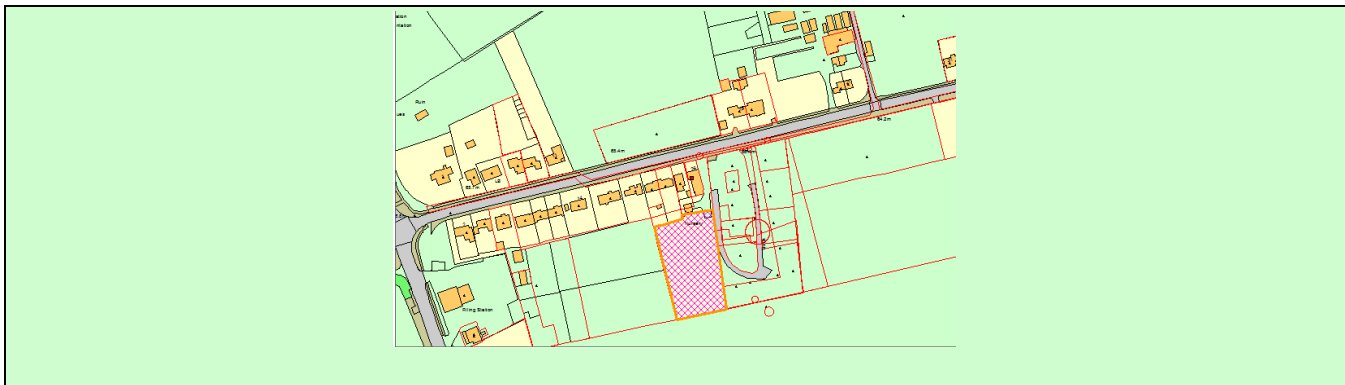




# Northumberland County Council

## CASTLE MORPETH PLANNING COMMITTEE 8<sup>th</sup> October 2018

<b>Application No:</b>	18/02189/FUL		
<b>Proposal:</b>	Construction of 6 detached bungalows		
<b>Site Address</b>	26 Station Road, Stannington, Morpeth, Northumberland NE61 6DS		
<b>Applicant:</b>	Mr & Mrs Alan & Victoria Fleming 13 Telford Court, Morpeth, NE61 2DB,	<b>Agent:</b>	Mr Tony Carter 13 Telford Court, MORPETH, NE61 2DB,
<b>Ward</b>	Ponteland East And Stannington	<b>Parish</b>	Stannington
<b>Valid Date:</b>	26 June 2018	<b>Expiry Date:</b>	21 August 2018
<b>Case Officer Details:</b>	Name: Mrs Tamsin Wood Job Title: Senior Planning Officer Tel No: 01670 625545 Email: tamsin.wood@northumberland.gov.uk		



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### 1. Introduction

- 1.1 The application is being determined by the Castle Morpeth Local Area Council at the request of Cllr Richard Wearmouth due to issues relating to the defining of a defensible greenbelt boundary for this part of Stannington Station.

### 2. Description of the Proposals

- 2.1 Planning permission is sought for the construction of 6 detached bungalows on land to the rear of 26 Station Road, Stannington. Two different types of

house designs are proposed. House Type A, which would be located on Plots 1, 2, and 3, would measure 9.5m in length by 12.25m depth, 2.1m to the eaves and reach a ridge height of 5.3m. They would have hipped roofs and be constructed of red brick with a slate roof. The dwellings would have three bedrooms, a bathroom, kitchen, living room and integral garage. House Type B, which would be located on Plots 4, 5, and 6, would measure 10.11m in length by 10.2m depth with a living room projection of 4.7m and length of 4.7m. The eaves height would reach 2.1m and the ridge height would reach 5.3m. The dwelling would have three bedrooms, two bathrooms, a kitchen/ dining space and living room. They would all have hipped roofs and be constructed of red brick with a slate roof. These properties would also have detached garages to the front. The site would be accessed from the estate to the east of the site which is currently undergoing construction. The access road through the site would run in an easterly/ westerly direction with house type A properties to the north of this and house type B properties to the south of this.

- 2.2 The application site is garden area to nos 26 Stannington Station Road. This was flat and grassed with trees within and around the site. The site is however currently being used as the site compound to the estate under construction to the east of the site and approximately 80% of it has been cleared and a large soil heap from the development next door has been created on it. There are still some trees around the edge of the site and hedge along the southern boundary. The compound would however be temporary and the garden would need to be reinstated after.
- 2.3 The application site is located to the southern edge of Stannington Station Road. Stannington Station Road is not within a settlement boundary and as such the site is located in the open countryside. The site also lies within the Green Belt.

