

NORTHUMBERLAND

Northumberland County Council

STRATEGIC PLANNING COMMITTEE: 5 JULY 2016

Application No:	14/01898/OUT		
Proposal:	Outline application for construction of single detached dwelling house		
Site Address	Land West of Bramblings, Tranwell Woods, Morpeth, Northumberland		
Applicant:	Mrs Susan Leffers- Smith Laurel Cottage, Hammonds Lane, Ropley, Hampshire S024 0DZ	Agent:	Mrs Woodcock Tony Woodcock Planning Consultants York House , Netherwitton, Morpeth, Northumberland NE614NU
Valid Date:	1 July 2014	Expiry Date:	26 August 2014
Case Officer Details:	Name: Mr Tony Carter Job Title: Senior Planning Officer Tel No: 01670 622701 Email: tony.carter@northumberland.gov.uk		



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1. Introduction

1.1 This application is to be determined by the Strategic Planning Committee in light of the quashing (by consent) of a prior decision of the Local Planning Authority, of 2 December 2015, to grant planning permission for the development, in consequence of a (second) judicial review claim. This application has therefore been remitted for reconsideration by the Local Planning Authority. The previous decision was quashed because of a conceded failure of the decision-maker to properly consider and apply Policy H7 of the Castle Morpeth Local Plan. The pre-action protocol letter (dated 29 December 2015) and corresponding pre-action protocol reply on behalf of the Local Planning Authority (dated 12 January 2016) relating to this judicial review claim, are appended to this report, for completeness. Hence, this application has been submitted for reconsideration. Separately, the first judicial review claim was upheld on 3rd March 2015, quashing the grant of outline permission for the development. The then Claimant's Statement of Facts and Grounds and order of the Court relating to this judicial review claim are also appended to this report, for completeness.

1.2 Prior to the decision of 2 December 2015, was a decision of the Planning Committee in February 2014 (application re: 13/03664/OUT) refusing outline planning permission for the erection of a single detached dwelling. The corresponding officer's report that recommended refusal (with which the Planning Committee then agreed, including agreeing the recommended reasons for refusal) is also appended to this report, again for completeness.

1.3 Further planning appeal Inspector decision letters identified in the planning history below and which relate to the site, dated 9th January 2009 (reference: APP/T2920/A/08/2077934) and 8th February 2000 (reference: APP/T2920/A/99/1030091 & APP/T2920/A/99/103009192) are also appended.

1.4 Following on from the 2016 consent order relating to the second judicial review claim, correspondence dated 5 June 2016 has been received by the Local Planning Authority from Dr D. Tate, an objector to the application development. This correspondence raises specific criticisms of this report, in planning and legal terms, and challenges, in overall terms, the appropriateness of the recommendation that permission be granted. This correspondence is appended and has been considered prior to the preparation of this final report.

1.5 The application has been assessed in light of all relevant planning policies of the statutory development plan (including the made Morpeth Neighbourhood Plan), the National Planning Policy Framework and Planning Practice Guidance, and all other material planning considerations, for the purposes of determining the application pursuant to section 70 of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004.

2. Description of the Proposals

2.1 The application invites the grant of outline planning permission with all matters reserved (access, appearance, landscaping, layout and scale) for the erection of 1no, 2 storey, 5 bed residential dwelling unit with associated curtilage, parking, and access on land west of The Bramblings, Tranwell Woods, located near Morpeth.

2.2 Albeit access is proposed as a reserved matter, it is anticipated that access to the site would be from the north, off the existing access track that already serves properties at Westwood Cottage and Havis House, in Tranwell Woods. The detailed road layout within the site would be submitted at reserved matters stage.

2.3 A phase 1 ecological report, a site location plan and block plan have been submitted as part of the application together with an annotated aerial photograph that shows other sites within Tranwell Woods, including sites which have been approved for sub-division.

3. Planning History

Reference Number: 89/D/220

Description: [Outline] Erection of detached dwelling

Status: Refused 12/07/1989

Reference Number: 99/D/049

Description: Erection of detached dwelling

Status: Refused 09/04/1999

Reference Number: 99/D/307

Description: Erection of detached dwelling

Status: Refused 25/08/1999

Reference Number: APP/T2920/A/99/1030091 & 92

Description: Appeal against 99/D/307

Status: Dismissed 08/02/2000

Reference Number: CM/20070961

Description: Erection of dwelling

Status: Withdrawn 07/12/2007

Reference Number: CM/20080227

Description: Erection of dwelling and garage.

