

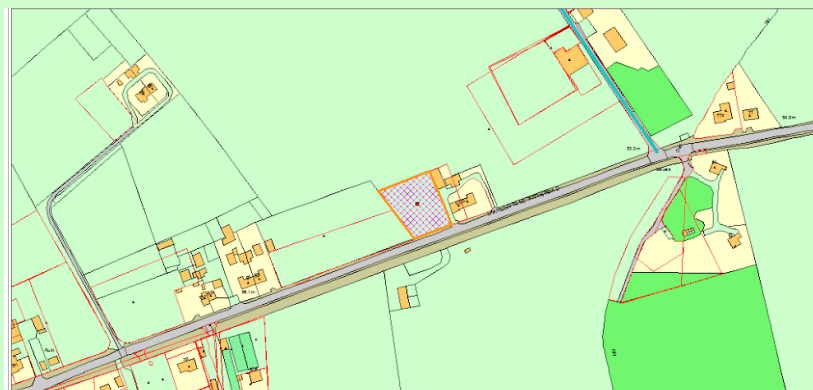


Northumberland County Council

Castle Morpeth Committee, 8th April 2019

Application No:	19/00226/FUL		
Proposal:	Construction of a new single dwelling		
Site Address	Land West Of 65 Station Road, Station Road, Stannington, Northumberland		
Applicant:	Mr William Clive Smith 65 Station Road, Stannington, Morpeth, Northumberland NE61 6NH	Agent:	Mr Tony Carter 13 Telford Court, Morpeth, MORPETH, NE61 2DB
Ward	Ponteland East And Stannington	Parish	Stannington
Valid Date:	24 January 2019	Expiry Date:	21 March 2019
Case Officer Details:	Name:	Mrs Tamsin Wood	
	Job Title:	Senior Planning Officer	
	Tel No:	01670 625545	
	Email:	tamsin.wood@northumberland.gov.uk	

Recommendation: That this application be REFUSED permission



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1. Introduction

- 1.1 This application has been requested to go to committee from a County Councillor who has concerns about the impact of the development on the greenbelt.

2. Description of the Proposals

- 2.1 Planning permission is sought for the construction of 1 detached 4 bedroomed dwelling on land west of 65 Station Road, Station Road, Stannington. The dwelling would be constructed of natural stone walls and slate roof and it would measure approximately 18.1m in length by 12.25 m depth at its deepest and reach a ridge height of 6.7m. The dwelling would include a double garage and access to the site would be from a shared driveway and existing access from Stannington Station Road with nos 65.
- 2.2 The site comprises a broad square shaped piece of land covering approximately 0.1390 hec. The site is grassed and is used as a paddock or additional garden land for number 65. To the north of the site are open fields, to the south is Stannington Station Road, to the east is a dwelling and to the west of the site is a paddock.
- 2.3 The site lies within both the open countryside (as defined by the Castle Morpeth District Local Plan 1991-2006) and the Green Belt (as defined by the Northumberland Structure Plan).

3. Planning History

Reference Number: 18/01824/FUL Description: Proposed single dwelling house Status: WDN
Reference Number: CM/81/D/319 Description: Extension to form new lounge and front porch Status: PER

4. Consultee Responses

County Archaeologist	No objections and no archaeological work required.
County Ecologist	No objection subject to a condition.
Stannington Parish Council	No response received.
Highways	No objection. Conditions proposed.
Strategic Estates	No response received.

Northumbrian Water Ltd	Do not offer any comments
The Coal Authority	No objection.
Public Protection	No objections raised subject to conditions.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	4
Number of Objections	5
Number of Support	0
Number of General Comments	0

Notices

General site notice, 12/2/19

No Press Notice Required.

Summary of Responses:

The above is a summary of the comments. The full written text is available on our website at:

<http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=PLQUR9QSLJ900>

-Site is in the Green Belt and there are no special circumstances for allowing it.

