

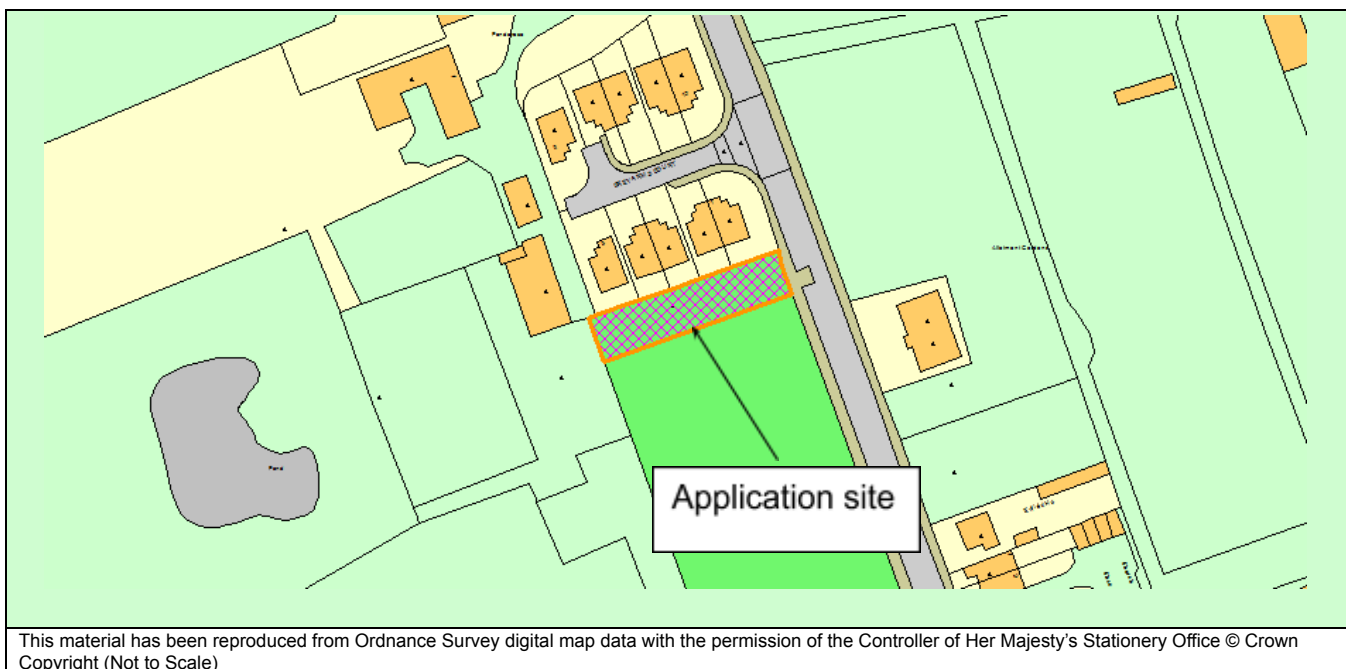


Northumberland County Council

Castle Morpeth Local Area Council Committee 16th September 2019

Application No:	19/01952/FUL		
Proposal:	Change of use of land from public open space to residential curtilage and erection of timber fence.		
Site Address	Land South Of Grey Arms Court, Main Street, Red Row, Northumberland		
Applicant:	Mr Gary McDonnell 5 Grey Arms Court, Red Row, Morpeth, Northumberland NE61 5BF	Agent:	None
Ward	Druridge Bay	Parish	East Chevington
Valid Date:	9 July 2019	Expiry Date:	3 September 2019
Case Officer Details:	Name: Mr Ryan Soulsby Job Title: Planning Officer Tel No: 01670 622627 Email: Ryan.Soulsby@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



1. Introduction

- 1.1 This planning application involves land that Northumberland County Council own, therefore, have an interest in. As such, it is recommended that the application be referred to the relevant Local Area Council for a decision by members.

2. Description of the Proposals

- 2.1 Planning permission is sought for the change of use of open space land to residential curtilage and erection of 1.8 metre timber fencing at Land South of Grey Arms Court, Main Street, Red Row.
- 2.2 The proposed change of use would consist of approximately a 45.3m x 10.5m parcel of unmaintained, overgrown land being changed to residential curtilage to serve properties 1-5 within Grey Arms Court, Red Row. A 1.8 metre close boarded timber fence would be located to the rear of the site and between the 5no plots.
- 2.3 The submitted details indicate that work commenced in 2011. The applicant has clarified that this involves the change of use of the land to the rear of the 5no properties with no.5 also erecting fencing to enclose this area of land.

3. Planning History

N/A

4. Consultee Responses

East Chevington Parish Council	No objections.
Highways	No objections.
Strategic Estates	No objections. Land to be purchased from NCC.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	6
Number of Objections	0
Number of Support	0
Number of General Comments	0

Notices

General site notice, 23rd July 2019
No Press Notice Required.

