



Northumberland County Council

Castle Morpeth Local Area Council 12 November 2018 ADDENDUM REPORT

Application No: 16/04486/FUL

Proposal: Detailed planning proposal for 53 residential dwellings and associated infrastructure on land North of The Garth, Pottery Bank, Morpeth

Site Address: Land North of The Garth, Pottery Bank, Morpeth, Northumberland

Applicant: Mr.Samuel Kenny, Persimmon Homes

Recommendation: That committee confirm the grounds of appeal that the Council will seek to defend in respect of the current planning appeal.

1. Introduction

1.1 This application was previously considered by Castle Morpeth Local Area Council on the 12 February 2018. Members resolved that the application should be refused against the recommendation of officers for the following reasons:

1. Insufficient information has been submitted to assess whether the development will not have a severe residual cumulative impact on the highway network. The development is therefore contrary to the NPPF (2012).
2. The site is not a designated site for housing development and is therefore contrary to the Morpeth Neighbourhood Plan (May 2016).
3. Insufficient information has been submitted to fully demonstrate that the development will not increase the risks of flooding. The development is therefore contrary to the NPPF and Policy Inf1 - Flooding and Sustainable Drainage of the Morpeth Neighbourhood Plan (May 2016)
4. The proposed development by virtue of its design, height and massing, would have an adverse impact on the amenity of residents at Pottery Bank Court , contrary to the NPPF, Castle Morpeth Local Plan Saved Policy H15 (2003, Saved Policies 2007) and Policy Des1 of the Morpeth Neighbourhood Plan (May 2016).

- 1.2 The applicant lodged an appeal with the Planning Inspectorate on the 28 August 2018 against this decision. The appeal is due to be decided following a Public Inquiry that will take place during 2019. The precise inquiry date has not yet been decided.
- 1.3 In addition to lodging the above appeal, the applicant has also submitted a revised planning application for 53 dwellings on the site (Application Ref: 18/02629/FUL). It is envisaged that this application will be brought before Castle Morpeth Local Area Council on the 10 December 2018 for a decision.
- 1.4 The proposed site layout on this revised application is virtually the same as that proposed in the previous application with only minor changes proposed to the highways layout for the affordable dwellings adjacent to the site entrance. Minor changes are also proposed to one of the split level house types at the southern end of the proposed dwelling layout, although no changes are proposed to the design, height or massing of the Vanburgh house types closest to the existing dwellings in Pottery Bank Court.
- 1.5 However, the applicant has submitted revised versions of the Transport Statement and Flood Risk Assessment.
- 1.6 The revised Transport Statement includes the results of a further traffic survey that was undertaken by the applicant's transport consultants in April 2018 at the junction of Leslies View and Fulbeck Lane with the A192. This was undertaken as a check in respect of likely trip rates that would be generated by the proposed development based upon current trip rates associated with residential properties on the Lancaster Park estate. The results indicate that trip rates from the proposed development are likely to be lower than those previously predicted, with trip rates generated for the Lancaster Park estate from the TRICS database, which was previously used to predict development trip rates, being 39% higher than observed trip rates from that estate. Account has also been taken in the revised Transport Statement of recently approved developments on the St. George's and Lancaster Park sites.
- 1.7 This revised Statement has been assessed by the Council as Local Highway Authority, who have advised again that they have no objections to the proposed development and its access arrangements subject to conditions relating to detailed matters.
- 1.8 The revised Flood Risk Assessment provides further detail in respect of surface water drainage arrangements for plots 21-24 which lie in close proximity to a spring on the site.
- 1.9 The Council as Lead Local Flood Authority (LLFA) had advised in respect of the previous refused application that the details of surface water drainage for these plots could be dealt with by means of a condition, with both the LLFA and Environment Agency advising that they had no objections to the proposed development in its entirety subject to conditions.
- 1.10 The Environment Agency have advised in respect of the revised application that their view of the development remains unchanged. The LLFA have

likewise not raised any objections of principle but have sought some further detail from the applicant in order to inform the wording of conditions that they would be wishing to recommend in due course.

- 1.11 In light of all of the above, officers have taken advice from Counsel in respect of the appeal against the refused application and it is considered that it would not be reasonable for the Council to seek to defend refusal reasons 1 and 3 in relation to highways and flood risk matters and that to do so would place the Council at significant risk of incurring substantial costs for unreasonable behaviour.
- 1.12 It should also be noted by Members that officers have made an approach to Morpeth Town Council, who objected to the application that is now the subject of an appeal, to ascertain whether or not they intend to apply for Rule 6 status in order to present evidence in their own right as a party to the appeal at the forthcoming inquiry in respect of the refusal reasons.. The Town Council have advised that they do not intend to apply for Rule 6 status.
- 1.13 Notwithstanding the above, Counsel have advised that a case could be presented by the Council in respect of refusal reasons 2 and 4.

4. Recommendation

That Members resolve that in respect of the appeal lodged with the Planning Inspectorate concerning refusal of planning application reference 16/04486/FUL that the Council will defend only refusal reasons 2 and 4 of that decision but not refusal reasons 1 and 3.

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Appendices:

1. Report to Castle Morpeth Local Area Council 12/02/18 in respect of planning application reference 16/04486/FUL.
2. Minutes of Castle Morpeth Local Area Council 12/02/18

Date of Report: 25.10.2018

Background Papers: Planning application file(s) 16/04486/FUL