SPNP states there is a strong feel in the community that Station Road should retain its rural feel and its openness in the Green Belt

-Adds to the current and proposed over development . Its disproportionate.

-Its not limited infill in a village or within a small gap in a built up frontage.

-The proposed development is not in keeping with the rural nature of Station Road as a settlement, it further exacerbates the potential for ribbon development and it erodes the Greenbelt.

-The Neighbourhood Plan is intended to run alongside any future adopted Local Plan. This is one of many applications on Station Road that is proposing to build on Greenbelt in advance of the Local Plan being approved, thus undermining the democratic process and the clear wishes of local residents which supported the Councils proposals for the inset boundary on the 2018 SPNP Referendum and previous Local Plan consultations.

- Contrary to Northumberland Local Plan - Regulation 19, Policy STP8

- It will constitute ribbon development.

6. Planning Policy

6.1 Development Plan Policy

Stannington Parish Neighbourhood Plan- Made September 2018
Policy 2 Settlements
Policy 6 Broadband
Policy 10 Design and Character

Castle Morpeth Local Plan
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

6.2 National Planning Policy

National Planning Policy Framework 2019 (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)

Northumberland Local Plan Publication Draft Plan (Regulation 19)
Policy STP 1 Spatial strategy (Strategic Policy)
Policy STP 2 Presumption in favour of sustainable development (Strategic
Policy)
Policy STP 3 Principles of sustainable development (Strategic Policy)
Policy STP 7 Strategic approach to the Green Belt (Strategic Policy)
Policy STP 8 Development in the Green Belt (Strategic Policy)
Policy HOU 1 Making the best use of existing buildings (Strategic Policy)
Policy HOU 2 Provision of new residential development (Strategic Policy)
Policy HOU 3 Housing requirements for neighbourhood plan areas (Strategic
Policy)
Policy HOU 5 Housing types and mix
Policy Hou 8 Residential Development in the open countryside
Policy HOU 9 Residential development management
Policy QOP 1 Design principles (Strategic Policy)
Policy QOP 2 Good design and amenity
Policy QOP 4 Landscaping and trees
Policy QOP 5 Sustainable design and construction
Policy QOP 6 Delivering well-designed places
Policy TRA 1 Promoting sustainable connections (Strategic Policy)
Policy TRA 2 The effects of development on the transport network
Policy TRA 4 Parking provision in new development
Policy ENV 1 Approaches to assessing the impact of development on the
natural,
historic and built environment (Strategic Policy)
Policy ENV 2 Biodiversity and geodiversity 1

Policy WAT 1 Water quality
Policy WAT 2 Water supply and sewerage
Policy WAT 3 Flooding
Policy WAT 4 Sustainable Drainage Systems
Policy POL 1 Unstable and contaminated land
Policy POL 2 Pollution and air, soil and water quality

7. Appraisal

7.1 The NPPF states that from the day of its publication, weight can be given to policies contained in emerging plans dependent upon the stage of preparation of the plan, level of unresolved objections to policies within the plan and its degree of consistency with the NPPF. Consultation on a draft of the Local Plan took place in July and August 2018 and representations on a 'Publication Draft' Local Plan have been invited over a six week period from 30 January 2019 to 13 March 2019 before it is submitted for examination in May 2019. The Authority are therefore affording appropriate weight to policies contained within the emerging plan which form a material consideration in determining planning applications alongside Development Plan Policies.

7.2 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
Design and Impact on residential amenity
Impact on character of area
Coal Mining
Contamination/gas
Sewerage and flood risk
Archaeology
Highways
Ecology

Housing Supply

7.3 As identified in the Northumberland Strategic Housing Land Availability Assessment (December 2018), the Council can demonstrate a 5-year housing land supply, against the County's minimum Local Housing Need figure of 717 net additional dwellings per annum, equivalent to 12.1 years supply of deliverable sites. Northumberland has also achieved 197% delivery against its minimum housing requirements for the past three years, in accordance with the Housing Delivery Test. Therefore, in the context of Footnote 7 of the NPPF, the presumption in favour of sustainable development does not apply

Principle of development

Open Countryside

7.4 The application site lies in an area beyond the settlement boundaries of Morpeth and Hepscoth 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.

