

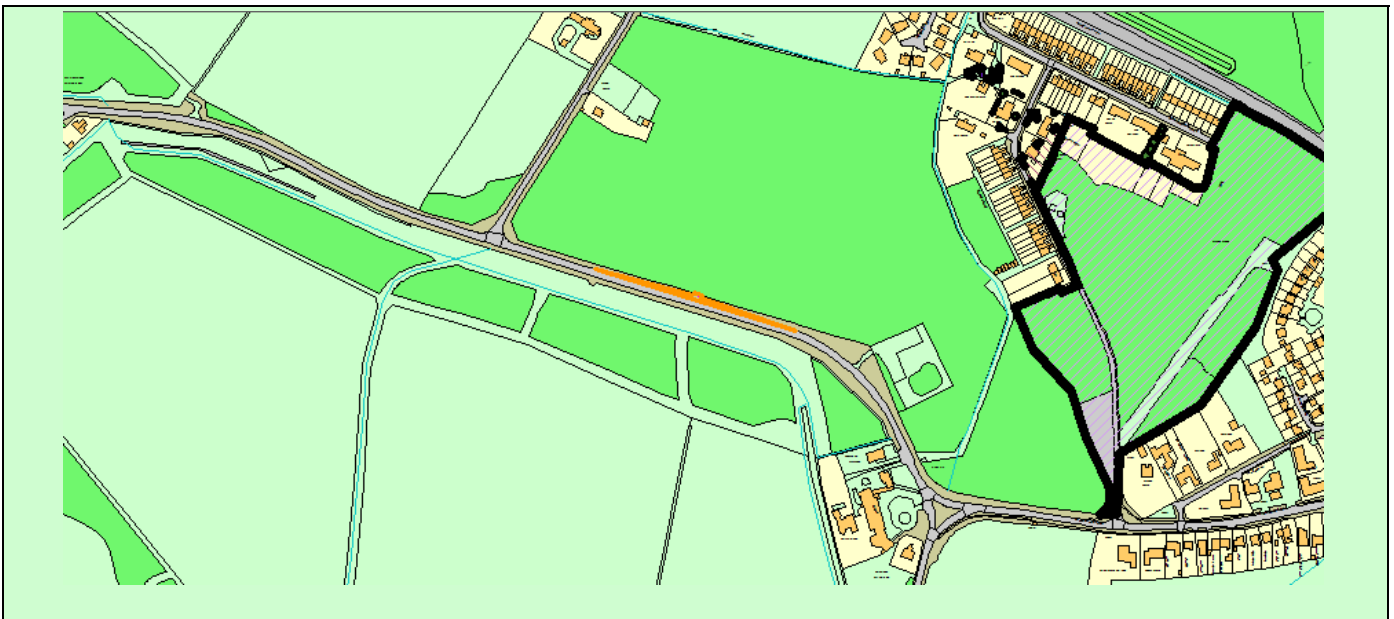


Northumberland County Council

Castle Morpeth Local Area Council 11th February 2019

Application No:	18/03703/FUL		
Proposal:	Proposed junction for agricultural forestry access to land adjacent Fir tree nursery site (further info recd 13/11/18)		
Site Address	Land West Of Fir Trees Nursery, Widdrington Station, Northumberland,		
Applicant:	Mr Clive Milner Riverside Riding Centre, Low Barmston Farm, Washington, Tyne And Wear NE38 8LF	Agent:	Mr Gavin Knox 3 Orchard Terrace, Rowlands Gill, Tyne And Wear, NE39 1EG
Ward	Pegswood	Parish	Widdrington Station And Stobswood
Valid Date:	25 October 2018	Expiry Date:	13 February 2019
Case Officer Details:	Name: Mr Ryan Soulsby Job Title: Planning Officer Tel No: 01670 622627 Email: Ryan.Soulsby@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



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1. Introduction

- 1.1 Following an objection against the application from Widdrington Station and Stobswood Parish Council, the application was placed on the chair referral list for a decision to be made by the head of service and chair of the planning

committee as to whether or not the application should remain under delegated powers or for a decision to be made by members. It was confirmed by the chair that the application should be decided at the February Castle Morpeth Local Area Council.

2. Description of the Proposals

- 2.1 Planning permission is sought for the creation of a new vehicular access on land adjacent to Fir Trees Nursery, Widdrington Station.
- 2.2 The proposed access would be sought from the unnamed public highway located to the West of Widdrington Station and South West of Stobswood. This access would provide entrance to the medium sized woodland located within this area. The applicant has provided correspondence confirming requirement of this access to carry out forestry work.
- 2.3 The access would be constructed using tarmac, brought up to an adoptable standard with 2m high steel palisade gates set back into access.

3. Planning History

N/A

4. Consultee Responses

Widdrington Station Stobswood PC	The Widdrington Station & Stobswood Parish Council have considered the application. They have expressed concern at the application as there is already an existing adequate access just West of the School House. They also question why the signature in regard to the Ownership Certificates and Agricultural Land Declaration at Section 24 of the application has been blacked out. Therefore, they recommend that the application is refused.
Highways	No objection subject to condition and informatives.

