



# Northumberland

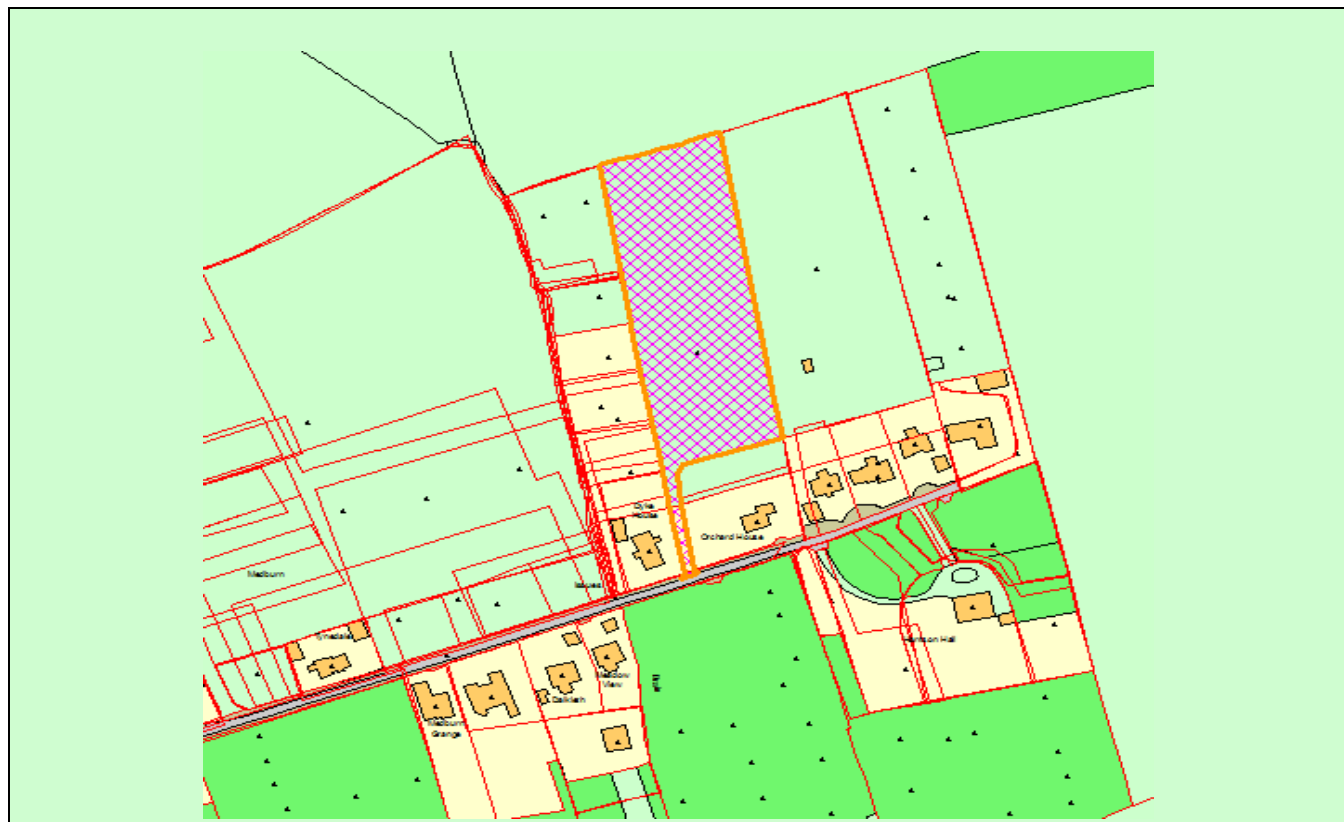
## County Council

### Castle Morpeth Local Area Council Planning Committee

#### 8th July 2019

<b>Application No:</b>	18/02939/OUT		
<b>Proposal:</b>	Outline permission for housing development of 8 detached houses and garages (all matters reserved)		
<b>Site Address</b>	Land North Of Orchard House , The Avenue, Medburn, NE20 0JD		
<b>Applicant:</b>	Mr Stephen Graham 30 Barmoor Drive, Great Park, Newcastle Upon Tyne, NE3 5RG	<b>Agent:</b>	Mr Christopher Brummitt Meadowfield, Ponteland, Newcastle Upon Tyne, NE20 9SD
<b>Ward</b>	Ponteland West	<b>Parish</b>	Ponteland
<b>Valid Date:</b>	11 September 2018	<b>Expiry Date:</b>	28 February 2019
<b>Case Officer Details:</b>	Name:	Mr Richard Laughton	
	Job Title:	Planning Officer	
	Tel No:	01670 622628	
	Email:	richard.laughton@northumberland.gov.uk	

