

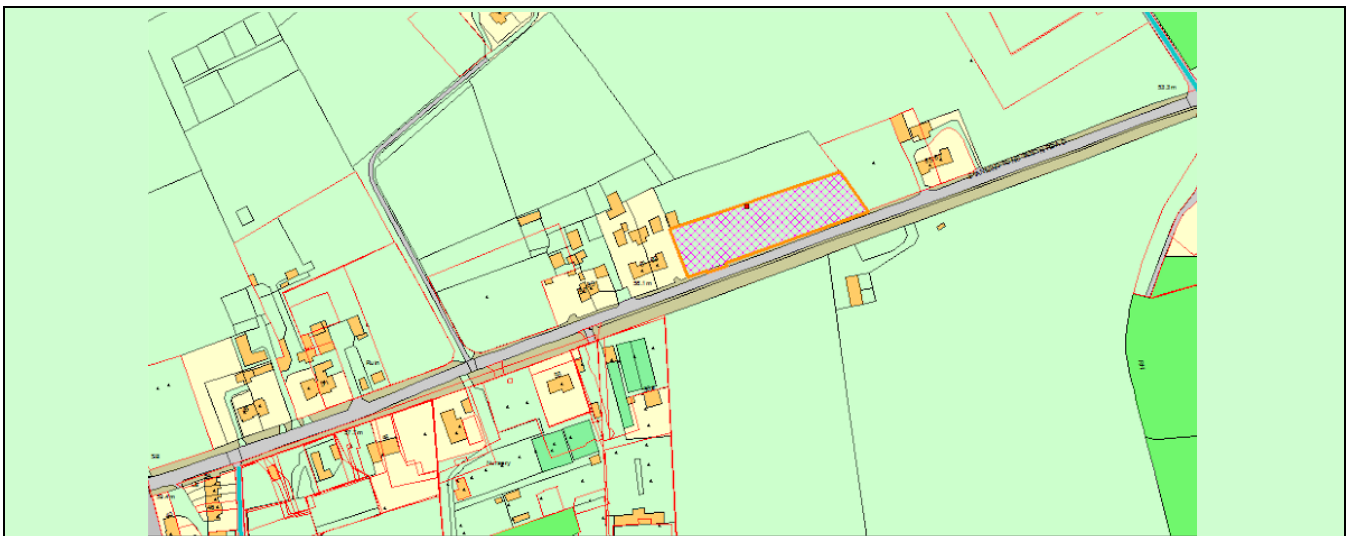


Northumberland County Council

Castle Morpeth Committee, 8th April 2019

Application No:	19/00134/OUT		
Proposal:	Outline planning permission with all matters reserved for Construction of 5 no. dwellinghouses (C3 use) including new access		
Site Address	Land North East Of 63 Station Road, Station Road, Stannington, Northumberland		
Applicant:	Mr & Mrs Ford 63 Stannington Station Road, Stannington, NE61 6NH,	Agent:	Mr Jon Tweddell Coble Quay, Amble, Northumberland, NE65 0FB
Ward	Ponteland East And Stannington	Parish	Stannington
Valid Date:	17 January 2019	Expiry Date:	14 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 regarding the impact of the development on the greenbelt.

2. Description of the Proposals

- 2.1 Outline planning permission is sought for the construction of 5 dwellings with all matters reserved on land northeast of number 63 Station Road Stannington.
- 2.2 The site comprises a broadly rectangular shaped piece of land covering approximately 0.3540 hec. The site is grassed and is used as a paddock. There is a stable on the site to the western side. To the north of the site are open fields, to the south is Stannington Station Road, to the west is a dwelling and to the east of the site is a paddock/ garden land to number 65 Station Road.
- 2.3 The application has been made in outline form with all matters reserved for future consideration. The agent has, however, submitted an indicative site layout plan which shows that the five dwellings would take a linear form of development, with an access between two dwellings to the eastern side of the site which would run along the rear dwellings
- 2.4 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