5. Public Responses

Neighbour Notification

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

Notices

General site notice, 2nd November 2018
No Press Notice Required.

Summary of Responses:

None received

6. Planning Policy

6.1 Development Plan Policy

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

Policy C1 – Settlement Boundaries

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2018)

NPPG - National Planning Practice Guidance (2018, as updated)

6.3 Other documents/strategies

Northumberland Local Plan (NLP) – (Regulation 18)

STP 7 - Design principles

7. Appraisal

7.1 The main considerations in the assessment of this proposal are:

- Principle of development;
- Visual impact and character;
- Highways safety.

Principle of development

- 7.2 The National Planning Policy Framework (NPPF), at Paragraph 12, advises that the development plan remains the starting point for decision making. The Framework does, however, continue by advising that due weight should only be given to relevant policies within existing plans according to their degree of consistency with the Framework; the closer the policies in the plan align with the Framework, the greater the weight they can be given (paragraph 213). The Castle Morpeth District Local Plan (2003) forms the relevant development plan and considerations needs to be given to its consistency with the Framework.
- 7.3 Paragraph 48 of the NPPF states that local authorities may also give weight to relevant policies within emerging local plans according to the stage of preparation, the extent of unresolved objections against policies and the degree of consistency with the NPPF. The emerging Northumberland Local Plan is currently at draft stage and therefore can be given limited weight in the assessment of this application.
- 7.4 Policy C1 of the Castle Morpeth District Local Plan details that development in the open countryside beyond settlement boundaries will not be permitted unless the proposals can be justified as essential to the needs of agriculture or forestry. The site is situated outwith of any defined settlement boundaries when assessing this against the proposals map and is therefore considered as open countryside land.

- 7.5 Whilst recognising the site as open countryside, the works clearly relate to forestry development with the creation of the access allowing a safe passage into the woodland to carry out necessary works to the trees. Taking this into consideration, the principle of development is therefore considered to accord with the provisions of policy C1 of the Castle Morpeth District Local Plan and the NPPF.

Visual impact and character

- 7.6 Whilst there are no general design policies within the Castle Morpeth District Local Plan, the NPPF at paragraph 124 recognises good design as a key aspect to sustainable development. Paragraph 127 goes on to note that development must be visually attractive and be sympathetic to local character. Policy STP 7 of the emerging Northumberland Local Plan can also be referenced within this assessment which stipulates that development will be expected to 'contribute to, or enhance, the positive aspects of local character' whilst incorporating 'high quality aesthetics, materials and detailing'.
- 7.7 A site visit was carried out by the officer to assess the application site and surrounding area. The prevailing character of the landscape is that of open countryside with open fields and trees bounding the public highway. It was identified to the East of the application site that identical dark green palisade fencing to that proposed within the application exists at 'Fir Trees Nursery' thus ensuring that the addition of gates at the application site of the same material would not detrimentally impact upon the appearance of the area. The proposed tarmacking of a small parcel of land to allow access off the existing public highway would not be to the detriment of the surrounding landscape.
- 7.7 Taking the above into consideration, it is officer opinion that the proposed works represent an acceptable addition to the site and surrounding area in accordance with the NPPF and policy STP 7 of the emerging Northumberland Local Plan.

Highways safety

- 7.8 Consultation was undertaken with the local authority's highways department in regards to any potential highways safety implications that may be caused by the development. On the submission of further information confirming what vehicles would be entering and leaving the site throughout the day, highways DM have confirmed that they would have no objection to the proposal.
- 7.9 Visibility splays upon the proposed access are acceptable at 2.4m x 215m ensuring safe egress from the site onto the existing highway with a 6 metre radius ensuring there would be adequate room for vehicles entering the site off this highway. A condition has been recommended that the proposed access should not be used until the vehicular access has been constructed in accordance with the NCC Type C access specification. The applicant is required to enter into a S184 agreement regarding this.

Equality Duty

- 7.10 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

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

Human Rights Act Implications

- 7.12 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.
- 7.13 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.
- 7.14 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

- 8.1 The proposal represents an acceptable form of development and as detailed above, accords with relevant policies within the Castle Morpeth Local Plan, the emerging Northumberland Local Plan and the NPPF. It is therefore recommended for approval.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:-

1. Location plan (received 25th October 2018)
2. Proposed site plan drawing no. 02B (received 25th October 2018)

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans.

03. The development shall not be occupied until a means of vehicular access has been constructed in accordance with the NCC Type C access specification.

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

Informatives

- 1) Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.
- 2) In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.
- 3) You should note that under the Highways Act 1980 a vehicle crossing point is required. These works should be carried out before first use of the development. To arrange the installation of a vehicle crossing point (and to make good any damage or other works to the existing footpath or verge) you should contact the Highways Area Office at: centralareahighways@northumberland.gov.uk.

Date of Report: 21st January 2018

Background Papers: Planning application file(s) 18/03703/FUL