**Recommendation:** That this application be GRANTED permission



## 1. Introduction

1.1 This application is the subject of an objection from Ponteland Town Council. Under the provisions of the Council's current Scheme of Delegation, the objection raises bone fide material planning issues and therefore the application is to be considered by the Castle Morpeth Local Area Planning Committee.

## 2. Description of the Proposals

2.1 This application seeks outline planning permission with all matters reserved for the erection of 8 dwellings on Land North Of Orchard House, The Avenue, Medburn. The matters relating to the access, layout, scale, appearance and landscaping are reserved for subsequent approval.

2.2 The site is located off The Avenue, on undeveloped land to the rear of Orchard House to the north. The site would be accessed via a private road in between Orchard House and Dyke House leading from the Avenue. There are previous permissions and existing dwellings under construction and near completion for dwellings to the adjoining land to the west in a liner formation north of Dyke House.

2.3 Medburn which is a small settlement to the west of Ponteland and is inset within the Green Belt. Medburn has a mix of dwelling types and development which in recent years has focused mainly on large executive style properties. The site falls to be within the settlement boundary for Medburn, as identified in the Castle Morpeth District Local Plan.

## 3. Planning History

No relevant planning history

## 4. Consultee Responses

Lead Local Flood Authority (LLFA)	No objections subject to conditions
County Ecologist	No objections subject to conditions
Highways	No objections subject to conditions
Ponteland Town Council	Objection

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	15
Number of Objections	10
Number of Support	0
Number of General Comments	0

## Notices

General site notice, 19th September 2018  
No Press Notice Required.

### Summary of Responses:

Objection:- Medburn is a satellite settlement without any services, only a limited bus service and poor paths for cyclists and pedestrians. The C345, is a narrow country lane and the only access road. Various ongoing developments have caused major problems for the residents of Medburn and construction traffic has all but destroyed the road surface on the Avenue. The noise and times construction works are being carried out has been a great nuisance to surrounding residents; who have reported the issue to environmental health. Concerns for lack of consideration and care has become a major factor. Medburn has moved on from a small quiet hamlet into a growing housing estate.

The construction of yet another 8 dwellings will adversely impact on what was once a small settlement for the reasons mentioned above. The application is contrary to the Castle Morpeth District Plan Policy MBH1 ii) which states that no new residential access will be permitted onto the Avenue, a substandard road. it is also contrary to the PNP2 policy which aims to create a sense of place by protection to an areas quality, distinctiveness and character.

The National Planning Policy Framework 11 conserving and enhancing the natural environment declares that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The increasing expansion of Medburn is becoming a major burden on the infrastructure of Ponteland which is struggling to cope with the additional residents and vehicles.

10 objections have also been received from local residents that supports the concerns raised by the Town Council and in particular concerns relating to:

- Issues with increased vehicular traffic and poor visibility on the Avenue
- Number of approved dwellings is leading to an unacceptable impact on the Avenue leading to a detrimental impact on visual amenity and overdevelopment

A concern has been made in relation to the proposed access overlapping a utilities service strip. This detailed matters related to access will be assessed at the reserved matters stage and any development on such land would also be a civil or legal issue with the landowner.