- 3.1 N/A

4. Consultee Responses

The Coal Authority	No objection. Propose condition
County Ecologist	Subject to agreement from the applicant for the contribution to the CMS the site specific conditions are advised;
Natural England	No objection subject to appropriate mitigation.
Stannington Parish Council	No response received.
Highways	No objection subject to comments.
Waste Management - South East	No response received.
Northumbrian Water Ltd	No objection subject to a condition
Public Protection	No objection subject to conditions
Lead Local Flood Authority (LLFA)	No objection subject to conditions

County Archaeologist	No objection subject to a condition
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5. Public Responses

Neighbour Notification

Number of Neighbours Notified	3
Number of Objections	16
Number of Support	1
Number of General Comments	0

Notices

General site notice, 12/2/19
No Press Notice Required.

Summary of Responses:

16 letters of objection have been received. In summary the objections relate to:

- Object to building on the Green Belt
- Contrary to the NPPF
- Site outside boundary of Stannington Station Road
- This proposal repositions the inset boundary, which violates the current recognised process. This is totally unacceptable. The inset boundary can only be agreed by consultation and democratic procedure.
- Not sustainable
- Impact on traffic levels, congestion, air and noise pollution.
- Increased pollution and environmental impact
- Proposal adds to over development of Stannington Station Road. Disproportionate and contrary to the SPNP.
- SPNP states that Station Road should retain its rural feel and sense of openness in the Green Belt.
- Impact on rural character becoming urban
- Will ruin open aspect and erode Green Belt
- It is not a small gap within an otherwise built up frontage, and represents development between loose groups of buildings; it is a gap between the built edge of a village and other buildings which are not physically and visually linked to the settlement (as defined by the proposed inset boundary for Stannington Station Road);
- It is development of a scale and form that would result in the loss of significant gaps between built form on Stannington Station and diminishes the open character of the Stannington Station

- The proposal does not meet the economic, social or environmental requirements for sustainable development and therefore cannot claim to be.
 - The cumulative effect of many developments with claimed minimal impact on the countryside results in a road that is a building site.
 - Stannington Station is becoming a ribbon development not a dispersed settlement as described in the SNP
 - The application is utterly incongruous with the SPNP, which states that Station Road is "a dispersed, rural settlement, with open views across to the countryside". It also acknowledges the importance of maintaining this as well as the agricultural feel of the settlement. The "open views" and "agricultural feel" of Station Road, which are intrinsic to the special character of the settlement and have historical significance to it, cannot be maintained by building on the green spaces between the present cluster of dwellings, as this application is seeking to do.
 - Drainage problems already without additional houses.
 - Stannington Station has no church, no village shop, no pub, nor any communal green space which might provide a meeting place for its residents. It is a single street with dwellings mostly spread out, set amidst green fields, with a small number of businesses taking advantage of their large plots in an essentially rural location. It is a long way from providing a socially coherent community life for its residents and should not be confused with a genuine village like Stannington just over a mile away to the south, with its church, school, village hall and pub.
 - It is worth noting another Appeal judgement in relation to a site in the village of Luzley in Staffordshire.
 - 'The buildings within the settlement of Luzley are sporadically arranged and separated in some cases by open fields. Whilst the Hare and Hounds public house provides a focal point, the area has the characteristics of a dispersed hamlet rather than a village. Although there is a sporadic ribbon of development along Luzley Road, the appeal site forms a small part of a sizeable open gap between 21 Luzley Road and the Hare and Hounds. Land immediately across Luzley Road from the appeal site and to its rear is also open. For these reasons the appeal proposal would not constitute infilling in a village.'
 - It is also relevant to note how this clause is defined by the District Council at Sevenoaks in Kent.
 - 'The District Council defines limited infill development as the completion of an otherwise substantially built up frontage by the filling of a narrow gap normally capable of taking one or two dwellings only.'
- It goes on to make it clear that in loosely-knit settlements 'washed over' by the Green Belt, 'Limited infilling will not be acceptable in low density areas, where gaps between dwellings form part of the character of the area and contribute to openness.'