Status: Refused 16/05/2008

Reference Number: APP/T2920/A/08/2077934

Description: Appeal against CM/20080227

Status: Dismissed 09/01/2009

Reference Number: 13/03664/OUT

Description: [Outline] Erection of single detached dwelling house

Status: Refused 21/02/2014

4. Consultee Responses

Mitford Parish Council	The Parish Council is content with this application upon the basis of an appropriate Section 106 TCPA Planning Obligation and Land Management Plan (as referenced in the application).
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Morpeth Town Council	Objection on the grounds of suggested over-development within a protected area.
Highways Authority	No objections, subject to the imposition of appropriate conditions to adequately maintain highway safety.
County Ecologist	No objections, subject to the imposition of conditions maintaining the favourable status of protected species and the requirement to provide a 10 years woodland management plan.
North Trees and Woodland Officer	No objections, subject to the imposition of appropriate conditions.
Northumbrian Water Ltd	No observations.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	16
Number of Objections	5
Number of Support	11
Number of General Comments	0

Notices

General Site Notice - expires 24th June 2016

No Press Notice required.

Summary of Responses:

Eleven letters of support have been received from members of the public resident in Tranwell, as well as from West Sussex and Hampshire. Comments include:

- Development would improve the character of Tranwell Woods
- Development would improve local and regional economy
- Development would improve the woodland

Five letters of objection have been received from members of the public resident in Tranwell. Comments include:

- Adverse impact on ecology
- Drainage
- Poor access
- Adverse impact on trees
- Lack of need for executive type dwellings
- Inappropriate development in the Green Belt

Further correspondence from a neighbour has also been received regarding application validation.

6. Planning Policy

6.1 National Planning Policy

National Planning Policy Framework (2012)

National Planning Practice Guidance (2014, as updated)

6.2 Development Plan Policy

Castle Morpeth District Local Plan (2003)
C11 Protected species
C15 Trees in the countryside and urban areas
H6 Special executive housing
H7 Tranwell Woods
H15 New housing developments
H16 Housing in the countryside

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

Morpeth Neighbourhood Plan (May 2016)
Policy Sus 1 - Sustainable Development Principles
Policy Set 1 - Settlement Boundaries

6.3 Emerging Development Plan Policy

Northumberland Local Plan Pre-Submission Draft Core Strategy
Major Modifications (June 2016)

Policy 1 - Sustainable Development
Policy 2 - High Quality Sustainable Design
Policy 3 - Spatial Distribution
Policy 15 - Housing Provision: Scale and Distribution
Policy 18 - Planning for Housing
Policy 29 - Biodiversity and Geodiversity
Policy 43 - Effects of Development on the Road Network

6.4 Other Documents/Strategies

Northumberland Consolidated Planning Policy Framework (2009)
Northumberland County Council Five Year Housing Land Supply 2015 - 2020
Northumberland Strategic Housing Market Assessment 2015 (SHMA)
Northumberland County Wide Housing Needs Assessment 2012

7. Appraisal

Location

7.1 The application site is located within Tranwell Woods. Tranwell Woods is set within an area of open countryside, located approximately 3 kilometres from Morpeth and across the A1 trunk road. This wooded landscape includes dwellings of low density (broadly on three sides of the application site, as shown in the plan above) set in extensive grounds, disclosing varying appearances and impacts within these grounds. The application site is within the Green Belt.

Principle of Development

7.2 The NPPF is a material consideration in the determination of planning applications for the purposes of determining the application pursuant to Section 70

TCPA and Section 38(6) PCPA. The Ministerial Foreword to the NPPF states that "*development that is sustainable should go ahead, without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision.*" Taking into account planning policy at national level (i.e. the NPPF and NPPG), it remains the case that development proposals must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.3 The statutory development plan for the area within which the application site is located comprises the policies of the Morpeth Neighbourhood Plan (2016), the saved policies of the Castle Morpeth District Local Plan (2003) and saved Policy S5 of the Northumberland County & National Park Joint Structure Plan First Alteration (2005)

7.4 The provisions of saved Local Plan Policies C11, C15, H6, H7, H15 and H16 are criteria based and are relevant in the determination of the application. These require the Local Planning Authority to assess the principle of new dwellings within Tranwell Woods against a number of criteria. The proposed development would accord, in principle, with Local Plan Policies C11, C15, H6, H15 and H16 and a detailed assessment against these policies is carried out below.

7.5 The proposed development would also accord with relevant policies of the Morpeth Neighbourhood Plan (which covers Mitford Parish). Policy Set 1 of the Neighbourhood Plan recognises that settlement boundaries are defined on the Proposals Map and clearly states that development in areas outside of these settlement boundaries, in being treated as open countryside, will only be supported subject to certain criteria being satisfied. Of specific relevance in the determination of this application, where the site is outside of the defined settlement boundaries of the Neighbourhood Plan, is criterion (e) of Policy Set 1 which allows for housing that meets the criteria set out in paragraph 55 of the NPPF. This is explored in more detail below and concludes that the proposal would be compliant.

7.6 The proposed development would not accord with saved Local Plan Policy H7. However, the specific weight that should be afforded in the planning balance to what is, in effect, an aged and out-of-date Local Plan policy (having regard to its material inconsistency with national policy, etc.) is little, if any. Moreover, Policy Set 1 of the Neighbourhood Plan in effect supersedes Local Plan Policy H7 by setting a very clear framework for the spatial distribution of development across the Neighbourhood Plan area. Again, this is considered in detail below.