### 3. Planning History

**Reference Number:** CM/87/D/257

**Description:** Demolition of existing bungalow and erection of new bungalow (as amended by drawing received 19th June 1987)

**Status:** Approved

**Reference Number:** CM/93/D/213

**Description:** Erection of 2 no polytunnels and 1 no glasshouse as amended by letter and plans received 25/10/93 10/1/97 and 10/3/97

**Status:** Approved

**Reference Number:** 17/01399/FUL

**Description:** Construction of 6 bungalows (C3 use)

**Status:** Refused

**Reference Number:** 17/04162/FUL

**Description:** Erection of 6 bungalows (C3 use)

**Status:** Approved

**Reference Number:** 13/01878/OUT

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

**Status:** Refused

**Reference Number:** 13/03785/OUT

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

**Status:** Approved

**Reference Number:** 15/01577/FUL

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

**Status:** Withdrawn

**Reference Number:** 15/02576/REM

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

**Status:** Approved

**Reference Number:** 16/02285/FUL

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

**Status:** Approved

**Reference Number:** 16/02363/VARYCO

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

**Status:** Approved

**Reference Number:** 16/02386/DISCON

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

**Status:** Approved

**Reference Number:** 16/02390/DISCON

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

**Status:** Approved

**Reference Number:** CM/77/D/717

**Description:** Residential development

**Status:** Refused

**Reference Number:** CM/81/D/544

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

**Status:** Approved

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

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

**Status:** Approved

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

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

**Status:** Approved

#### 4. Consultee Responses

Stannington Parish Council	No response received.
Highways	No objection subject to conditions.
County Ecologist	No objection subject to conditions.
Public Protection	No objection subject to conditions.
Waste Management - South East	No response received.
Lead Local Flood Authority (LLFA)	No objection subject to a condition.
Northumbrian Water Ltd	No comment. Request condition to be attached.
County Archaeologist	No objections and no further archaeological work is required.
Coal Authority	No objection and no condition proposed. The site is safe and stable for the proposed development.

**5. Public Responses**  
Neighbour Notification

Number of Neighbours Notified	15
Number of Objections	5
Number of Support	7
Number of General Comments	2

Notices

General site notice, 3/7/18  
No Press Notice Required.

Summary of Responses:

We have received 7 letters of objection (including 3 from one household and 2 from another household). In summary the objections relate to :

- Land being decimated
  - Narrow road into Furrow Grove and lack of visitor parking causing traffic/ parking problems
  - Limited resources at Stannington Station Rd, bus services have dropped and therefore need to use private transport,
- Impact on local roads ie, busier and more congestion,
- Rural feel eroded,
- Not sustainable and no economic or environmental benefit,
- No affordable housing,
- It is executive

- Overdevelopment
- Trees and shrubbery removed
- Impact on privacy to 8 Furrow Grove
- Impact on Green belt openness and there are no benefits which would outweigh the harm to it
  - Plans do not show lounge extension of 8 Furrow Grove- impact on privacy, light and shadowing,
- 70% mature trees and hedgerows have been removed
- Parking problems
- Pollution from noise, dust and dirt,
- Removal of green space,
- Constitutes unrestricted sprawl
- No evidence to suggest any further housing is required
- Does not respect local character, alters landscape

7 letters of support have also been received which in summary make comments relating to:

- Bungalows allowing light into your homes and gardens
- Excellent example of what should be allowed in the Green Belt
- Is infilling and no impact on Green belt
- Will blend into the area
- Rounds off Station Road nicely
  - Has good links to Morpeth and Newcastle, near bus stop, high demand for bungalows.

2 neutral letters have also been received which in summary make comments relating to;

- The inadequate parking facilities of the existing development and concerns over the provision of parking for the whole site

## **6. Planning Policy**

The adopted Development Plan for the area within which the application site is located comprises the policies of the recently 'made' Stannington Parish Neighbourhood Plan, 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 to the north of Morpeth.

### **6.1 Development Plan Policy**

- C1 Settlement boundaries
- H15 New housing developments
- H16 Housing in the countryside
- RE5 Surface water run-off and flood defences
- RE6 Service Infrastructure
- RE8 Contaminated Land
- RE9 Land Stability
- C11 Protected Species
- C15 Landscaping
- C16 Green Belt

## Stannington Parish Neighbourhood Plan- Made September 2018

Policy 6 Broadband

Policy 10 Design and Character

### 6.2 National Planning Policy

National Planning Policy Framework 2018 (NPPF)

National Planning Practice Guidance (amended, 2018)

### 6.3 Other Documents/Strategies

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

## **7. Appraisal**

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

- Principle of development
- Siting and design
- Impact on residential amenity
- *Landscaping/ Impact on trees*
- *Highway safety*
- *Ecology*
- *Sewerage and surface water*
- *Archaeology*
- *Coal Risk*
- *Contamination*

### *Housing Supply*

7.2 In accordance with the NPPF, the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide five year's worth of housing against their housing requirement. The five year housing land supply position is pertinent to proposals for housing in that paragraph 11 (d) and corresponding footnote 7 of the NPPF indicates that the presumption in favour of sustainable development applies where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.

