

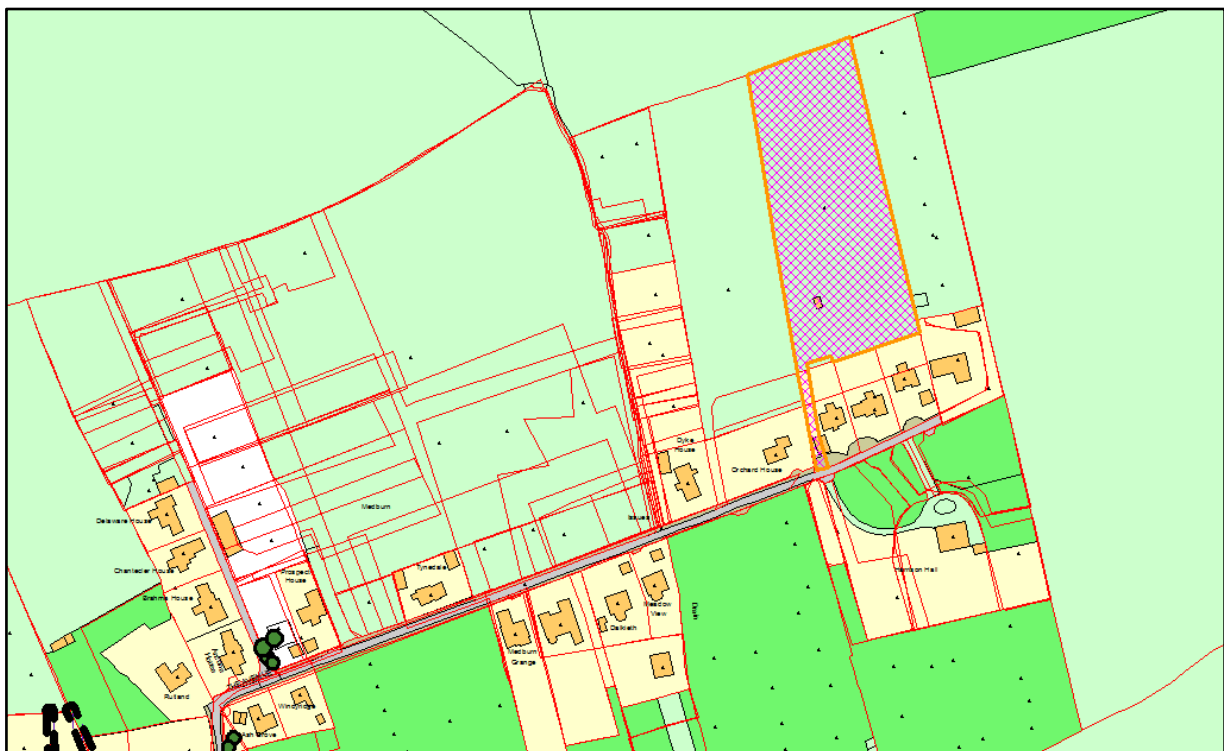


Northumberland County Council

Castle Morpeth Area Council 14th October 2019

Application No:	18/02543/OUT		
Proposal:	Outline application for 13 no. detached dwellings with associated garages, access and parking (All Matters Reserved)		
Site Address	Land North Of North View Farm, The Avenue, Medburn, Northumberland		
Applicant/ Agent	Mr Richard Ruddick Maling Exchange, Hoult's Yard, Newcastle Upon Tyne, NE6 2HL		
Ward	Ponteland West	Parish	Ponteland
Valid Date	24 July 2018	Expiry Date	23 October 2018
Case Officer Details	Name: Mrs Judith Murphy Job Title: Principal Planning Officer Tel No: 01670 622640 Email: judith.murphy@northumberland.gov.uk		

Recommendation: That Members are minded to GRANT permission for this application, subject to S.106 Agreement and recommended conditions.