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=PDI451QSII000>

## **6. Planning Policy**

### Development Plan Policy

#### Ponteland Neighbourhood Plan (2017)

Policy PNP 1: Sustainable Development Principles

Policy PNP 2: High Quality and Inclusive Design

Policy PNP 3: Infrastructure

Policy PNP 11: Landscape

Policy PNP 13: Biodiversity

Policy PNP 27: Flood Risk

Policy PNP 28: Sustainable Drainage Systems

Policy PNP 29: Transport and New Developments

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

RE6 - Service Infrastructure

C1 - Settlement Boundaries

C11 - Protected Species

C15 - Trees in the countryside and urban areas

H1 - Housing Land Supply

H11 - Tandem and Backland Development

H15 - New Housing Developments

MBC1 - Medburn Settlement Boundary

MBH1 - Infill Development

MBH2 - Infill Development

T5 - Public Transport

### National Planning Policy

National Planning Policy Framework (NPPF) (2019)

National Planning Practice Guidance (NPPG) (2014, as updated)

### Emerging Documents

Schedule of Proposed Minor Modifications to the Publication Northumberland Local Plan (NLP) – (Regulation 19) May 2019

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 HOU 2 Provision of new residential development (Strategic Policy)

Policy HOU 3 Housing requirements for neighbourhood plan areas (Strategic Policy)

Policy HOU8 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 POL 1 Unstable and contaminated land  
Policy POL 2 Pollution and air, soil and water quality

## **7. Appraisal**

7.1. The main planning considerations relating to this proposal are as follows:

- Principle of Development
- Housing Supply
- Visual amenity and design
- Residential amenity
- Highway matters
- Flood Risk

7.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration. The Ponteland Neighbourhood Plan and saved Policies of the Castle Morpeth District Local Plan (adopted 2003) remain the development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF. However, the NPPF advises at Paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF. The Ponteland Neighbourhood Plan was made in November 2017 and as such, can be afforded full weight.

### 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.

### Principle of Development

7.4 Policy PNP1 of the Ponteland Neighbourhood Plan seeks to take a positive approach to new development with a presumption in favour of sustainable development in line with the NPPF. The site is located within the settlement boundary of Medburn as defined by Policies C1 and MBC1 of the Local Plan. Boundaries are drawn to identify the limits to settlements and are defined on the proposals map insets.

7.5 The site is located within an area defined by Local Plan Policies MBH2 which considers development as being appropriate, in principle, for infill development on

previously developed land. The site is not previously developed and the construction of new dwellings on the site is not considered to constitute infill development. As such, whilst the site may lie within the wider settlement boundary for Medburn, Local Plan Policy MBH2 is not relevant.

7.6 Notwithstanding this, Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise); approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

7.7 NPPF Paragraph 8 identifies three dimensions to sustainable development, an economic element, a social element and an environmental element and goes on to advise how the three elements of sustainable development are mutually dependant and should not be undertaken in isolation. It makes clear that to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Whether the presumption in favour of sustainable development is successful in this case is dependent on an assessment of whether the proposed development of the site would be sustainable in terms of its economic, social and environmental roles.

7.8 The latest version of the NLP was published in May 2019. Relevant policies in this document are a material consideration in determining this application but it is not considered that such policies can be afforded significant weight at this time due to the stage that this plan is at in its journey towards adoption. It is worth noting that the spatial strategy of Policy STP1 seeks to direct most new development to existing towns within the County but the proposals map retains the settlement of outside of the Green Belt.

7.9 It is acknowledged that Medburn as a settlement is poorly served by services/facilities with no shops, school, pub, community centre or other such community facilities. However, previous planning decisions in Medburn have given weight to two appeal decisions within Medburn, one for five dwellings and one for 14 dwellings. Both of these decisions determined that, although Medburn itself has no services of its own, it is not a remote or unsustainable location by virtue of its close proximity and connectivity to Ponteland and its range of services. In respect of the appeal against five dwellings at Prospect Farm (planning application ref: 11/01959/OUT and appeal decision dated 22nd October 2012) the Inspector determined that:

*"The Local Plan indicates that limited housing development is acceptable at Medburn with the clear implication that it is not considered to be an unsustainable location for limited new housing. Although the small settlement has no facilities of its own, it is not a remote rural location. Whilst it appears that residents generally have private cars and the site is outside convenient walking distance of the shopping, social, educational and employment facilities at Ponteland and Darras Hall, the site appears to be within cycling distance of such facilities and there is a limited regular bus service and school transport. Therefore, the site offers scope for accessing facilities and services by means other than private cars."*