7.3 As set out in paragraph 73 of the NPPF, where the strategic policies are more than 5 years old, local planning authorities should measure their housing land supply against their local housing need. In accordance with the standard methodology, Northumberland's local housing need figure is currently 717 dwellings per annum. Against this requirement, and taking into account the supply identified in the Council's latest Five Year Supply of Deliverable Sites 2017 to 2022 report, the Council can demonstrate a 12.1 years supply of housing land. Therefore Northumberland clearly has more than a 5-year housing land supply, and as such, in this context, the presumption in favour of sustainable development does not apply.

- 7.4 This supply position updates that presented in the Council's 'Position statement following withdrawal of the draft Core Strategy (Nov 2017), and in the Five Year Supply of Deliverable Sites 2017 to 2022 report (Nov 2017) which used an Objectively Assessed Need of 944 dwellings per annum, informed by superseded evidence. While the draft Northumberland Local Plan includes a housing target of 885 dwellings per annum, given that the plan is not yet adopted, this target has not been used for the calculation of the Council's five year housing land supply position, as to do so would not reflect the NPPF.

#### Principle of Development

##### *(Open Countryside)*

- 7.5 The application site lies in an area beyond the settlement boundaries of Morpeth and Hepscott as defined in the Castle Morpeth District Local Plan (2003). Therefore the site can be considered as being located in an area of open countryside. Following publication of the National Planning Policy Framework (NPPF) the provisions of saved Local Plan Policies C1, H15 and H16 are still relevant in the determination of this application and remain the starting point for determining the proposals. These policies set out the basic principles against which new residential development proposals in the open countryside, outside of defined settlement boundaries, will be assessed with policies seeking to limit new house building in such locations to essential accommodation only, in line with the advice contained in the NPPF.
- 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. Policy H16 also states that new housing in the open countryside will only be permitted where, inter alia, they are required in connection with the day-to-day operation of an agricultural enterprise and where the proposal accords with other criteria. There are no policies which allow the construction of market residential buildings in the open countryside and the dwellings would not be used in connection with the operation of an agricultural operation. Given this it is considered the principle of new build dwellings on this site would be contrary to Local Plan Policies C1 and H16. These policies generally align with the NPPF which only allows new build housing in the open countryside under very special circumstances, and so appropriate weight may be given to their provisions.
- 7.7 In addition the NPPF goes on to state at paragraph 78 that: 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.' Station Road Stannington does have a few services available for residents including petrol filling station with a small shop, tea room/ farm shop and a restaurant/take-away, and public transport links. This means that the principle of new residential development on the site would accord with the NPPF, as it would be located



in a settlement that has both services of its own and which would utilise services in nearby settlements, such as in Stannington itself which has the first school.

- 7.8 Having regard to the relevant policies in the Development Plan and in giving more weight to national policy, it is considered that this would be a sustainable location for development and as such the principle of the proposal in the open countryside would accord with para 78 of the NPPF, notwithstanding the sites location out with any settlement boundary.

*(Green Belt)*

- 7.9 Saved Northumberland Structure Plan Policy S5 establishes the general extent of a Green Belt extension around Morpeth, with the detailed inner and outer Green Belt boundaries to be defined in a future local plan. While the plan did not define a detailed outer boundary or boundaries to settlements located within the general extent, as worded in Policy S5, it is clear that the application site on Stannington Station Road is located within this extended area. In addition the Castle Morpeth Local Plan (2003) defines boundaries to a number of settlements, it is considered that areas within these settlement boundaries are out with the Green Belt. Stannington, Station Road does not have a defined boundary. Therefore it is considered that in effect, Stannington Station Road is washed over by the Green Belt.

- 7.10 As such the approach to determine whether the site is in Green Belt, as applied by Inspectors in the appeals at High House Lane to the west of Morpeth (APP/P2935/W/17/31677263) , and Land North of Lynebank at Ulgham (APP/P2935/W/17/3167852 is not relevant as both of these sites fell close to either outer or inner boundaries where there was some ambiguity as to whether the sites were in the Green Belt. 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. As this current application site is clearly within the boundaries of the Policy S5 Green Belt and not close to the Green Belt boundary proposed by Policy S5, the same approach does not need to be taken. The application site is therefore within the general extent of the Green Belt as established by Policy S5 of the Joint Structure Plan.