Summary of Responses:

None received

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=PTA8UDQSGPX00>

6. Planning Policy

6.1 Development Plan Policy

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

Policy C1 - Settlement boundaries
Policy HDC1 - Hadston settlement boundary
Policy HDC4 – Protected open space

6.2 National Planning Policy

National Planning Policy Framework (2019) (NPPF)
National Planning Practice Guidance (amended, 2018) (NPPG)

6.3 Other Documents/Strategies

Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications (May 2019) (NLPPD)

Policy STP 2 - Presumption in favour of sustainable development
Policy STP 3 - Sustainable development
Policy QOP 1 - Design principles
Policy QOP 2 - Good design and amenity
Policy QOP 6 - Delivering well designed places

7. Appraisal

7.1 In assessing the acceptability of any proposal, regard must be given to policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that the starting point for determining applications remains with the development plan, which in this case contains policies from the Castle Morpeth District Local Plan (CMDLP). The main considerations in the assessment of this application are:

- Principle of development;
- Design and visual character;
- Residential amenity;

In accordance with paragraph 48 of the NPPF, local planning authorities (LPA's) may also give weight to relevant policies within emerging plans depending on the stage of preparation, extent of unresolved objections and the degree of consistency with the NPPF. Policies contained within the NLPPD (including proposed minor modifications May 2019) can therefore be given some weight in the assessment of this application.

Principle of development

7.2 Policy C1 of the CMDLP, read in accordance with the Proposals Map (and insets) that accompany the plan, recognises settlements where development is expected to be located. The application site is located within the settlement boundary for Hadston.

7.3 Whilst being located within the settlement boundary for Hadston, the CMDLP inset map for Hadston shows the application site as being protected open

space. Policy HDC4 of the CMDLP stipulates that these areas of protected open space upon the inset map 'contribute to the formation of a green wedge, which separates the smaller community of Red Row from Hadston. The retention of these open spaces and community features, which form both an important recreational resource for the community in general, and a pleasant open area within the settlement, is considered important in maintaining and enhancing the environmental setting of the community'.

7.4 It is considered that in regards to this proposal, the loss of this section of open space would not conflict with the purposes as stipulated in policy HDC4 above. A significant 'green wedge' would still remain in place with it noted by the officer when visiting the site that this area of 'open space' currently consists of unmaintained woodland with significantly overgrown weeds, brambles and shrubbery therefore negating any possibility of this land being used for open space recreation.

7.5 The NPPF at paragraph 97 outlines that 'existing open space should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use'

It is clear that the designated open space could not be used for regular open space uses such as outdoor recreation and walking due to its overgrown and inaccessible nature therefore it is considered that a slight loss of this open space, which would greatly benefit the existing residents upon Grey Arms Court, would not result in any significant harm.

7.6 As such, it is considered in this instance that the principle of development is considered acceptable and would not conflict with the purposes of relevant local or national planning policy.

Design and visual character

7.7 The NPPF at paragraph 124 recognises good design as a key aspect of sustainable development. Paragraph 127 goes on to note that developments should function well and add to the overall quality of the area. Policy QOP 1 of the NLPPD is also relevant within this assessment, stating that proposals must make a positive contribution to local character and distinctiveness whilst respecting and enhancing the natural and built environment.

7.8 The proposed works would not result in any adverse impact upon the visual amenity of the surrounding area with a significant section of woodland still remaining to the south of the site acting as a screen preventing the change being readily visible within the public domain. It is considered that the treatment of this area as residential curtilage would ultimately benefit this section of the site which currently consists of overgrown, unmaintained land.

Residential amenity

- 7.9 Paragraph 127, part f) of the NPPF outlines that planning decisions should promote health and well being whilst providing a high standard of amenity for existing and future users. Policy QOP 2 of the NLPPD is also relevant when assessing residential amenity, stating that the development itself should preserve the amenity of those living in, working in or visiting the local area.
- 7.10 The proposal would not adversely impact upon residential amenity and would benefit occupiers of the 5no dwellings by providing additional amenity space to the rear of these properties.

Equality Duty

- 7.11 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

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

Human Rights Act Implications

- 7.13 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.
- 7.14 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.
- 7.15 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations.

Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

- 8.1 The main planning considerations in determining this application have been set out and considered above stating accordance with the relevant Development Plan Policy. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.
- 8.2 The application is therefore recommended for approval.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

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

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

02. Except where modified by the conditions attached to this planning permission, the development shall be carried out in accordance with the details shown on plans:

- 1) Location Plan (received 9th July 2019)
- 2) Proposed site plan (received 9th July 2019)
- 3) Proposed elevation drawing no. 001 (received 9th July 2019)

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

Date of Report: 16th August 2019

Background Papers: Planning application file(s) 19/01952/COU