7.10 In the appeal against the development of 14 dwellings on the application site (no. 12/00892/OUT) the Inspector agreed with this position and stated that: *"The appeal site in this instance is close to Prospect Farm. It is within easy reach of a bus stop, a bridleway and a cycleway, and I am in agreement with that Inspector with regard to the accessibility of Medburn to the service facilities of nearby Ponteland. In addition, the bus service from Medburn to the nearest Metro Station, notwithstanding the Council's argument regarding frequency, would provide suitable links to the employment, shopping and leisure facilities to be found in the wider Tyne and Wear area."*

7.11 It is acknowledged that Medburn does not feature any services or facilities, nor does it have a regular public transport service. Whilst the NPPF provides a strong presumption in favour of sustainable development, it also recognises at Paragraph 78 that in cases where a number of settlements are closely grouped together, new housing in one village may support services in an adjacent settlement. The close proximity of Medburn to Ponteland is one such example where new housing development on the application site could potentially lend support to the wide range of services in Ponteland village centre, and clearly this has played a key part in the decisions made by the Inspectors in both appeal cases. Therefore, as the proposed scheme would provide new housing development in a location that is not remote from Ponteland and Darras Hall, which would support the existing services and facilities in an adjacent settlement, and which has reasonable access to such services and facilities by means other than the private car, it is considered that new housing in Medburn would accord, in principle, with Paragraph 78 of the NPPF and be generally consistent with the approach taken by the Inspectors in determining the Prospect Farm and the application site appeals.

7.12 A further inspectorate decision received in April 2018 (APP/P2935/W/16/3165719 - 16/01647/OUT) overturned a refusal from the local planning authority with the inspector report detailing that Medburn is not considered a remote, rural location owing to the ability to access Ponteland by cycle and public transport. The most recent appeal decision was for application 17/03367/OUT received on 25 April 2019 for 2 dwellings at Dyke House, The Avenue. The inspectors again, dismissed the appeal stating that:

*"I have considered the development on its own merits and found that it would have safe and suitable access and there would be facilities and services available in the nearby settlements. I have also taken into account that planning permission has recently been granted for other similar development both generally in Medburn, and on the appeal site itself. The development would also make a modest contribution to the delivery of new homes, although I give this little weight. In conclusion, the proposal would accord with the Framework with respect to highway safety and access to facilities and services and with policy PNP 2 of the Neighbourhood Plan and policy H12 of the Local Plan with respect to its effect on the character of the area".*

7.13 The proximity of Medburn to Ponteland therefore means that additional housing could be regarded as within reach of the wide range of services in Ponteland village centre, something which clearly has played a key part in the decisions made by the Inspectors' appeal cases. Therefore, as the proposed scheme would provide new housing development in a location that is not remote from Ponteland and Darras

Hall, which has reasonable access to services and facilities by means other than the private car, it is considered that new housing in Medburn would accord, in principle, with paragraph 78-79 of the NPPF and be generally consistent with the approach taken by the Inspectors in determining the Prospect Farm and Land East of The Nursery appeals, as well as the most recent decision from as recently as April this year.

7.14 Overall, the principle of development on the site is considered acceptable in accordance with Local plan policy MBC1. As per previous appeal decisions from the planning inspectorate, detailed within this appraisal, where it has been agreed that the development would accord with the NPPF in terms of being a form of sustainable development, the development is also considered to comply with policy PNP 1 of the Ponteland Neighbourhood Plan.

### Design and Amenity

7.15 Ponteland Neighbourhood Plan Policy PNP2 states that development will be supported where it demonstrates high quality and inclusive design and that all new development should make a positive contribution to its surroundings. This reflects Policy H15 of the Castle Morpeth District Local Plan and NLP Policies QOP1 and QOP2.