7.7 In assessing the proposed development, some weight attaches to the relevant emerging draft policies of the Northumberland Local Plan Pre Submission Draft Core Strategy: Major Modifications (June 2016) with which the development would comply. However, the weight that attaches is limited due to the fact that the emerging Core Strategy has not yet reached submission stage and is still the subject of unresolved objections in certain respects.

Morpeth Neighbourhood Plan

7.8 Chapter 7 of the Neighbourhood Plan states that one of the most important aspects of the Plan is to consider the amount, type and location of new housing in the Morpeth Neighbourhood Area for the next 15 to 20 years. Further, it identifies a requirement of at least 1700 dwellings to be delivered within the Plan period to 2031. It is anticipated that this number of dwellings can be delivered through units already

built and under construction, sites that currently benefit from planning approval and sites allocated in the Neighbourhood Plan.

7.9 Policy Sus 1 (Sustainable Development Principles) and Policy Set 1 (Settlement Boundaries) provide guidance on housing proposals on sites such as that proposed in this application. Policy Set 1 in particular states that development proposals will be supported within settlement boundaries subject to being in accordance with other relevant policies in the Development Plan (including the Neighbourhood Plan). These settlement boundaries should reduce the risk of urban sprawl and coalescence between settlements in the Plan area and prevent the encroachment of the settlements into the open countryside.

7.10 Policy Set 1 goes on to state that areas located outside of settlement boundaries will be treated as open countryside where development will only be supported in cases where it serves or supports, amongst others, housing that meets the criteria in paragraph 55 of the NPPF. Paragraph 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. It is considered that given the proximity of this small settlement to Mitford and Morpeth, on balance, residential development on this site would satisfy the policy approach advocated by paragraph 55 of the NPPF. Whilst Tranwell Woods is physically detached from the settlements of Morpeth and Mitford, development on this site would support key services and facilities in these neighbouring villages and help to enhance and maintain the vitality of the rural community in this area. This conclusion is strongly supported by a number of recent appeal decisions on similar development proposals in the settlement of Medburn where Planning Inspectors have concluded that its close proximity to the larger settlement of Ponteland have made it a sustainable location for new housing in line with NPPF paragraph 55. The relationship of Tranwell Woods to Morpeth and Mitford is considered to be extremely similar to that between Medburn and Ponteland and therefore these previous Inspector decisions are significant material considerations.

7.11 Paragraph 55 of the NPPF also states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. It is considered that development located within Tranwell Woods could not be classed as "isolated" given that there are a number of dwellings located relatively closely on three sides of the application site. Therefore there is no requirement for the special circumstances examples in paragraph 55 of the NPPF to be demonstrated. The definition of a "village" is explored further below (para 7.22 - 7.25)

7.12 The conclusion on this issue is therefore that, by complying with the policy approach advocated by paragraph 55 of the NPPF, the proposal would in turn accord with Policy Set 1 of the Morpeth Neighbourhood Plan.

7.13 Policy Sus 1 defines sustainable development principles. It states that proposals for new development will be supported at a scale and in locations that accord with policies contained elsewhere in the Neighbourhood Plan where they support the continued sustainability and viability of communities in the Plan area by providing, amongst others, new homes. The policy also goes on to state that a

presumption in favour of sustainable development will be exercised across the Plan area. The issue of sustainable development is explored further at para's 7.46 - 7.50

Green Belt

7.14 The Northumberland County and National Park Joint Structure Plan identified, in (saved) Policy S5, the general extent of the Green Belt extension around Morpeth. This policy was retained primarily in order to maintain a satisfactory strategic planning framework prior to the adoption of the Northumberland Local Plan. Although Policy S5 did not define the detailed outer boundaries of the Green Belt, the policy did provide a detailed description of where the boundary should appropriately be defined. This site lies within the Green Belt boundary described by Policy S5 and the detailed boundary shown in the Northumberland Local Plan Pre-Submission Draft Core Strategy.

7.15 As the emerging Northumberland Core Strategy has progressed, a number of options for the outer Green Belt boundary have been considered and consulted upon. In accordance with NPPF, the Council does not however consider that it can demonstrate exceptional circumstances to depart from the detailed Structure Plan policy in order to revise this boundary.

7.16 The Northumberland Local Plan Pre-Submission Draft Core Strategy defines detailed settlement boundaries corresponding with the area presently covered by saved Structure Plan Policy S5.

7.17 The construction of a new building in the Green Belt will amount to inappropriate development unless such development falls within a prescribed exception under paragraph 89 of the NPPF. If the development does not fall within such a prescribed exception, then, the application must demonstrate 'very special circumstances' that, considered together, clearly outweigh the harm caused by reason of inappropriateness together with any other harm, including the harm caused to openness and to any conflict arising with the purposes of including land within the Green Belt, etc.