- 7.11 In turn Paragraph 133 of the NPPF attaches great importance to Green Belts, with the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open.

- 7.12 Paragraph 143 of the NPPF highlights that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Paragraph 144 requires Local Planning Authorities (LPA) to ensure that substantial weight is given to any harm to the Green Belt, and that *“very special circumstances’ will not exist unless the*

*potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.*

- 7.13 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.
- 7.14 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 145, 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 145, allows;
- :
- a) buildings for agriculture and forestry;
  - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
  - c) 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;
  - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
  - e) limited infilling in villages;
  - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
  - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 7.15 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 an extension or replacement buildings and it would not be for limited affordable housing for local community needs. As such it would not conform with criteria a,b,c,d,f.
- 7.16 The NPPF does allow *limited infilling in villages* though. There is no definition of an ‘infill’ site in the NPPF although the Authority has received a High Court Appeal Judgement for a house at Tranwell Woods at ‘The Bramblings’ that refers to a previous Inspectors decision which states:
- ‘The site is enclosed on three sides by dwellings with Belt Plantation to the south, and with an extended shared access from the C151. The development intended does not represent a gap in an otherwise [developed] frontage on the C151 through TW – this, in my view, [is] one reasonable test of infill development. To allow the Appeal would add an intrusive element to this*

*sensitive area of countryside. While the dwelling would have limited visibility from public viewpoints, that cannot establish a convincing justification for the proposal. It would be able to be repeated too often, to the detriment of the countryside. Similarly, to grant planning permission would make it more difficult for the Council to resist similar proposals, undermining the clear intent of local planning policy....”.*

- 7.17 A recent appeal decision for a development of 2 dwellings at Bowes Hill (APP/P2935/W/18/3197543) in the Green Belt, also sets out a definition of limited infilling limited infilling. The Inspector stated:

*”I am unaware of any formal definition in planning law, policy or guidance, or in the development plan, of the terms ‘limited’, ‘infilling’ or ‘village’. However, it is reasonable to consider limited infilling as development which would occupy a small gap in an otherwise built up frontage.”*

- 7.18 This follows the definition within the Castle Morpeth Local Plan which states that infilling is the *'Infilling of small gaps within an otherwise continuously built up frontage'*.

- 7.19 In terms of the application site, this would be accessed from a recently built estate road called Furrow Grove and in particular from a hammer head which formed a turning head within this new estate. Furrow Grove itself has an access from the Stannington Station Road. The proposed dwellings would lie to the west and rear of properties within this newly built estate and also lie to the rear of properties which front Stannington Station Road. The properties within application site would be located either side of a new easterly/westerly road with three properties to the north of this with their rear elevations facing the rear of the properties along Stannington Station Road and three properties to the south of the newly formed road. To the west of application site is open paddock land and to the south are open fields. Given these facts on the ground it is considered, the site is not an infill site but an edge of settlement proposal which has characteristics more of backland development. The site is to the rear of existing dwellings which have road frontages and does not constitute an infill site. The site is not located between any buildings and does not have characteristics of infill within a village. Therefore taking into account the surrounding pattern of development it is considered the proposed development would be edge of village development rather than infill development. This is also notwithstanding the two Inspectors view of what is limited infilling in a village which is consistent with Castle Morpeth Local Plans definition. For this reason the proposal would also not satisfy criteria e of para 145 of the NPPF.

- 7.20 In addition criteria 'g' allows 'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.'