- 7.5 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 dwelling 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.
- 7.6 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 which the development would support. However whilst Stannington Station Road does not have a settlement boundary it is considered from a review of what is on the ground that this particular site does not fall within the settlement of Stannington Station. It is considered the site lies outside the settlement as it is clearly separated from the main built up area of the settlement by the paddock to the west of the site. The paddock is also not considered to be in the settlement but lies to the eastern edge of the settlement. It is considered the western edge of the paddock delineates where the edge of the settlement is. The site therefore does not fall within a village or settlement where development within would support the services within another village or settlement. The site is considered to be an open countryside location. As such the site is not considered to be a suitable location in terms of the provisions of the NPPF and Local Plan Policy C1. The proposal also does not fall within the criteria set out under para 79 of the NPPF either where isolated homes in the open countryside are considered to be acceptable either. The principle of the development in this open countryside location is therefore not considered to be acceptable and contrary to the NPPF and Local Plan Policies C1 and H16. Whilst limited weight can be given to the Northumberland Local Plan (NLP)

the proposal would also be contrary to NLP Policy STP 1 as the site would not be within the settlement boundary of Stannington Station Road defined in the NLP.

Green Belt

- 7.7 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.
- 7.8 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.
- 7.9 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.
- 7.10 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”.

- 7.11 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.
- 7.12 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.
- 7.13 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.
- 7.14 The NPPF does allow limited infilling in villages under criteria e). 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....”.

- 7.15 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.”
- 7.16 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'.
- 7.17 In terms of the proposal, this would be for the development of 1 dwelling on a site with a frontage approximately 33m in length and 47 m in depth. This scale of site and number of dwellings is considered to be limited. The site however for the reasons described above under the principle of development in the open countryside is not considered to be in a village. The site is also located in an area where there is not a continuously built up frontage as there is no built form in the gap to the west of the site before the dwelling at nos 63 Station Road (being a paddock). Given this and that there is only one building to one side (being nos 65 to the east) the site thus does not constitute an infill site either. For these reasons therefore and taking into account the surrounding pattern of development it is considered that the development of this site can not be classed as ‘limited infilling in a village’ . As such for this reason the proposal would also not satisfy criteria e of para 145 of the NPPF.
- 7.18 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.’
- 7.19 As discussed above it is considered the proposal is not an infill site and thus cannot be classed as ‘limited infilling’. In terms of the partial or complete redevelopment of previously developed land, whilst the application states the land is used as garden land to nos 65, it would appear the site is a field/ paddock area with its own curtilage, as a google maps search shows there was a fenced boundary around the site and on the dividing boundary with nos 65 (although appears to be taken down now) which indicates it had its own curtilage from 65. It also has its own gated access point as you find to a field, planning history does not show a change of use of this land to garden has been granted and under the previous application the site was referred to as land and not garden area and the land consists of rough grassland as you would find in a field/ paddock. Thus on this basis it is a field/ paddock area

the site would not be considered to be a previously developed site and so the development could not comply with criteria 'g'. If the site is garden land though and as it is not considered to be in a built up area, under the NPPF's definition the site would be classed as previously developed land. However the site is currently roughly grassed with no buildings on and the proposed dwelling would clearly have a greater impact on the openness of the Green Belt. So the proposal would still not be considered acceptable under criteria 'g' of para 145 of the NPPF.

- 7.20 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. The applicant's agent has not however submitted information which demonstrate there are 'very special circumstances'. It is therefore 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. In addition the proposed dwelling would have a detrimental impact upon the openness of this part of the Green Belt and the purpose of including land within it which would be compounded by the domestic paraphernalia associated with the dwelling such as cars, washing lines, children's play equipment and garden furniture. For this reason the proposal is also contrary to the NPPF. Very special circumstances have not been demonstrated in support of this application and it is therefore considered that the proposal would represent inappropriate development which is, by definition, harmful to the Green Belt contrary to the NPPF, Local Plan Policy C17 and Joint Structure Plan Policy S5. Whilst limited weight can be given to the Northumberland Local Plan (NLP) the proposal would also be contrary to NLP Policy STP 8.