7.16 The application is outline only and therefore no details have been provided of the size, type and design of the dwelling. The submitted indicative layout demonstrates that the site could accommodate 8 dwellings of generous proportions without resulting in overdevelopment and be designed to negate any overlooking issues with the adjacent properties. Furthermore given the retained separation distances from the existing properties, it is not considered at the outline stage that the proposal would have a detrimental impact on neighbouring properties and is therefore in accordance with the NPPF and Policy PNP2 of the Ponteland Neighbourhood Plan, H15 and MBH2 of the Castle Morpeth District Local Plan and provisions of the NPPF in terms of high quality design. The details for appearance, landscaping, layout and scale will be considered at the reserved matters stage.

### Housing Mix and Affordable Housing

7.17 Ponteland Neighbourhood Plan Policy PNP21 states that new housing development should include a mix of dwelling types, sizes and tenures to meet the needs of different sectors of the current and future community, although the Policy acknowledges that the mix on an individual site should have regard to the character and density of the surrounding development and housing need evidence.

7.18 The NPPF advises that to deliver a wide choice of high quality homes Local Planning Authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. It goes on to state that Local Planning Authorities should identify the range of tenure and range of housing that is required and provide affordable housing in accordance with need.

7.19 NLP Policy HOU5 promotes housing developments which provide for a mix of dwelling types, whilst Policy HOU6 seeks to secure affordable housing. However, the number of units proposed is now below the 10 unit threshold for affordable housing



in this part of the County as specified in Policy HOU6 and the NPPF. As such affordable housing cannot be requested in respect of this application.

7.20 No details regarding housing mix are provided given that the application is in outline with all matters, other than the principle of up to 8 dwellings on the site, reserved for later approval. However, it is considered that an acceptable housing mix is achievable, albeit that the details would be agreed at Reserved Matters stage were this outline application to be supported.

7.21 Overall therefore in terms of housing mix the proposal is considered to be in accordance with the neighbourhood plan and the NPPF.

### Highways

7.22 The Avenue is a private road and therefore is regarded as having no highway status either in terms of public rights or maintenance liabilities.

7.23 The Highway Authority (HA) has previously expressed concerns with regard to the limitations in terms of visibility for drivers emerging from The Avenue onto the C345. Incremental development served by The Avenue inevitably increases the number of vehicle movements over time. Notwithstanding, the HA has concluded, for two main reasons, that refusal of planning permission on highway grounds, or a requirement for junction improvements, would not be sustainable in the event of an appeal.

7.24 Firstly, The Highway Authority has previously undertaken vehicle speed readings on the approaches to the junction. These revealed 85<sup>th</sup>ile vehicle speeds of 31.6 mph westbound and 34.7 mph eastbound. The survey also served to confirm that the C345 can be regarded as relatively lightly trafficked, carrying around 3 vehicles per minute in each direction in each of the peak hours.

7.25 Secondly, the Highway Authority conclusion is also informed by appeal decisions in respect of development served by The Avenue. Historically, two decisions were relevant. Application ref C/06/D/293 for 3 dwellings and replacement dwelling was refused permission for, inter alia, adverse effect on highway safety. In allowing the appeal the Planning Inspector noted that there had been no recorded accidents, traffic appeared light and vehicles negotiated the junction with little difficulty. It was concluded that allowing the proposed development would not lead to any significant harm to highway safety. Further, in 1999 permission (ref C/99/D/265) was granted for one dwelling subject to a condition requiring an improvement to the junction between The Avenue and the C345. An appeal against imposition of the condition was allowed, the Inspector indicating that traffic flows were "fairly light" and that "the limitations [of the junction] are self-evident...and [residents] will no doubt exercise due caution in emerging onto the highway". The condition was therefore regarded as unnecessary and not fairly and reasonably related in scale to the development, in the context of the "tests" of valid planning conditions.