- 7.21 As discussed above it is considered the proposal is not limited infilling. In terms of the partial or complete redevelopment of previously developed land, it is also considered as the site forms a garden area to nos 26 Station Road, the site is not 'previously developed land', under the NPPFs definition as this excludes gardens in built up areas. The facts on the ground are that Stannington Station Road is built up. It has a linear built up form with some spaces between dwellings. The site is garden area to nos 26 Station Road which lies in a 'built up' area of Stannington Station Road.
- 7.22 The applicants agent however disputes this and considers the site to be brownfield land which then in this case you would need to assess whether the proposal would have a greater impact upon the openness of the Green Belt than currently exists, according to criteria 'g' of para 145 of the NPPF. The applicants agent in formulating this view has considered the Office for National Statistics (ONS) documents titled 'Urban and Rural Area Definitions for Policy Purposes in England and Wales: Methodology (v1.0)' helpful. However this document only distinguishes urban and rural areas and the information is used for statistical analysis. It does not define a 'built up area'. Regardless of this it is not a planning document either. He has also referred to '2011 Rural-Urban Classification of Local Authority Districts and Similar Geographic Units in England: A User Guide' and states that 'the urban domain is defined as comprising physical settlements with a usually resident population of 10,000 people or more, all other areas being considered to be rural.' Having looked at this document ( versions December 2014 (revised April 2016, further revised January 2017) also notwithstanding the fact it also distinguishes 'urban and rural' areas, which is not relevant in determining if an area is built up, it is used to categorise Local Authority Districts to one of six categories ranging from mainly Rural (rural including hub towns  $\geq 80\%$ ) to Urban with Major Conurbation which it goes on to state at para 2.4 too 'It is very important to note that these categories are not describing the physical character or landscape of a Local Authority District (LAD) but the extent to which the resident population live proportionally in urban or rural and rural-related settlements. The classification is not based on land area. Thus LADs categorised as "Urban" could have in terms of landscape vast areas of open countryside - their status as "Urban" is based on the majority of the resident population living in urban settlements, not on their landscape.' The fact the document therefore admits open areas of countryside can fall within its definition of Urban, further adds weight to the argument that this document can not be reasonably used to define built up areas. By the documents own admission too under para 4.1 it states caution needs to be given in comparing differences in years as changes in the rural-related population can be caused by methodological changes in the identification of such populations. For these reasons therefore and that methodologies change in statistical gathering and analysis which means that where something once fell under a certain definition at what time it could then fall under another definition at a different time, it would be unreasonable to use definitions set out in the Office for National Statistics work. Again, it is important to just simply look at what is on the ground.
- 7.23 In addition the applicants agent has referred to another Office for Statistics document titled 'Characteristics of Built-up areas'(28<sup>th</sup> June 2013) which gives its own definition of a built up area. The document states: '*Built-up areas in*

*England and Wales, previously known as urban areas, have been produced every 10 years since 1981. Built-up areas are defined as land which is 'irreversibly urban in character', meaning that they are characteristic of a village, town or city. **They include areas of built-up land with a minimum of 20 hectares (200,000m<sup>2</sup>)**.....Urban areas will be defined as having 10,000 or more usual residents. Therefore, the minor built-up areas and non-built-up areas.....will be categorised as rural for the purposes of the urban and rural analysis..... England and Wales 95 per cent of the usually resident population lived in built-up areas.....the built-up areas cover 1.4 million hectares (9.6 per cent of England and Wales). This gives a density in built-up areas of 37 persons per hectare.'*

- 7.24 The agent then makes a presumption the site is not in a built up area given their own measurement of built up area in Stannington Station Road being 167, 300 m<sup>2</sup> which is based on a Northumberland Council proposed Green Belt boundary map. However this measurement will be inaccurate as looking at the document called '2011 Built-up Areas- Methodology and Guidance' the method used by the Office National Statistics (ONS) in calculating built up areas is a technologically advanced automated method system which uses a 50 sq m grid and it also links settlements within 200 m of each other. It does not use a NCC proposed Green Belt plan and as such the measurement provided by the agent would not accurate. Notwithstanding this the same document states in its methodology 'built-up areas smaller than the desired minimum size (200,000 m<sup>2</sup>) were discarded.' As such it recognises there are built up areas smaller than 200,000 m<sup>2</sup>. It also states, 'the automated process used to identify the areas is based on a 50m grid. As a result, the boundaries of the areas do not reflect real world features and are therefore not appropriate for detailed planning use.' In addition the Office for National Statistics interactive maps does actually show Stannington Station Road to be a built up area from 2011 with a measurement of 207490m<sup>2</sup> and it falls within E34001617 BUA. The ONS have also confirmed within an email that Stannington Station Road falls within a 'Built Up' area defined by themselves.
- 7.25 As such given the above reasons, that the Office for National Statistics statistical gathering methodologies change and that the above ONS documents are not planning documents, and notwithstanding the fact the ONS themselves define Stannington Station Road to be in a built up area, the most logical and simplest way is to look at what is on the ground. In turn Stannington Station Road has a mainly linear built up form urban in character and the application site forms a garden to a dwelling which faces onto Stannington Station Road. As such the application site does not fall within the NPPF's definition of 'previously developed land'. Therefore for these reasons the proposal would also not satisfy criteria 'g' of para 145 of the NPPF and whether the proposal therefore has a greater impact on the openness than the existing situation does not need to be assessed.
- 7.26 The proposal therefore does not fall within any of the criteria set out under paragraph 145 of the NPPF which sets out exceptions where new build development is allowed in the Green Belt. The proposal is therefore considered to be inappropriate development in the Green belt which is by

definition harmful to the Green Belt and should not be approved except in very special circumstances.