1 letters of support has been received. In summary this raises the following points:

- Demand is outstripping Supply for couples wanting to purchase a bungalow especially in their retirement years
- Support this planning application for these bungalows.

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

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
Appearance, layout and impact on residential
Impact on character of area and site
Coal Mining
Contamination/ gas
Sewerage and surface water
Archaeology
Highway safety
Ecology
Coastal Mitigation

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 Hepscott as defined in the Castle Morpeth District Local Plan (2003). Therefore the site can be considered as being located in an area of open countryside. Following publication of the National Planning Policy Framework (NPPF) the provisions of saved Local Plan Policies C1, H15 and H16 are still relevant in the determination of this application and remain the starting point for determining the proposals. These policies set out the basic principles against which new residential development proposals in the open countryside, outside of defined settlement boundaries, will be assessed with policies seeking to limit new house building in such locations to essential accommodation only, in line with the advice contained in the NPPF.
- 7.5 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 dwellings on this site would be contrary to Local Plan Policies C1 and H16. These policies generally align with the NPPF which only allows new build housing in the open countryside under very special circumstances, and so appropriate weight may be given to their provisions.
- 7.6 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 to the eastern side of Stannington Station but not within it as it forms a substantial greenfield paddock. It is considered this paddock delineates where the edge of the settlement is as to the west there is denser development and to the east much less dense sporadic development dispersed amongst open fields. It is a gap between the built edge of a village and other buildings which are not physically and visually linked to the settlement. 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 where isolated homes in the open countryside are considered to be acceptable either. It is also not considered that any of the reasons set out in the applicant's supporting statements would outweigh the policy justification for not allowing dwellings to be located in this particular location 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 Ugham (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 5 dwellings on a site with a frontage approximately 118m in length. The scale of the site and number of dwellings is not considered to be limited. The development would also be located on a field used as a paddock which is not considered to be in a settlement/ and or village for the reasons described above under principle of development in the open countryside. 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 east of the site before the dwelling at nos 65 Station Road. 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’. Whilst the planning statement quotes the permission that was granted for 4 dwellings under 18/01044/ful and says that this site is very similar, the length of the site under 18/01044/Ful measures approximately 79m and this application site measures approximately 118m and is for 5 dwellings. 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’. 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 limited infilling. In terms of the partial or complete redevelopment of previously developed land, it is also considered whilst there is a stable on a very small part of the site which forms a paddock, the majority of the site is not 'previously developed land'. Therefore for these reasons the proposal would also not satisfy criteria 'g' of para 145 of the NPPF and whether the proposal therefore has a greater impact on the openness than the existing situation does not need to be assessed.
- 7.20 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 applicants agent has not however submitted information which they consider to amount to '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 dwellings 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 Local Plan, the NPPF 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.

Appearance, layout and impact on residential amenity

- 7.21 Stannington Parish Neighbourhood Plan (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 Details of appearance and landscaping have been reserved for determination at reserved matters stage. However it is considered that a development of appropriate scale and design could be achieved in accordance with the above policies. An indicative plan has been submitted too which shows that a lay out could be achieved which would ensure a good amount of amenity area and space with the neighbouring dwellings. Whilst details of layout and design of properties are reserved for approval at a later stage it is also considered that a scheme could be developed which would ensure that the proposed dwellings would not adversely impact upon the residential amenity currently enjoyed by the occupiers of any neighbouring properties or the proposed properties in terms of loss of light, outlook and privacy. 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 though which would ensure the impact of these on neighbours would be kept to a minimal. In terms of appearance, layout and the 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 .Whilst limited weight can be given to the Northumberland Local Plan (NLP) in this respect the proposal would also accord with NLP Policy QOP 1.

Impact on character of area and site

- 7.24 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'.