Design and impact on residential amenity

- 7.21 SPNP Policy 10: Design and Character states:
'Development proposals will be expected, where relevant, to demonstrate how they will:
- a) respect the context of the site and its surroundings, rural character, historic setting and context; and
 - b) demonstrate high quality design and where appropriate, innovative design; and
 - c) where appropriate, incorporate sustainable design measures including SuDS; and
 - d) integrate access for pedestrians, cyclists and public transport into the development; and
 - e) provide suitable landscaping and open space, including, play provision; and

f) secure a good standard of amenity for all existing and future occupants of land and buildings

- 7.22 Policy H15 of the Local Plan also specifies the detailed requirements for new housing developments and seeks 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. The NPPF in summary and of relevance states planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation; establish or maintain a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future.
- 7.23 The proposed dwelling would be of a substantial size constructed of stone and slate. It is considered the curtilage of the proposed dwelling is commensurate with the size of the proposed dwelling. In terms of design Stannington Station Road has a diverse and varied character which includes a variety of individual house types, however, in this particular location the proposed dwelling would be seen in the context of the two neighbouring semi detached dwellings to the east of the site which have much smaller curtilages with smaller dwellings of very different design compared to the proposed dwelling. The proposed dwelling by virtue of its scale and use of different materials, being stone and slate opposed to those existing constructed of red brick with red tiled roofs, and due to its very different design would appear quite different and have an adhoc appearance which does not link well with the existing neighbours, to the detriment of the appearance of the area and street scene. It would not create a cohesive form of development with the existing development. As such by virtue of the design of the proposal, its scale and proposed materials it would have a detrimental impact upon the character of the area and fail to add to the overall quality of the area which is not in accordance with SPNP Policy 10, Local Plan Policy H15 and the NPPF. Whilst limited weight can be given to the Northumberland Local Plan (NLP) the proposal would also be contrary to NLP Policy QOP1. .
- 7.24 It is considered however that the proposed dwelling 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 distance between the dwelling these neighbouring properties. In addition Public Protection have been consulted and have considered noise, dust and flood lighting and the impact of these on neighbours during the construction period. They have recommended conditions which would ensure the impact of these on neighbours would be kept to a minimal. In terms of impact on residential amenity, it is therefore considered subject to conditions that the proposals could be in accordance

with SPNP Policy 10, Policy H15 of the Local Plan and the NPPF. In this respect the proposal would therefore be in accordance with Policy H15 of the Local Plan.

Impact on character of area

- 7.25 Objective 5: Design and Character of the Stannington Parish Neighbourhood Plan (SPNP) states:
'Ensure each settlement in the Plan area seeks to maintain local identity, with a recognition in the Plan of the differences between the settlements, and the need to reflect local character in design'.
- 7.26 The SPNP further states, 'There was strong support in the local community for maintaining local character, and ensuring that new development is carefully designed to fit in with surrounding character. The Plan recognises the different characteristics of settlements in the Plan area. A planning policy promotes careful attention to design in new development (Policy 10).'
- 7.27 Policy 10 is set out above however within the explanatory text to Policy 10 it also states:

'Stannington Station has a different character to Stannington village. It is a dispersed, rural settlement, with open views across to the countryside. It will be important to maintain these open views to retain the agricultural feel of the settlement, something which was considered to be highly important to people living in that area. This rural context will be an important factor to consider in the design of any future development proposals. Stannington Station is in the Green Belt.'
- 7.28 The SPNP also states 'There is strong feeling in the local community that Stannington Station should retain its 'rural feel' and the sense of openness within the Green Belt.'
- 7.29 In terms of the proposed development and taking into account the character of Station Road of which it has been identified 'open views' should be retained to help maintain the rural agricultural feel, a number of developments have now already been granted planning permission along Station Road and are being built in a number of open spaces along the road recently, which it is now considered the cumulative impact of these has now reached a critical point where the effect of these and any further development facing Stannington Station Road that would result in the loss of gaps between built form, would severely impact upon the dispersed character of Stannington Station Road and erode both the 'rural and 'open' feel of the area. The cumulative effect is that Stannington Station road is becoming a ribbon development which this application would contribute further towards as well as encroaching significantly in the open countryside. Thus Stannington Station Road would lose its character as a dispersed settlement as described in the SNP. This is compounded by the fact that there is also a current application (19/00134/out) in for 5 dwellings on the site adjacent to the west of this application site which would further lengthen the built form into the open countryside. The impact of this individual application and the cumulative effect of all these applications is that the open countryside would be eroded and would have a significant

detrimental impact on the 'open' character of this part of the open countryside and Stannington Station Road. The development of even more dwellings along Stannington Station Road which has already seen a significant growth in size would be to the detriment of the character of this area, of which its 'open', 'rural' and 'dispersed' character is intrinsic and has historical significance. Thus it is considered the cumulative impact of this proposal along with other developments along Stannington Station have reached a point where any further development which includes this proposal, would diminish and fail to respect the 'rural', 'dispersed' and 'open' character of the site and its surroundings, and so fail to be sympathetic to local character and history contrary to SPNP Policy 10: Design and Character, Local Plan Policy H15 and the NPPF. Whilst limited weight can be given to the Northumberland Local Plan (NLP) the proposal would also be contrary to NLP Policy QOP 1 in this respect.

- 7.30 It is also considered however that the proposal, notwithstanding the cumulative impact of recent developments, would itself represent an imposing, incongruous and obtrusive urban built form of development and urban encroachment into this attractive undeveloped countryside/ rural landscape location, which would have a permanent detrimental impact upon the natural rural character and appearance of the site and its setting and would severely detract from the qualities of this attractive landscape. Furthermore, the siting of the property would result in a greater propensity for associated paraphernalia and increase the perceived urbanisation of this area. This is especially significant given the large size of the site. As such it is also considered that the proposal by creating an imposing urban form of development would erode the qualities of this attractive landscape and have a detrimental impact upon the rural character and appearance of the site and landscape and setting of this particular part of the open countryside. As such the proposal therefore fails to accord with the advice set out in the NPPF on the basis that it fails to conserve and enhance the natural character and appearance of this part of the open countryside and it would adversely affecting the intrinsic character and beauty of the countryside. Whilst limited weight can be given to the Northumberland Local Plan (NLP) the proposal would also be contrary to NLP Policy QOP1 in this respect also..

Coal Mining

- 7.31 A Phase 1: Coal Mining Desk Top Study Report (Geo Environmental Engineering, 22 June 2018) has been submitted with the application. The Coal Authority have been consulted with the application and have confirmed the report after an assessment of BGS data and mining information considers risk posed by coal mining legacy features to the proposed development is negligible. Specifically, the report discounts the potential of shallow unrecorded coal mine workings in seams beneath the application site through reviewing bgs borehole data and geological plans. On this basis the Coal Authority have no objection to the proposal and state further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application. As such the proposal is considered to be acceptable and in accordance with Local Plan

Policy RE9 in terms of impact on land stability. Whilst limited weight can be given to the Northumberland Local Plan (NLP) the proposal would also accord with NLP Policy POL 1 which deals with unstable and contaminated land.