7.27 The applicants agent has submitted information which they consider to amount to 'very special circumstances'. In summary he states:

- The land is previously development land and could be completely redeveloped. The sites immediately adjacent this site have extant planning permissions (ref. 17/01462/FUL, 13/03785/FUL and 15/02576/REM ), which establishes the principle of residential development on this part of Station Road. These schemes were found to be in compliance with paragraph 145 of the Framework and as such can be viewed as having no greater impact on the openness of the Green Belt. In this context the element of the current application which needs to demonstrate 'Very Special Circumstances' is the additional impact taking into account those extant permissions, the topography of the site and the adjacent residential land uses, on the openness of the Green Belt and the purposes of including the land within the Green Belt. . The proposed development, at single storey, represents a far lower density development at a more residential scale than the extant permissions on Station Road, which contains three storey properties, rows of terraced housing and commercial enterprises. This lower density allows the proposed development to incorporate more open space, landscaping and space between properties across the site.

*In response to this when the above applications were assessed different circumstances existed which led to the determination that the principle of the proposals were considered to be acceptable. These applications do not establish that the principle of residential use in the area is acceptable either. It only established residential use on those particular sites was acceptable. In addition it is not considered the surrounding land uses , topography of the land which was flat until the land was reformed by a soil mound from the adjacent building site and that the development is single storey with a low density form 'very special circumstances' which 'clearly outweigh' the potential harm to the Green Belt by reason of inappropriateness caused by the proposal. Although the site is discrete from Stannington Station Road, the actual built form on the land would not preserve the openness of the site. There may be many applications in the green belt where the proposal would be relatively inconspicuous or have a limited effect on the openness of the green belt, but if such arguments were to be repeated the cumulative effect of many permissions would destroy the very qualities that underlie green belt designation. In addition the site would notwithstanding this be viewed from the rear of properties along Stannington Station Road and Furrow Grove. The majority of trees along the western boundary are also not shown to be kept and therefore the site is likely to be visible from the east also.*

- The previous iterations of the emerging Local Plans identified this site within the inset boundary of Stannington Station and therefore once the plans were to be adopted the application site would not be designated as Green Belt. The Council have undertaken a full assessment of Green Belt land across the County and have previously consulted on the inset boundary around Stannington Station numerous times. There were no outstanding objections

to the inclusion of the application site within the inset boundary, with the Parish Council and Stannington Station Interest Group requesting alterations to the boundary elsewhere in the settlement. As there are now unresolved objections to this site now being excluded from the inset and solid planning reasons why the site should not be included in the Green Belt it is highly likely when the Local Plan reaches it's examination stage the site will be included within the inset.

- Paragraph 48 of the NPPF sets out how much weight can be attributed to emerging plans, with greater weight being afforded to plans which are more advanced and where there are no unresolved objections. Given the stage of the Northumberland Local Plan and the unresolved objections relating to the application site, the emerging inset boundary for Stannington Station cannot be attributed material weight in the decision making process. The weight that can be attached to this element of the Plan represent another 'Very Special Circumstance' which overcomes the limited impact on the openness of this part of the Green Belt.

*In response to the above two points the Northumberland Local Plan is at its very early stages and it is agreed the emerging plan can be attributed limited weight and thus little weight can be given to the proposed inset boundary of Stannington Station Road within which it does not include the application site. Previous iterations of the Local Plan can not be given any weight either, especially as these were withdrawn. It is therefore premature to state the site will highly be likely to be included in the inset when it reaches examination stage. For these reasons and that the site is within the defined S5 Green Belt Area the site must be assessed as being within the Green Belt.*

- The entire site falls within use class C3 (dwelling houses) and therefore benefits from a number of permitted development rights associated with it's use. Notwithstanding the residential extensions allowed by class A of the GPDO, this would allow for the coverage of up to 50% of the sites total ground coverage (other than the existing dwelling) for structures incidental to the enjoyment of the dwellinghouse up to 4m in height.

*In response to this the development of the site for dwellings brings with it associated residential paraphernalia and vehicular movements which would have a much greater impact on the openness of the Green Belt.*

- With regard to consistency, regard has been had to other 'previously developed' sites on Station Road whereby impact on openness has been a consideration. It is appreciated that there is an element of 'subjectivity' when considering impact on openness however, of all the sites considered on Station Road where this has been a factor, it is considered that this site would have the least impact on openness than any of the other sites on Station Road. By way of a stark example I attach a 'crude' example of the Stannington Nursery site.