7.18 At paragraph 89 of the NPPF 'exception' is the development of a new building that constitutes limited infilling within a village. It is considered that the proposed development would indeed fall within this prescribed exception, thereby not constituting inappropriate development. It follows that very special circumstances need not be demonstrated in respect of the development.

7.19 For the above purposes, a "village" is not defined under the NPPF. Nor is a "village" specifically defined by the development plan, including the Neighbourhood Plan (which identifies some villages, but does not purport to provide any exhaustive list or definition). The same is true in respect of the phrase "infill development". Ultimately a judgment is required to be made as regards what does and does not amount to (limited) infill development within a village. Whilst not providing for any planning-specific classification, the 2011 Rural Urban Classification (RUC) issued by the Department for Environment Food & Rural Affairs, does however seek to explain how a "village" may be characterised. In part, the RUC defines villages as a cluster of dwellings. Further to this, within the characterised hierarchy, the RUC regards a cluster of three to eight farmsteads as a hamlet. Villages, by contrast, disclose a core and are defined on the basis of a distinctive density profile (the different categories of settlement are thus identified on the basis of form, not on the basis of population).

7.20 A cluster of farms that may qualify as a hamlet may equally form part of a group of dwellings that is sufficiently substantial to satisfy density profile guidance as to be regarded as a village. Some small clusters of properties may however neither be classified as a hamlet or a village. These may include traditional rural settlement forms such as isolated farmsteads, with or without additional dwellings, other isolated dwellings and small groups of dwellings such as single terraces that are associated with former mining or rural industrial activity.

7.21 Tranwell has in the region of 27 residential units. Contrastingly, Tranwell Woods has approximately 45 residential units.

7.22 Having regard to the above factors and to all relevant site and geographical location-specific factors, it is adjudged that Tranwell Woods constitutes a “village” for the purposes of applying the paragraph 89 NPPF ‘exception’ of limited infill development within a village that does not amount to inappropriate development in the Green Belt. This is so, also having considered previous decisions (including on appeal) made in respect of proposed residential development of the site, and the (appended) June 2016 correspondence received from Dr. Tate on this point.

7.23 Paragraph 79 NPPF advises that openness is an essential characteristic of the Green Belt. Within the context of the Green Belt, 'openness' is the state of land being free from built development, as distinct from the absence of a visual impact.

7.24 Also, in visual impact terms, the application site is located adjacent to existing residential development and is materially enclosed by mature tree planting along its boundaries. The application site is not considered to be visually prominent.

7.25 The development proposal would not give rise to any material encroachment into the open countryside or urban sprawl, not least because the application site lies within an established settlement. The proposed development would not be in conflict with any other purpose for including land within the Green Belt.

7.26 More generally, it is not considered that this part of the Green Belt would be materially harmed as a result of the proposed development, having regard to both its openness and, separately, the purposes for which land is included in the Green Belt. Having regard to the proposed location, the new physical development and attendant residential use (including residential paraphernalia) would give rise to some, albeit considered a very modest, impact in openness terms. It is considered that this particular impact would not give rise to any material harm. Hence, albeit substantial weight must be given to "any harm" to the Green Belt (paragraph 88 of the NPPF), it is nonetheless noteworthy that the overall impact of the development in openness terms would be very modest, giving rise to less than material harm.

7.27 By virtue of the introduction of a new dwelling in relative proximity to existing dwellings, there is a potential (considered to be very modest) for a slight, adverse impact upon the character and appearance of the area. However, both from near and distant viewpoints of the application site, it is not considered that the proposed development would give rise to any change capable of causing any material harm to the character and appearance of this part of the Green Belt.

7.28 Overall, it is considered that the development proposal would provide a conspicuously low impact and discrete development that adequately maintains the integrity of the rural feel of intervening land.

7.29 It is considered that the proposed development would constitute (paragraph 89 'exception') limited infilling in a village, so as not to amount to inappropriate development in the Green Belt. Separately, only a very modest impact on openness would arise, not giving rise to any material harm. The proposed development would also not conflict with any of the purposes for including land within the Green Belt. Separately, the development would not give rise to any material harm to the character and appearance of this part of the Green Belt.

7.30 In the overall planning balance (see further below), it is considered that the less than material harm that would be caused by the proposed development to the Green Belt, would be outweighed (and "clearly" so, albeit the application is not required to demonstrate 'very special circumstances') by other considerations that strongly militate in favour of the proposal.

Tranwell Woods: Policies H6 and H7

7.31 For the purposes of the statutory development plan, specific policy guidance on executive dwellings development within Tranwell Woods is set out in Policies H6 and H7 of the Local Plan. As already set out above, it is considered that very little, if any, weight attaches to Policy H7 following adoption of the Morpeth Neighbourhood Plan where this aged Local Plan policy is effectively superseded by Policy Set 1.