7.26 There is now, however, a recent appeal decision dated 23 April 2018 referenced APP/P2935/W/16/3165719 in relation to the construction of 4 dwellings on another plot accessed via 'The Avenue' (application ref 16/01647/OUT) which was allowed, and has highlighted the Planning Inspectorate's view in relation to applications for

dwellings and the traffic generated. Whilst permission was not refused for a highway reason the Inspector states in paragraph 22:-

*“I have had regard to the concerns of local residents in respect of the effect of traffic generated by the development on the surrounding highway network. However, whilst I note the comments of the Local Highway Authority with regard to visibility at the access onto the C345, the traffic generation from four dwellings would likely be relatively modest in the context of existing and future vehicular movements on The Avenue and there is no compelling evidence that the highway impacts would be severe having regard to paragraph 32 of the Framework.”*

7.27 In addition, the most recent appeal APP/P2935/W/18/3213887 at Dyke House, Medburn dated 25<sup>th</sup> April 2019, the inspector further stated that whilst the condition of the Avenue has deteriorated, there was not sufficient reason to refuse on highways safety grounds:

*“With regard to the Avenue itself, the Council considers that the cumulative effect of development makes safe and suitable access not possible due to the road’s substandard structural condition. During my site visit I observed that the road surface has deteriorated in places, that it is single track in sections and has some tight bends. However, due to its condition and layout, and as witnessed during my site visit, users proceed with care and at relatively low speed decreasing risk to safety. I do not believe that the relatively modest increase in traffic this development would give, would severely harm highway safety to users of the Avenue”.*

7.28 Whilst the National Planning Policy Framework has recently been revised it is considered that the content does not change the conclusion that the development proposal is not open to objection in highway and transport terms in the context of the revised Framework. Therefore, taking into consideration the Planning Inspectorate’s view, which supports the previously expressed conclusions of the Highway Authority, whilst having some concerns regarding the junction with the C345, the Highway Authority is not in a position to support a recommendation of refusal for the proposed development. In regards to this development, the overall concept of the scheme will not have an adverse effect on the wider highway network. As this outline application is for all matters reserved, all aspects will be conditioned.

7.29 In terms of The Avenue, there remain concerns regarding the Junction with the C345. In terms of this development, there are no pedestrians links down The Avenue and the increased development will subsequently increase the amount of traffic movements. All construction traffic must be cautious when proceeding along The Avenue.

7.30 The proposed new access is required to have suitable visibility splays which are not to be obscured by boundary treatment. The proposed access shown on the submitted indicative layout is sufficient enough for large delivery vehicles/fire utility vehicles but a larger refuse vehicle would struggle to enter/exit the site without conflict.

7.31 To negate this issue, a refuse collection point has been installed at this access point so that the refuse vehicle does not have to enter the site to collect. A swept path has also been provided showing a standard fire utility vehicle manoeuvre into and out of the site without conflict, which is acceptable.

7.32 Car parking has not been detailed at this stage in terms of numbers and arrangements. A 3/4 bed dwelling requires a minimum of 3 spaces and a 5+ bed dwelling requires at least 4 spaces under NCC Parking Standards. Each parking area must have sufficient reversing distance (6m) and/or turning space within the site so that vehicles can exit the site in a forward gear. For the amount of dwellings shown, 1 visitor parking space will need to be provided within the site.

7.33 Overall, there are no objections from the Highways Authority on Highway Safety grounds subject to conditions being imposed relating to details for the vehicular access, car and cycle parking, refuse storage and a construction method statement. The application is considered to be in accordance with the NPPF.

### Ecology

7.36 Neighbourhood Plan Policy PNP13 and NLP Policy ENV2 seek to promote biodiversity in developments whilst Castle Morpeth District Local Plan Policies C11 and C15 and NLP Policy QOP4 seek to safeguard protected species and important trees.

7.37 A suitable ecological survey report has been submitted and as a result no objections from the County Ecologist to the proposals on ecological grounds are raised on condition that avoidance, mitigation and enhancement measures detailed in the report are carried out in full.

### Flood Risk

7.34 NPPF Part 14, states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. Neighbourhood Plan Policies 27 and 28, Castle Morpeth District Local Plan Policy RE5 and NLP Policies WAT3 and WAT4 seek to ensure that flood risk and surface water drainage matters are satisfactorily addressed.

7.35 The application site is located within Flood Zone 1 but it within an area known for surface water flooding and a Flood Risk Assessment and Drainage Strategy have been submitted. The Council as Local Lead Flood Authority (LLFA) has been consulted and they are now satisfied that the proposed surface water runoff calculations are accurate and surface water can be attenuated on site, subject to a detailed Suds scheme to be agreed via a planning condition.