7.25 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).'

7.26 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.'

7.27 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.'

7.28 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 in a number of open spaces, 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 (19/00226/Ful) in for 1 dwelling on the site adjacent and to the east 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) in this respect the proposal would also be contrary to NLP Policy QOP 1.

- 7.29 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.

Coal Mining

- 7.30 A Preliminary Contamination and Mining Risk Assessment Report has been submitted with the application. The Coal Authority have been consulted with the application and have confirmed that they concur with the conclusions and recommendations of the Preliminary Contamination and Mining Risk Assessment Report (FWS, 29 January 2019) and recommend that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring site investigation works prior to commencement of development. Subject to this 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

- 7.31 Public Protection have been consulted and concur with the recommendations in the submitted Preliminary Contaminated and Mining Risk Assessment, Dated 9th Nov 2018, Ref 35350R01, which states that further intrusive investigations including gas monitoring which are required to ensure that any contaminants within the site are dealt with in an appropriate manner to afford protection to the end user. Public Protection also state the site is in the Coal Authority High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application in particular the mine gases. On this occasion Public Protection have no objection to the proposal subject to conditions that deal with ground gases and 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 in this respect would also accord with NLP Policy POL 1 which deals with unstable and contaminated land.

Sewerage and surface water

- 7.32 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.
- 7.33 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.
- 7.34 Northumbrian Water have been consulted and have stated that the planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess their capacity to treat the flows from the development. As such they recommend a condition to ensure these details are submitted. The Lead Local Flood Authority have also been consulted and have no objection subject to a condition that requests a scheme for surface water management to be submitted and an informative which requests surfaces to be of a permeable material. As such subject to the suggested conditions/ informative this would ensure a suitable scheme for the disposal of foul and surface water would be achieved 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

- 7.35 The County Archaeologist has been consulted and has confirmed that the proposed development site is located in a wider archaeological landscape containing known sites from the prehistoric period onwards, including a series of later prehistoric enclosures to the south. The closest recorded example is some 200m south of the present application site. An archaeological field evaluation was carried out by AD Archaeology in December 2018 and as such the County Archaeologist has reviewed the findings. She has confirmed that a

number of trenches have been evaluated however further archaeological investigation is required which can be dealt with under a condition. Subject to this condition this would ensure the detrimental 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

- 7.36 Whilst this application is an outline application with all matters reserved including design and access the applicant has submitted an indicative layout showing access to and from the site. The Highway Authority are aware that the access could be changed at reserved matters stage though. The Highway Authority have been consulted and have provided a number of conditions which cover the detail they would require at a reserved matters stage. Overall it is considered that subject to further comments from the Highway Authority at reserved matters stage that a scheme could be drawn up with adequate access, layout and parking arrangements 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

- 7.37 The County Ecologist has examined the submitted Ecological Assessment, and has raised no objections to the scheme subject to conditions which would ensure mitigation is incorporated into the scheme in relation to bats, birds and hedgehogs, ensure trees are protected and that a landscaping scheme is submitted. Subject to these 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

- 7.38 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. The comments from Natural England (dated 15th March) are noted together with the relevant recommendation in the ecological report which states that a contribution should be made to the Coastal Mitigation Service to account for additional recreational disturbance on the protected coastal sites.

- 7.39 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.
- 7.40 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.
- 7.41 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.
- 7.42 In this particular case the site straddles the 7km distance from the relevant protected sites and as a result an overall 50% reduction in the contribution would be appropriate in this instance. At £300 per dwelling that would total £1500.
- 7.43 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

- 7.44 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the

proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

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

Human Rights Act Implications

- 7.46 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 7.47 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 7.48 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Recommendation

That this application be REFUSED permission subject to the following:

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 dwellings 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 affect the intrinsic character and beauty of this part of the countryside.
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.

Date of Report: 21.03.2019

Background Papers: Planning application file(s) 19/00134/OUT