*In response to this when other applications have been assessed the principle of the proposals were considered to be acceptable and the impact of the proposal on the Green Belt was assessed at that time. In this instance the principle of the proposal is not considered to be acceptable and the proposal*

*is considered to be inappropriate development in the Green Belt which is by definition harmful. The impact of other proposals on the Green Belt does not in any way make this proposal any less harmful.*

- 7.28 As such taking into account the LPAs response to each 'very special circumstance' set out, it is considered that very special circumstances have not been demonstrated to exist which would clearly outweigh the potential harm of the proposal to the Green Belt by reason of inappropriateness. 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. The principle of the proposal within the Green Belt is therefore not considered to be acceptable and not in accordance with Local Plan Policy C17 and the NPPF.

#### Siting and design

- 7.29 Policy H15 of the Local Plan specifies the detailed requirements for new housing developments and seek to ensure high quality design whilst protecting the amenity of neighbouring properties. Given that Local Policy H15 promotes good design, it is considered that due weight can be given to this policy as it is generally consistent with guidance set out in the NPPF.
- 7.30 It is considered the curtilage of the proposed dwellings are commensurate with the size of the proposed dwellings. Whilst the rear garden depths range in depth from 4m and upwards all the properties have sufficient land around them which would enable future residents to enjoy a good standard of amenity space. Whilst Stannington Station Road has a diverse and varied character which includes a variety of individual house types, designs and a mix of materials with no distinctive or singular vernacular character the dwellings do reflect the general character, scale and density of the dwellings directly to the east of the site, with similar rear garden spaces too. As such whilst concern has been raised that the development is out of character the properties would not look out of character with the development to the east. Given these material considerations it is considered that, the design and siting of the new dwellings within their plots is acceptable and would not adversely impact upon the character of the area and accord with Local Plan Policy H15 and the NPPF.

#### Impact on residential amenity

- 7.31 An objection has been raised from the resident of nos 8 Furrow Grove as they are concerned over loss of privacy from the development. However as there is only one window facing this property which would also be at ground floor and given the proposed dwelling is a bungalow, it is considered this neighbour would not be impacted upon in terms of loss of privacy. A condition could also be attached to ensure this window has obscure glazing. In addition concern has been raised regarding dust from construction and noise. Public Protection have no objection to the scheme however subject to conditions which would limit working hours of construction and as such noise from the site and which relate to dust and flood lighting. These are proposed to limit the impact on amenity of neighbouring dwellings. Overall it is considered that the proposed



dwellings would not adversely impact upon the residential amenity currently enjoyed by the occupiers of any neighbouring properties in terms of loss of light, outlook and privacy and given the position and distances between each new dwelling the residential amenity of the occupiers of the proposed dwellings would not be impacted upon, in accordance with Policy H15 of the Local Plan.

#### Landscaping/ Impact on trees

- 7.32 A large amount of trees have been removed around the site previous to the application being submitted. Whilst concern has been raised regarding this planning approval was not required for this. Whilst the existing plan does not show any landscaping a site visit confirmed that there are still a number of trees along the western boundary of the site and hedgerow along the southern boundary. The proposed plan does not however show the majority of existing trees along the western boundary and as such a number of these could be removed. These could be removed at any time however with out planning permission. It is also not clear if the hedgerow along the southern boundary is to be retained or not and what is shown on the proposed plan is existing or proposed. No landscaping details have been submitted in support of the proposal. As such subject to conditions which require this southern hedge and any trees that are to remain being protected through out the development and that a landscaping scheme is submitted the proposal would therefore be in accordance with Local Plan Policy C15.

#### Highway Safety

- 7.33 The proposed dwellings would be served by a new road created from a hammerhead from the estate being constructed to the east of the site. Access into this previously approved estate is directly from Stannington Station Road. From the new road each dwelling would be provided with a garage and parking area to the front of this. A number of objections have been received to the development which raise concerns over the existing parking problems on the estate developed to the east of the site which this proposed new access would lead off from and they raise concerns over the lack of infrastructure in the area and that the additional vehicles would have a greater impact on the highway network. The Highway Authority have been consulted and have examined the access arrangements, parking, provision for cycle parking and refuse facilities and ability for the road network to accommodate further traffic and have raised no objection subject to a number of conditions. Therefore whilst objections have been raised the proposed development is considered to be acceptable in this respect, subject to the suggested Highways conditions and as such the proposal would be in accordance with Local Plan Policy H15.

#### Ecology

- 7.34 The County Ecologist has examined the submitted Extended Phase 1 Habitat Survey, and have raised no objections to the scheme subject to conditions which would ensure mitigation is incorporated into the scheme in relation to bats and birds. Subject to this the proposal would accord with Local Plan Policy C11, which is designed to safeguard protected species from harm and

disturbance. This aligns with the NPPF at chapter 11 in terms of minimising impacts on biodiversity and providing net gains where possible.