7.36 It is acknowledged that flooding exists both onsite and off-site (to the west and east of the development), as such this development demonstrates that in principle a scheme can be developed which does not increase of risk elsewhere and does not affect any potential dwellings on site. Appropriate works and mitigation will be required to satisfy this and the wording of the conditions reflects this aspect.

### ***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.

## **8. Conclusion**

8.1 Consideration has been given to potential effects on character, highway safety, drainage and flood risk and ecology. There are not considered to be any significant harmful impacts, and any effects could be satisfactorily mitigated through appropriate conditions where necessary. It is therefore considered that sustainable development would be achieved in this case having regard to the relevant policies of the development plan and the NPPF. The identified development plan policies set out are considered to be consistent with the NPPF.

8.2 The application is considered to be in accordance with Policy PNP1, PNP2, PNP12 of the Ponteland Neighbourhood Morpeth Plan, Policy C11 and H15 of the Castle Morpeth District Local Plan and the NPPF.

## **9. Recommendation**

That this application be GRANTED permission subject to the following:

Conditions/Reason

1. Approval of the details of the access, appearance, landscaping, layout and scale hereinafter called the reserved matters shall be obtained from the Local Planning Authority.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended)

2. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended)

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended)

4. Prior to commencement of development a scheme to dispose of surface water from the development shall be submitted to and approved by the Local Planning Authority.

This scheme shall:

- i. Restrict discharge from the development to 5l/s for all rainfall events up to and including the 1 in 100 year event, unless otherwise agreed by the LLFA and the local planning authority.
- ii. Adhere to the principles as set out in the drainage strategy drawing from Coast Consulting Engineers reference 18115-01 REV C.
- iii. Provide attenuation on site for the 1 in 100 year plus climate change event.
- iv. Incorporate vegetated sustainable drainage techniques throughout the development wherever possible and practicable, justification for alternatives should be by means of a viability assessment.
- v. Ensure that any attenuation features are outside of any overland surface water flood routes and any flood compensatory area for pluvial flooding.

Reason: To ensure the effective disposal of surface water from the development.

5. Prior to first occupation details of the adoption and maintenance of all SuDS features shall be submitted to and agreed by the Local Planning Authority. A maintenance schedule and log, which includes details for all SuDS features for the lifetime of development shall be comprised within and be implemented forthwith in perpetuity.

Reason: To ensure that the scheme to disposal of surface water operates at its full potential throughout the development's lifetime.

6 A scheme for on-site compensatory storage for overland flows including the ditch to the North shall be undertaken, submitted to and approved by the local planning authority. This scheme shall look at the existing pipe through the development and after investigation see if this pipe can be upsized and daylighted. Any scheme shall be constructed in full in line with the approved drawings and documents.

Reason: To ensure the risk of flooding does not increase as a result of the development.

7. No crate system shall be installed under any highway within the application site.

Reason: To ensure any surface water flows across the development site will not be impeded and increase the risk of flooding as a consequence.

8. Finished floor levels shall be set at least 300mm above ground level in accordance with detailed plans that shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved plans.

Reason: To prevent the risk of flooding to any dwelling on site.

9. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any subsequent Order amending, revoking or re-enacting that Order), no fences, walls, gates or other means of enclosure shall be erected around the curtilage of any dwelling house hereby permitted without the prior grant of planning permission from the Local Planning Authority.

Reason: To ensure no features detrimentally affect the flow of any surface water flows through the development site.

10. No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report (Extended Phase 1 Habitat Survey Land to the Rear of Orchard House, Ponteland, Northumberland, NE20 0JD, Total Ecology Ltd., 11.8.17) including, but not restricted to adherence to timing restrictions; adherence to precautionary working methods; adherence to external lighting recommendations in accordance with Bats & Lighting in the UK Bat Conservation Trust/Institution of Lighting Engineers, 2008; any deep (in excess of 300mm) excavations left open overnight to be either securely covered or provided with an earth or timber ramp not less than 300mm wide and no steeper than 45 degrees to provide an escape route for ground animals that might otherwise become entrapped; an updating ecological survey to be carried out in the event that development works do not commence before the end of August 2019 with the results of that survey together with any necessary modifications to avoidance, mitigation or enhancement measures to be forwarded to and approved in writing by the Local Planning Authority before works commence.