7.32 Notwithstanding this, and in recognition that some, albeit very little weight, may attach to Local Plan Policy H7, this advises that development proposed within certain plantations, including Gubeon Wood where the proposed development is located, will not be permitted. In other parts, proposals for new housing will be required to comply with criteria (i) to (iii), that: (i) there will be no significant adverse impact upon the landscape and the general environment, including sites of acknowledged conservation importance and the existing infrastructure; (ii) that the quality of design and use of materials will make a significant contribution to the local building tradition, and (iii) development will be required to respect the character of existing development and of the woodlands, and shall include a scheme for the management of the woodlands within the plot.

7.33 Given that the proposed development would fall within the Gubeon West plantation area, the development would mean a conflict with the prohibition as expressed under Policy H7. This is because Policy H7 provides for an absolute prohibition on development within this location. No other conflict arises with Policy H7 generally or with criteria (i) - (iii). Fundamentally however, the Policy H7 prohibition is notably aged and out-of-date, in light of the guiding principle of sustainability and the very important aim of delivering a wide choice of homes, provided for under the NPPF. Moreover, the policy is superseded by Policy Set 1 of the Morpeth Neighbourhood Plan against which the proposed development would comply for the reasons set out above. It is therefore considered that negligible weight only should be given to the Policy H7 conflict that arises. Whilst there does arise a conflict with this policy, upon the assessment of material considerations, it is considered in overall terms that this conflict is insignificant.

Policy H6

7.34 Policy H6 concerns special executive housing. Policy H6 is a criteria-based policy that, if in “very exceptional circumstances” only, allows for special executive housing. Criteria (i) - (iv) of this policy (below) are met by the development. No conflict arises with Policy H6. Policy H6 advises that in “very exceptional circumstances”, proposals for special executive housing will be assessed on their own individual merits and in relation to the following criteria: (i) an assessment of need; (ii) the impact of the housing development upon the landscape, the general environment, rural services and infrastructure; (iii) quality of design and use of materials which make a significant contribution to the local building tradition, and (iv) the contribution of the proposal to the social, economic and environmental status of the Borough. “Very exceptional circumstances” are not prescribed by Policy H6 and it is clear that the individual merits of the proposal must be considered generally and as these relate to criteria (i) - (iv).

7.35 The application makes reference to the "need" for the type of development proposed, within the location proposed.

7.36 It is considered that the applicant has provided sufficient explanation, firstly, that the circumstances of the proposed development importantly respond (in part) to an assessed need for executive housing and, second, that there is a need for such development that is, at present, not adequately being met within the area. As a minimum, a low level of need certainly exists as to justify this proposed single unit, special executive housing development.

7.37 Additionally for the purposes of Policy H6, the development would satisfy the criterion of this policy concerning the impact of proposed development upon the landscape and general environment. This is not least by virtue of the revised tree survey that is suggestive of no adverse impact. Overall, and within the context of what is an outline application, it is considered that the proposed development would not give rise to any material adverse impact or harm, more generally. Further, the positive contribution that the proposed development would give rise to, in social, economic and environmental terms is discussed more broadly in this report, within the important context of the NPPF.

7.38 Significantly, it is also the case that Tranwell Woods is conspicuously characterised by larger executive style dwellings built at a low density, within large plots, within and surrounded by woodland. Much of this predominant character has been retained, despite further housing development over the years, including the subdivision of existing plots. Examples of successful sub-division developments can be seen further south in Gubeon West Plantation at Well Hill and Silver Birches.

7.39 A reserved matters application would have the potential to meet the requirement for quality design and harmonious use of materials.

Housing Supply

7.40 The emerging Core Strategy identifies four Delivery Areas that comprise Housing Market Areas. The application site falls within the Central Delivery Area (CDA). Current monitoring data confirms that Northumberland can demonstrate a deliverable five years housing land supply. The CDA has a 6.1 years supply, which equates to a 123% supply against the adjusted CDA housing requirement for the

2015 - 2020 period. Having regard to paragraph 49 of NPPF, relevant policies for the supply of housing should be considered up to date because the local planning authority can demonstrate a five-year supply of deliverable housing sites. For this reason the settlement boundary policies set out in the Castle Morpeth District Local Plan, which are considered to be relevant policies in the context of NPPF, should be afforded due weight and the application should be determined in accordance with those policies, unless material considerations indicate otherwise.

7.41 In terms of sustainability, the definition of sustainable development, as set out in the NPPF, exceeds a simple assessment of the sustainability of a proposal and must be considered in terms of the tripartite economic, social and environmental components of sustainability.

7.42 In economic terms, the proposed development would support economic growth. It is considered that the development of this site, though obviously small relative to large scale major residential development, is appropriate in materially contributing to economic growth. It is further considered that the capacity of the local highways infrastructure would adequately accommodate the development.

