application site appeals.

7.12 A further inspectorate decision received in April 2018 (APP/P2935/W/16/3165719 - 16/01647/OUT) overturned a refusal from the local planning authority with the inspector report detailing that Medburn is not considered a remote, rural location owing to the ability to access Ponteland by cycle and public transport. From the point of view of these 2no appeal decisions, the proposed scheme accords with NPPF Paragraph 55.

7.13 The proximity of Medburn to Ponteland therefore means that additional housing there could be regarded as within reach of the wide range of services in Ponteland village centre, something which clearly has played a key part in the decisions made by the Inspectors in both appeal cases. Therefore, as the proposed scheme would provide new housing development in a location that is not remote from Ponteland and Darras Hall, which has reasonable access to services and facilities by means other than the private car, it is considered that new housing in Medburn would accord, in principle, with paragraph 55 of the NPPF and be generally consistent with the approach taken by the Inspectors in determining the Prospect Farm and Land East of The Nursery appeals, as well as the most recent decision from earlier this year.

7.14 In conclusion, the principle of development on the site is considered acceptable in accordance with Local plan policy MBC1. As per previous appeal decisions from the planning inspectorate, detailed within part 7.9, 7.10 and 7.12 of this appraisal, where it has been agreed that the development would accord with paragraph 55 of the NPPF in terms of being a form of sustainable development, the development is also considered to comply with policy PNP 1 of the Ponteland Neighbourhood Plan.

Housing Supply

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

7.16 The latest five-year housing land supply position is a crucial matter for consideration. To meet the requirement of the NPPF, LPAs are required to identify and update annually, a five-year supply of deliverable housing land, with an additional buffer of 5% or 20% to ensure choice and competition in the market. The higher buffer must be applied whereby circumstances of “persistent under-delivery” have been evident.

7.17 The 'Northumberland Five-Year Supply of Deliverable Sites 2017 to 2022' report was published in November 2017. This outlines that the Council has calculated an Objectively Assessed Housing Need (OAN) in accordance with the methodology set out in the Planning Practice Guidance (PPG), using the most up-to-date official 2014-based household projections as the starting point. From this work, it is considered that the OAN falls within the range of 14,680 to 22,920 dwellings. As a result, Northumberland's OAN for the purposes of calculating a five-year housing land supply is considered to fall at a midpoint within the above range. This equates to 18,880 dwellings over the period 2011 to 2031, an annual average of 944 dwellings per annum. The baseline five-year requirement for the period 2017 to 2022 is therefore 4,720 dwellings.

7.18 This latest assessment of the five-year housing land supply position covers the period 2017 to 2022 and identifies where new housing will be built in the next five years. The report confirms that the Council can identify a deliverable supply of housing land equivalent to 6.5 years. The ability to identify a five-year supply of deliverable housing land means that the requirement for new homes does not become the dominating factor in the decision-making process.

Design and Amenity

7.19 The application is outline only and therefore no details have been provided of the size, type and design of the dwelling. The plot size is consistent with those of the adjoining plots and its substantial size means that it would easily accommodate a dwelling of generous proportions without resulting in overdevelopment and the dwelling could easily be designed to negate any overlooking issues with the adjacent properties. It is not considered at the outline stage that the proposal would have a detrimental impact on the site itself, the street scene or on neighbouring properties and is therefore in accordance with the NPPF and Policy PNP2 of the Ponteland Neighbourhood Plan, H15 and MBH2 of the Castle Morpeth District Local Plan and provisions of the NPPF in terms of high quality design.

Highways

7.20 The Avenue is a private road and therefore has no highway status either in terms of public rights or maintenance liabilities. The Highway Authority has previously expressed concerns with regard to the limitations in terms of visibility for drivers emerging from The Avenue onto the C345.

7.22 Incremental development served by The Avenue inevitably increases the number of vehicle movements over time. Notwithstanding, the Highways Authority has concluded, for two main reasons, that refusal of planning permission on highway grounds, or a requirement for junction improvements, would not be sustainable in the event of an appeal.

7.23 Firstly, The Highway Authority has previously undertaken vehicle speed readings on the approaches to the junction. These revealed 85thile vehicle speeds of 31.6 mph westbound and 34.7 mph eastbound. The survey also served to confirm that the C345 can be regarded as relatively lightly trafficked, carrying around 3 vehicles / minute in each direction in each of the peak hours.

7.24 Secondly, the Highway Authority conclusion is also informed by appeal decisions in respect of development served by The Avenue. Historically, two decisions were relevant. Application ref C/06/D/293 for 3 dwellings and replacement dwelling was refused permission for, inter alia, adverse effect on highway safety. In allowing the appeal the Planning Inspector noted that there had been no recorded accidents, traffic appeared light and vehicles negotiated the junction with little difficulty. It was concluded that allowing the proposed development would not lead to any significant harm to highway safety.