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

11. No removal of vegetation or felling of trees shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no birds

nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

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

12. No development shall be carried out other than in accordance with an arboricultural method statement and subsequent tree/hedge protection plan and the guidance set out in BS5837:2012 Trees in Relation to Design, Demolition and Development: Recommendations British Standards Institution, 2012 to be submitted to and approved in writing by the Local Planning Authority before development begins.

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

13. The reserved matters to be submitted under condition 1 shall include a detailed landscape planting plan including the planting of locally native species of local provenance to be approved in writing by the Local Planning Authority before development commences. The planting plan shall be fully implemented during the first full planting season (November March inclusive) following the commencement of development.

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

14. The reserved matters to be submitted under condition 1 shall include details of the proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is occupied. All garden boundary fences or walls will include a gap at the base measuring a minimum 13cm x 13cm to allow continued access through the site for hedgehog.

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

15. No dwelling shall be occupied unless and until vehicle and pedestrian access has been provided in full accordance with Reserved Matters details submitted under Condition 1 that have been approved in writing by the local planning authority. Thereafter such access shall remain in place at all times.

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

16. The reserved matters to be submitted under condition 1 shall include details of car and cycle parking for all dwellings have been submitted to and approved in writing by the Local Planning Authority. The approved car and cycle parking shall be implemented before each dwelling is occupied. Thereafter, the car and cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cars and cycles at all times.

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

17. Prior to occupation details of Electric Vehicle Charging shall be submitted to and approved in writing by the Local Planning Authority. The approved electric vehicle charging points shall be implemented before the development is occupied. Thereafter, the electric vehicle charging points shall be retained in accordance with the approved details and shall be kept available for the parking of electric vehicles at all times.

Reason: In the interests of Sustainable Development, in accordance with the National Planning Policy Framework

18. Development shall not commence until a Construction Method Statement, together with supporting plan has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement and plan shall, where applicable, provide for:

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

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

19. No dwelling shall be occupied unless and until details of refuse storage facilities, a refuse storage strategy as well as a vehicle swept path analysis for the development as submitted with Reserved Matters details under Condition 1 that have been approved in writing by the local planning authority. The details shall include the location and design of the facilities and arrangements for the provision of the bins. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.

Reason: To ensure sufficient and suitable facilities are provided for the storage and collection of household waste in accordance with Chapter 7 of the National Planning Policy Framework.

20. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and documents. The approved plans and documents are:-

Site Location Plan 1119/001 Rev E 26.10/2017

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans and documents and to ensure that a satisfactory form of development is obtained.

21. The Reserved Matters to be submitted under Condition 1 above, shall include full details of the proposed levels including finished floor levels of any buildings and associated structures, compared to existing levels on the site. Thereafter the



development shall be constructed in full accordance with the approved levels unless otherwise approved in writing by the local planning authority.

Reason: In order to safeguard the character and appearance of the area having regard to the NPPF.

### **Informatives**

1. Any areas within the front garden of the development shall be constructed of a permeable surface so flood risk is not increased elsewhere. There are three main types of solution to creating a permeable driveway:

Using gravel or a mainly green, vegetated area.

Directing water from an impermeable surface to a border rain garden or soakaway.

Using permeable block paving, porous asphalt or concrete.

If gravel drives are proposed, please speak to Northumberland County Council Highways team over their suitability.

Further information can be found here -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7728/pavingfrontgardens.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/pavingfrontgardens.pdf)

In addition the development should explore looking at and installing rainwater harvesting units and water butts.

The culverting of any watercourse or alternations of any existing culverted watercourse will require the prior written consent of Northumberland County Council, under the Land Drainage Act (1991).

Please contact the FCERM team ([fcerm@northumberland.gov.uk](mailto:fcerm@northumberland.gov.uk)) for further information.

**Date of Report:** 20.06.2019

**Background Papers:** Planning application file(s) 18/02939/OUT