7.43 In terms of the proposed development's social significance it is recognised that the scheme would provide a compatible dwelling for the area. It is also acknowledged that future occupants of the site would benefit from good access to local services and facilities.

7.44 In terms of the environmental component of sustainability, the proposed development would be capable of adequately protecting and indeed enhancing the natural environment, not least through design and layout.

7.45 More generally, the grant of planning permission would not undermine the core planning principles of the NPPF.

Trees

7.46 The proposed development involves the residential development of a site covered by a woodland tree preservation order (Woodland W1, Borough of Castle Morpeth (Wellhill & Gubeon Plantations) Tree Preservation Order 2001). The application confirms that no further healthy tree removal is required in order to enable the erection of the proposed dwelling.

7.47 The indicative site layout shows that the dwelling would be separated from the garage. Officers were initially concerned that there would likely be pressure to remove or lop trees about the house and garage that, in turn, would reduce the character and appearance of Gubeon West. However, an updated tree survey confirms that this would not be the case and that this could properly be enforced.

7.48 NCC Tree and Woodlands Officers advise that the original Tree Constraints Analysis submitted in 2007 referenced survey methods, recommendations and protection measures from the BS 5837: 2005 "Guide for Trees in Relation to Construction". The British Standards document has been revised and is now BS 5837: 2012, 'Trees in Relation to Design, Demolition and Construction - Recommendations'. The methods and recommendations from the 2007 Tree Survey still apply, and match those in the revised BS document. The tree survey and assessment findings accurately describe the condition, health and amenity value of

the trees, including the four selected for removal due to their condition and safety considerations.

7.49 There has been some growth of the trees since the original survey in 2007 resulting in an increase in stem diameter which may affect the Root Protection Area (RPA) calculated for the retained trees as detailed in the survey and shown on the Tree Constraints Plan. Most RPA's will remain the same or increase slightly, and the proposed mitigation measures are still appropriate. NCC Tree and Woodland Officers recommend the Root Protection Areas for the retained trees be re-calculated and arboricultural advice should be sought if any excavation works take place within the Root Protection Area of the trees. It is considered that as this is an outline application and the exact location of any development cannot be established at this stage, a condition to show revised RPA's, prior to the commencement of development would be sufficient to address a concern.

7.50 The conclusions of the impact and mitigation measures required within the revised tree survey are appropriate. All mitigating measures detailed in the constraints plan should be implemented prior to any road construction and building work that takes place to minimise any impact that this may have on retained trees. NCC Tree and Woodland officers also recommend only permeable finishes are applied to any surfaces near the root protection areas of the trees. This recommendation is considered acceptable and a condition reflecting this is proposed.

7.51 It is considered that the development, if approved with conditions to ensure there should be replanting of replacement trees for the 4 trees to be removed, RPA details, a restriction on non-permeable development within the RPA's and a plan for future management and planting for the woodland, would not result in a net loss of trees from the site. A net loss would be contrary to local plan policy C15 which seeks to ensure that development should enhance or, at the very least, not detract from the environment.

Ecology

7.52 The ecology response for this application is essentially the same as that dated 1st August 2014. The last ecological survey effort on the site was, however, carried out in October 2013 and whilst the risk of significant ecological changes on this particular site is relatively low it would be prudent for an updating 'walkover' checking survey to be carried out before any works commence on site. In addition no account was taken with regards to external lighting issues (potential impact on surrounding habitat, bat foraging areas and any nearby bat roosts) at that time and it is advised that simple clauses to account for both of these issues are amended to the conditions.

7.53 Whilst there will be a small loss of woodland ground flora beneath the footprint of the proposed dwelling and its surrounds, that loss would have a very minor impact on the ecological value of the area as a whole and it is unlikely to have a material impact on protected species. No trees are to be felled in order to accommodate the development itself though four trees have been identified which need to be felled due to their poor condition.

7.54 Red (and grey) squirrels, bats and badgers are likely to forage and commute in/through the area though no dreys, roosts or setts are present on the site itself. A

range of woodland and farmland birds are present in the area and nesting activity is likely on the site both in the trees and on the ground. The small pond on the site has been assessed as presenting a negligible risk of great crested newts being present though common frog was noted on the site. Other species such as hedgehog and roe deer are likely to be present on the site from time to time.

7.55 No other protected, threatened or notable species or habitats are likely to be affected by the development proposal.

7.56 All wild birds and their nests are protected when in use and this will, therefore, need to be accounted for before any works commence (nesting period for most species would be fully encompassed by the period March - August inclusive). Accordingly a planning condition is suggested to control this issue.

7.57 Whilst the risk of encountering bats or nesting birds in connection with this proposal is low, the applicants should be made aware of the legal status of these species and that protected species legislation operates independently of the planning system. Officers therefore suggest that an informative advisory note for the attention of the applicants should be appended to the decision notice in this case, should permission be granted.