Contamination/ gas

- 7.32 The applicant has submitted a Contamination Assessment: Screening Assessment Form (Version 8.2) Dated 22nd Jan 2019 which fulfils the requirement of 'Existing Use' section of the planning application form. This is to ensure that any contaminants within the site are dealt with in an appropriate manner to afford protection to the end user. The proposed development site also falls within the defined Coal Authority High Risk Referral Area where the Coal Authority records indicate that within the application site and surrounding area, there are coal mining features and hazards which needs to be considered in particular mine gases. On this occasion Public Protection have therefore been consulted and recommend that a gas membrane is installed to ensure there are no risks from mine gases entering the buildings in order to prevent any accumulation of ground gases, which may potentially be prejudicial to health of the future occupiers. In addition they also propose a condition regarding potentially contaminated land. Subject to these conditions it is considered the proposal would accord with Local Plan Policy RE8 Contaminated Land. Whilst limited weight can be given to the Northumberland Local Plan (NLP) the proposal would also accord with NLP Policy POL 1 which deals with unstable and contaminated land.

Sewerage and surface water

- 7.33 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.
- 7.34 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. Whilst the Lead Local Flood Authority have not been consulted on this application as it is a minor development it would be prudent in this instance to add an informative which requests paving to be of a permeable material.
- 7.35 In terms of foul sewerage this is to go to the mains sewer and surface water will be disposed of via a sustainable drainage system. Northumbrian Water have been consulted and have stated that they have no comment to make on

the application, however it is considered the proposed methods of water and waste disposal are appropriate for the sites location, next to mains sewer. As such 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. Whilst limited weight can be given to the Northumberland Local Plan (NLP) the proposal would also accord with NLP Policy WAT 3 and 4 which deal with Flooding and Sustainable Drainage Systems.

Archaeology

- 7.36 The County Archaeologist has been consulted and has confirmed that the proposed development site is located in a wider archaeological landscape containing known sites probably dating from the Iron Age and Romano British period, the closest of which is c. 200m to the south west. She has confirmed that an archaeological evaluation to the immediate west of 65 Station Road, Stannington, consisting of a 6% trenching sample, revealed a ditch that may be associated with division and utilisation of the landscape at this time. However the ditch is located at the western end of the development site, and runs in a north west - south east direction. No other features of archaeological interest were discovered. Having assessed the location, nature, importance and density of archaeological remains in the surrounding area, in conjunction with the nature, extent and location of the groundworks associated with the planning application the County Archaeologists advice is that based on the available information, the proposed development is unlikely to adversely affect significant archaeological remains in this particular instance and as such has no objections to the application and confirms that no archaeological work will be required. As such the impact on archaeological remains is acceptable and the proposal would accord with the NPPF which seeks to sustain the status of heritage assets (including non-designated archaeology). Whilst limited weight can be given to the Northumberland Local Plan (NLP) the proposal would also accord with Policy ENV 7 which seeks to protect the historic environment and heritage assets.

Highway issues

- 7.37 The proposed dwelling would be served by an existing access which would lead to on site parking. The Highway Authority have been consulted who examine the access arrangements, parking, provision for cycle parking and refuse facilities and ability for the road network to accommodate further traffic. They have raised no objection subject to a number of conditions. Therefore 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. Whilst limited weight can be given to the Northumberland Local Plan (NLP) the proposal would also accord with Policies TRA 2 and TRA 4 which look at the effects of the development on the transport network and parking provision in new development.

Ecology

- 7.38 The County Ecologist has been consulted and having received further detail from the agent, confirms that the buildings shown on site photographs are not within the development boundary and will not be affected by the works. Given the nature of the site the ecological interest is also confined to the boundaries, which are not directly impacted by the new buildings. Subject to a condition which requests a boundary protection plan and details of in-built bat and bird boxes 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. Whilst limited weight can be given to the Northumberland Local Plan (NLP) the proposal would also accord with Policy ENV2 which seeks to protect and enhance biodiversity and geodiversity.