### Sewerage and surface water

- 7.35 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Policy RE5 states that new development shall not be permitted in flood risk areas or where development may increase the risk of flooding elsewhere. Policy RE6 states that the Council will consider the implications of granting planning permission for new developments as they affect land drainage, water supply and sewerage. Policy H15 also advises that developers must, where proposals are at risk of flooding or may increase flooding elsewhere, demonstrate that the proposal will not cause an unacceptable risk of flooding.
- 7.36 The application site is located within Flood Zone 1, which is the lowest risk for flooding; as such a Flood Risk Assessment is not required for this application. On sites where there is an increase in impermeable area, or development within the flood zone, however there is always the potential to increase the risk of flooding as a result of the development. A foul and surface drainage strategy has been submitted with the application.
- 7.37 Northumbrian Water have been consulted and have stated that the planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess their capacity to treat the flows from the development. As such they recommend a condition to ensure these details are submitted. The Lead Local Flood Authority have also been consulted and although originally objected to the proposal on the grounds that further information was required, have now withdrawn their objection subject to a condition requests a scheme for surface water management to be submitted and an informative which requests paving to be of a permeable material. As such subject to the suggested conditions the scheme for the disposal of foul and surface water is considered to be acceptable and would not potentially increase the risk of flooding to the site and adjacent site, in accordance with Local Plan Policy RE5 Surface water run-off and flood defences and RE6 Service Infrastructure and the flooding section of the NPPF.

### Archaeology

- 7.38 The County Archaeologist has been consulted and initially requested that an archaeological field evaluation should be carried out prior to determination in order to assess the impact of the proposal on archaeological remains. Since then the applicant has provided some additional information (report by Daniel Still, Archaeological Services, Durham University, 2nd August 2018) following a site meeting with the County Archaeologist. The County Archaeologist confirmed this showed that 'site landscaping activities associated with the permitted development (17/04162/FUL) east of the present application site have been undertaken and some of the activities have extended into the present application site. These activities, including ground reduction, topsoil

stripping, reprofiling, construction of a temporary soil storage mound and the construction of a temporary site compound which are understood to have included stripping the soil to the level of natural clay geology. This process will have impacted or destroyed any archaeological features or deposits within their footprint.' The County Archaeologist goes on to state 'it is evident that c.80% of the present application site has been subject to construction / landscaping impacts likely to have impacted or destroyed any archaeological features that may have been present, leaving only the northernmost c.20% of the site apparently undisturbed. However, it is understood that a mains sewer crosses this area.' As a result the County Archaeologist has no objections to the application and states no further archaeological work is required in connection with this particular application given the archaeological remains to survive within the present application site is considered to be low. The proposal itself given the current state of the site is therefore considered to be acceptable as it will not have a detrimental impact on archaeological remains and thus is in accordance with the NPPF which seeks to sustain the status of heritage assets (including non-designated archaeology).

### Coal Risk

- 7.39 The application site falls partly within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically probable shallow coal mine workings. The application is therefore accompanied by a Coal Mining Risk Assessment Report which has been informed by up-to-date geological and mining information.
- 7.40 The Coal Authority concurs with the report which confirms that the shallowest coal seam underlying the site is not of a significant thickness and therefore would not have been worked and accordingly no specific remedial measures are considered necessary. Therefore the Coal Authority confirm that the report is sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development and they therefore have no objection to the proposed development. As such the proposal is considered to be acceptable and in accordance with Local Plan Policy RE9.

### Contamination

- 7.41 Public Protection have been consulted and have no objection to the proposal subject to conditions regarding potentially contaminated land. Subject to these conditions it is considered the proposal would accord with Local Plan Policy RE8 Contaminated Land .

### Affordable housing

- 7.42 A concern has been made that no affordable housing is being provided however the application is not a major application and therefore it is not required by the NPPF.

## Other Matters

### Equality Duty

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

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

### Human Rights Act Implications

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.

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.

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. Recommendation**

That this application be REFUSED permission subject to the following:

## Reason

01. The site lies in an area of Green Belt where the siting of new dwellings is considered to be inappropriate development, which is by definition harmful to the Green Belt. There are no very special circumstances that would outweigh the harm and so the proposal is therefore considered to be contrary to the NPPF, Joint Structure Plan Policy S5 and Castle Morpeth District Local Plan Policy C17.

**Date of Report:** 18.07.2018

**Background Papers:** Planning application file(s) 18/02189/FUL