Highways

7.58 The Highway Authority has assessed the impact of the proposed development on the highway network both during construction and once a development is completed. The aim is to ensure the highway network in the area can accommodate the anticipated trip generation; that adequate manoeuvring/parking space is provided and that safe access can be achieved; that the highway remains unobstructed for the safe passage of all users of the highway and that any development does not have an adverse impact on the safety of all users of the highway. The proposed development has been checked against the context outlined above and it is considered that it will not have an adverse impact on the safety of users of the highway in the area.

7.59 Northumberland County Council Highways Department advice that they have no objections to the proposals on the basis that there have been no significant changes in highway policy or the highway network since the application was first considered other than the standard set of conditions recommended by the Highway Authority in responding to planning applications. Therefore, there remain no highway objections subject to the imposition of conditions in line with what would be recommended for developments of this type securing access, parking, refuse and construction impacts. No changes to the scheme are required.

7.60 Further, reassurance has been given by Northumberland County Council Highways Department that there is no necessity for the provision of passing places on the access to the site and this is considered acceptable in terms of the retention of healthy trees.

Residential Amenity

7.61 With regard to the perceived adverse effect on the living conditions of the occupiers of nearby dwellings, the site layout is ultimately a matter to be decided at the reserved matters stage in the event that outline planning permission is granted. However, due to the approximate distances between that of the proposed

development and that of the existing dwellings, it is considered that it would not adversely impact upon the living conditions of existing and future occupiers. The proposals would therefore be in accordance with Local Plan Policy H15 (iv) which seeks to maintain neighbour amenity.

Representations

7.62 Eleven letters of support have been received from members of the public resident in Tranwell, and from West Sussex and Hampshire. Comments include that the development would improve the character of Tranwell Woods, would improve local and regional economy and would improve the woodland. Conversely, 5 letters of objection have been received including comments which relate to the potential adverse impact on ecology, drainage, access, trees and the lack of need for executive type dwellings.

7.63 The majority of these issues have been addressed above. Where they have not been addressed it is because they would be considered as part of the detailed matters which would be included in any reserved matters application.

Planning History

7.64 Full consideration has also been given to the planning history relating to this site and the proposed development, and also to the two subsequent appeals made against the decision of the local planning authority to refuse planning permission under appeal refs: APP/T2920/A/99/1030091 & 92 and APP/T2920/A/08/2077934 (which were dismissed on 08/02/2000 and 09/01/2009).

7.65 The most recent application on this site (prior to the first determination of this application) was refused by the North Area Planning Committee in accordance with the officer recommendation on 21 February 2014. The reasons given for refusal on those proposals were that: the proposed dwelling would be sited in a part of Tranwell Woods where Castle Morpeth Local Plan policy H7 expressly prohibits development, the site should be regarded as development in the open countryside and the proposal was contrary to policy C1 of the Castle Morpeth Local Plan in addition to the core planning principles of the NPPF.

7.66 The further reasons for refusal were given that the proposed dwelling and the associated use of the site for domestic purposes would give rise to a significant loss of part of the protected woodland that gives this part of Tranwell Woods its distinctive character and which is of high local ecological value, providing a habitat for protected species and would add an intrusive element to this sensitive area of countryside, there is no overriding need for the development therefore the proposals would be contrary to Castle Morpeth Local Plan Policies. Also, that the protected trees stand close to the proposed site of the dwelling. The proposal would be incompatible with the protected trees. Trees could be lost to increase light to the dwelling and provide a useable garden area for the property which would inevitably result in domestic paraphernalia being placed and/or erected in this area.

7.67 As mentioned above, NCC Tree and Woodland Officers are satisfied that on further consideration of the applicant's intentions to positively manage the woodland, there is now an opportunity, presented by the proposed development, to actively enhance the application site. Whilst the applicant has offered to enter into a section 106 agreement to secure woodland management, officers consider that a suitably

worded condition would be sufficiently robust to ensure this management is carried out in the future long term management of the woodland and therefore a section 106 agreement is unnecessary in this case.

8. Conclusion

8.1 For the above reasons, the principle of allowing the proposed development at the site is considered acceptable, notwithstanding Local Plan Policy H7. Negligible weight only should be given to the arising conflict with this development plan policy. In all other respects, the proposed development is in accordance with all relevant policies of the development plan. Material considerations, including the NPPF (as discussed above), strongly indicate that the application should, in the circumstances of this case, be determined other than in accordance with Local Plan Policy H7, having regard to all relevant matters.

8.2 The proposed development does not constitute inappropriate development in the Green Belt given that it would constitute (paragraph 89 exception) limited infilling in a village. Separately, only a very limited impact on Green Belt openness terms would arise, and which would not give rise to any material harm. The proposed development would also not conflict with any of the purposes for including land within the Green Belt. Separately, the development would not give rise to any material harm to the character and appearance of this part of the Green Belt. The less than material harm that would be caused to the Green Belt (to which significant weight must nonetheless be given) would be outweighed (and "clearly" so, albeit the application is not required to demonstrate 'very special circumstances') by other considerations that strongly militate in favour of the proposal, as discussed above. These include the key principle of sustainability, the important aim under the NPPF of delivering a wide choice of high quality homes (which includes executive dwellings, such as the proposal), and the existing need for this particular type of residential development within the area (including the location proposed). This remains so notwithstanding that the proposal is for a single dwelling only. It is noted also that similar type development already exists in and around the local area.