7.25 Further, in 1999 permission (ref C/99/D/265) was granted for one dwelling subject to a condition requiring an improvement to the junction between The Avenue and the C345. An appeal against imposition of the condition was allowed, the Inspector indicating that traffic flows were "fairly light" and that "the limitations (of the junction) are self-evident...and (residents) will no doubt exercise due caution in emerging onto the highway". The condition was therefore regarded as unnecessary and not fairly and reasonably related in scale to the development, in the context of the "tests" of valid planning conditions.

7.26 There is now, however, a very recent appeal decision dated 23 April 2018 referenced APP/P2935/W/16/3165719 in relation to the construction of 4 dwellings on another plot accessed via 'The Avenue' (application ref 16/01647/OUT) which was allowed, and has highlighted the Planning Inspectorate's view in relation to applications for dwellings and the traffic generated.

Whilst permission was not refused for a highway reasons the Inspector states in paragraph 22:-

"I have had regard to the concerns of local residents in respect of the effect of traffic generated by the development on the surrounding highway network. However, whilst I note the comments of the Local Highway Authority with regard to visibility at the access onto the C345, the traffic generation from four dwellings would likely be relatively modest in the context of existing and future vehicular movements on The Avenue and there is no compelling evidence that the highway impacts would be severe having regard to paragraph 32 of the Framework."

7.27 Therefore, taking into consideration the Planning Inspectorate's view, which supports the previously expressed conclusions of the Highway Authority, whilst having some concerns regarding the junction with the C345, the Highways Authority are unable to support a recommendation of refusal for the proposed development.

7.28 The Highways Authority has noted that the proposal is, effectively a renewal of a previous permission granted under reference 14/00815/OUT, notwithstanding that the permission has lapsed. It is regarded as a material consideration that development has previously been permitted and there are no highway objections to the current proposal subject to recommended conditions as set out below. These essentially replicate the conditions attached to permission ref 14/00815/OUT but with some minor changes to wording to reflect a degree of standardisation.

7.29 As such, subject to the conditions suggested by the Highway Authority the development is considered to be acceptable in terms of access and parking and in this regard accords with the NPPF.

Equality Duty

7.30 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

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

Human Rights Act Implications

7.32 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.

7.33 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.

7.34 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 Consideration has been given to potential effects on character, visual amenity, highway safety and drainage at the site and surrounding area. There are not considered to be any significant harmful impacts, and any effects could be satisfactorily mitigated through appropriate conditions where necessary. It is therefore considered that sustainable development would be achieved in this case having regard to the relevant policies of the development plan and the NPPF. The identified development plan policies set out are considered to be consistent with the NPPF.

8.2 The application is outline only and therefore no details have been provided of the size, type and design of the dwelling. The plot size is consistent with those of the adjoining plots and its substantial size means that it would easily accommodate a dwelling of generous proportions without resulting in overdevelopment and the dwelling could easily be designed to negate any overlooking issues with the adjacent properties.

8.3 The application is considered to be in accordance with Policy PNP1 and PNP2 of the Ponteland Neighbourhood Plan, Policy H15 of the Castle Morpeth District Local Plan and the NPPF.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

01. Approval of the details of the landscaping and appearance hereinafter called the reserved matters shall be obtained from the Local Planning Authority.

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

02. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

03. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

04. Prior to the commencement of development 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 a planting schedule setting out species, numbers, densities and locations, the provision of screen walls or fences, the mounding of earth, the creation of areas of hardstanding, pathways, etc, areas to be seeded with grass, and other works or proposals for improving the appearance of the development. The scheme shall be carried out in accordance with the approved drawings not later than the expiry of the next planting season following commencement of the development, or within such other time as may be approved with the Local Planning Authority. The landscaped areas shall be subsequently maintained to ensure establishment of the approved scheme, including watering, weeding and the replacement of any plants, or areas of seeding or turfing comprised in the approved landscaping plans, which fail within a period up to 5 years from the completion of the development.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion, and in accordance with the provisions of Policy H15.

05. The development hereby approved shall be carried out in complete accordance with the approved plans. These plans are:

1. Proposed site plan PSP1
2. Location Plan received 6th March 2018

Reason: For the avoidance of doubt, and in the interests of proper planning.

06. Development shall not commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the demolition/ construction period. The Construction Method Statement shall, where applicable, provide for:

- i. vehicle cleaning facilities;
- ii. the parking of vehicles of site operatives and visitors;
- iii. the loading and unloading of plant and materials;
- iv. storage of plant and materials used in constructing the development

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework.

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

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

08. 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 accessibility and vehicular convenience, in accordance with the National Planning Policy Framework

09. The development shall not be occupied any existing means of vehicular access has been permanently closed to vehicular traffic.

Reason: In the interests of accessibility and vehicular convenience, in accordance with the National Planning Policy Framework

Informative

01. In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

Date of Report: 22.05.2018

Background Papers: Planning application file(s) 18/00836/OUT