Coastal Mitigation

- 7.39 The site lies approx 7km from the nearest point of the Northumberland Shore SSSI on the Blyth estuary to the east which is also included in the Northumberland Marine SPA with the Northumbria Coast SPA/Ramsar site on the open coast beyond that to the east.
- 7.40 As this is a proposed residential development within 10km of the coast, consideration will need to be given to the impact of increased recreational disturbance to bird species that are interest features of the coastal SSSIs and European sites, and increased recreational pressure on dune grasslands which are similarly protected.
- 7.41 When developers apply for planning permission for new residential development within the coastal zone of influence, the Local Planning Authority has to fulfil its obligations under the Wildlife and Countryside Act (for SSSIs) and the Conservation of Habitats and Species Regulations (for SPAs, SACs and Ramsar Sites), by ensuring that the development will not have adverse impacts on designated sites. Until now, we have required the developer to devise suitable mitigation, supported by survey work that they have commissioned. However, due to growing concerns about the effectiveness of mitigation that does not include direct management of the protected areas themselves, the Council has introduced a scheme whereby developers can pay a contribution into a strategic mitigation service which will be used to fund coastal wardens who will provide the necessary mitigation.
- 7.42 Contribution to the Coastal Mitigation Service (CMS) enables a conclusion of no adverse effect on site integrity to be reached when a planning application is subject to appropriate assessment, without the developer having to commission any survey or mitigation work. Similarly it enables a conclusion of no adverse effect on the interest features of coastal SSSIs. The contribution for major developments (10 or more units) is set at £600 per unit within 7km of the coast and £300 per unit for those between 7-10km of the coast. Minor developments of 9 units or less contribute £600 per unit within 7km of the coast but are exempt beyond that. This is secured by a S.106 agreement

payable on first occupation, or by unilateral undertaking payable prior to commencement for schemes that do not otherwise have S.106 agreements.

- 7.43 In this particular case the site lies within 7km distance from the relevant protected sites and as a result a contribution of £600 is required.
- 7.44 The applicant has agreed to contribute to the Coastal Mitigation Service which will be sought under a unilateral undertaking. This will ensure that adequate mitigation will be provided to address increased recreational disturbance and damage within the coastal designated sites and so will enable the Council to reach a conclusion that there will be no adverse effect on site integrity in respect of this issue when undertaking the Habitats Regulations Assessment for this development. A Habitats Regulations Assessment will be completed and signed by Natural England prior to the consent being issued.

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.

9. Recommendation

That this application be REFUSED permission subject to the following:

Reasons

01. The proposal would represent unnecessary and unjustified development in the open countryside outside of the defined settlement boundary, contrary to the National Planning Policy Framework, and Policies C1 and H16 of the Castle Morpeth District Local Plan.
02. 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. The proposal would be contrary to the core planning principles within the NPPF of protecting the Green Belt, preventing urban sprawl and recognising the intrinsic character of the countryside. There are no very special circumstances that would outweigh the harm and detrimental impact of the proposal upon the openness of the Green Belt 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.
03. The proposed dwelling would represent an imposing, incongruous and obtrusive urban built form of development and urban encroachment into this attractive undeveloped countryside/ rural landscape location, which would detract from and have a permanent detrimental impact upon the natural rural character and appearance of the site, landscape and setting of this particular part of the open countryside and Green Belt. As such the proposal therefore fails to accord with the advice set out in the NPPF on the basis that it fails to conserve and enhance the natural character and appearance of this part of the open countryside and it would adversely affecting the intrinsic character and beauty of this part of the countryside and Green Belt.
04. The cumulative impact of this proposal along with other developments along Stannington Station have reached a point where any further development which includes this proposal, would diminish and fail to respect the 'rural', 'dispersed' and 'open' character of the site and its surroundings, and so fail to be sympathetic to local character and history contrary to SPNP Policy 10: Design and Character, Local Plan Policy H15 and the NPPF.
05. By virtue of the design of the proposal, its scale and proposed materials it would have a detrimental impact upon the character and appearance of the

street scene and fail to add to the overall quality of the area which is not in accordance with SPNP Policy 10, Local Plan Policy H15 and the NPPF.

Date of Report: 05.03.2019

Background Papers: Planning application file(s)