8.3 More particularly, whilst the matter for consideration is in outline with the stated matters reserved, it is considered that the expected size of this development (in terms of an executive type dwelling) would adequately respect the character of the Tranwell area. It is considered also that the proposed development would not give rise to any or any unacceptably adverse impacts on any neighbouring properties due to the nature of the site and the relationship/distance between it and such properties. The proposal would not give rise to any material adverse impact upon the landscape and general environment.

8.4 Whilst there will be a small loss of woodland ground flora beneath the footprint of the proposed dwelling and its surrounds, that loss would have an immaterial impact on the ecological value of the area as a whole and it is unlikely to have any material impact on protected species.

8.5 No trees are to be felled in order to accommodate the development itself though some may require to be felled due to their poor condition.

8.6 The proposed site is considered to be of high local ecological value. The significance of the impact to the site by the development is however considered to be

immaterial in relation to ecological resources and protected species. No protected, threatened or notable species or habitats are likely to be affected by the proposal.

9. Recommendation

9.1 That this application be GRANTED permission subject to the following:

Conditions/Reason

01. 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)

02. 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)

03. Approval of the details of the access, layout, scale, appearance of the building and landscaping of the site 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)

04. The development shall not be occupied until details of car parking 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.

05. The development shall not be occupied until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before the development is occupied. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.

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

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 construction period. The Construction Method Statement shall, where applicable, provide for:

- i. details of temporary traffic management measures, temporary access, routes and vehicles;
- ii. vehicle cleaning facilities;
- iii. the parking of vehicles of site operatives and visitors;
- iv. the loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development;
- vi. measures to control the emission of dust and dirt.

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

07. No external refuse or refuse container shall be stored outside of the development site except on the day of refuse collection.

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

08. No development shall take place unless in accordance with the mitigation detailed within the Phase 1 ecological reports ('West Gubeon, Tranwell Woods, Morpeth Proposed Development Phase 1 Report' and 'Addendum to Phase 1 Report for West Gubeon, Tranwell Woods' Ruth Hadden, October 2013) including, but not restricted to, any external lighting to be suitably directional, low level and low wattage and in accordance with 'Bats & Lighting in the UK', Bat Conservation Trust/Institution of Lighting Engineers, 2009; production of a long term (10 years minimum) management and enhancement plan for the woodland to be agreed in writing with the LPA before any Reserved Matter application is determined; an ecological updating checking survey to be carried out on site not more than 6 months before works commence with the results of that survey together with any necessary modifications to avoidance, mitigation or enhancement measures to be forwarded to and agreed in writing with the LPA before development works commence.

Reason: To maintain the favourable conservation status of habitat and protected species.

09. All trenches or deep (300mm or more) excavations left open overnight shall be securely covered or provided with an earth or timber ramp not less than 300mm wide and no steeper than 45 degrees to allow any ground animals to escape.

Reason: To ensure that no ground animals become entrapped.

10. No development removal of vegetation or felling of trees shall be undertaken between 1 March and 31 August unless an ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

Reason: To protect nesting birds, all species of which are protected by law.

11. No development shall be carried out other than in accordance with 'Tree Constraints analysis at land Adjacent to Bramblings' AJT, Revision R01, Feb 2008 and 'Tree Protection Areas' AJT, drawing No.: 477, Fig.2, 29.9.07 and the guidance set out in 'BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations' British Standards Institution, 2012.

Reason: To maintain and protect the existing landscape and biodiversity value of the site.

12. No development shall commence until the applicant has submitted a detailed landscape planting plan including the planting of mainly locally native trees and shrubs of local provenance to be agreed in writing with the LPA and to be fully implemented during the first full planting season (November - March inclusive) following the commencement of development.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site.

13. Prior to the occupation of the dwelling, a Woodland Management Plan shall be submitted to, and approved in writing, by the Local Planning Authority. The Woodland Management Plan shall provide for a continual period of 10 years woodland management.

Reason: To ensure the woodland is managed, maintained and enhanced in accordance with Chapter 11 of the National Planning Policy Framework.

14. Prior to the commencement of development a plan showing the Root Protection Areas for all retained trees shall be submitted to the Local Planning Authority for approval in writing. The development shall not be carried out unless in accordance with those details and no non-permeable development shall be carried out within the Root Protection Areas for the lifetime of the development.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site.

Background Papers: Planning application file(s) 14/01898/OUT, revised Tree Survey dated 15th June 2015

Date of Report: 21st June 2016