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 13 detached dwellings on Land North of North View Farm, 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 North View Farm. The site would be accessed via a private road within the current curtilage of North View Farm, leading from the Avenue. This access would be separate from the existing access to the property at North View Farm. There are previous permissions for dwellings to the adjoining land to the west and to the east.
- 2.3 Medburn 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 within the settlement boundary for Medburn, as identified in the Castle Morpeth District Local Plan.

3. Planning History

No relevant planning history

4. Planning Policy

4.1 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)

Policy RE6 - Service Infrastructure
Policy RE8 – Contaminated Land
Policy C1 - Settlement Boundaries
Policy C11 - Protected Species
Policy C15 - Trees in the countryside and urban areas
Policy H1 - Housing Land Supply
Policy H11 - Tandem and Backland Development
Policy H15 - New Housing Developments
Policy MBC1 - Medburn Settlement Boundary
Policy MBH1 - Infill Development
Policy MBH2 - Infill Development
Policy T5 - Public Transport
Policy R4 - Play Areas

4.2 National Planning Policy

NPPF - National Planning Policy Framework (February 2019)
NPPG - National Planning Practice Guidance (2019, as updated)

4.3 Emerging Planning Policy

Emerging Northumberland Local Plan Publication Draft (January 2019) with Minor Modifications (May 2019)

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
Policy INF 5 - Open space and facilities for sport and recreation
Policy INF 6 - Planning obligations

5. Consultee Responses

Education - Schools	<p><i>Comments received 31.10.2018:</i> A total contribution of £24,000 toward secondary education at Ponteland High School is requested in respect of this development.</p>
Public Protection	<p><i>Comments received 15.08.2018:</i> Objection, further details required.</p>
County Ecologist	<p><i>Comments received 22.08.2018:</i> Objection, further details required.</p>
Ponteland Town Council	<p>Objection:</p> <ul style="list-style-type: none"> ● The proposal is contrary to Policy MBH2 of the Castle Morpeth District Local Plan as the site is neither brownfield nor infill and is not within the curtilage of existing properties. The construction of 13 dwellings on agricultural land would constitute new housing development on greenfield land in a part of Medburn where only infill development on brownfield sites is permitted. ● The construction of 13 dwellings in this location would have a detrimental impact on the agricultural/rural and undeveloped character present in this part of the settlement, contrary to Policy H15 of the Castle Morpeth District Local Plan. ● The house style and road layout create a new estate format whose appearance is out of character with the rest of Medburn, which has an uneven pattern of residential development in the rural setting. ● Medburn is a small settlement without any services, only a limited bus service and poor paths for cyclists and pedestrians. The construction of 13 more dwellings in addition to the approval of construction of approximately 152 new dwellings in Medburn since 2013, will have an overwhelming and adverse impact on what was once a small settlement of 21 dwellings (ref electoral register 2015) ● Also the C345 is a narrow country lane and the only access road. In the case that this application is permitted, the Committee respectfully request that condition be imposed to ensure that damage caused to the access road The Avenue by sustained use of heavy plant, be made good following completion of the development works.
Highways	<p><i>Comments received 15.08.2018:</i> No objection, subject to the use of recommended conditions.</p>
Affordable Housing	<p>The principle of taking a commuted sum at Medburn has been established on previous applications (including lack of services and transport options) and there is no reason to change the reasons to do so for this application.</p> <p>Based on the evidence of housing need in Northumberland, for this site there is a requirement for a commuted sum equivalent to <u>17%</u> (currently) affordable homes to be paid.</p> <p>If this cannot be agreed then the sum should be agreed with the Council's Senior Estates Surveyor and may be subject to viability and third party assessment. The sum will take account of the low density of the proposed development and will be adjusted</p>

	accordingly.
Waste Management - West	No response received.
Lead Local Flood Authority (LLFA)	<i>Comments received 27.07.2018:</i> Objection, further details required.
Active Northumberland Fire & Rescue Service	No response received. <i>Comments received 20.08.2018:</i> No objection in principle. More detailed comments can be given once plans of the development have been finalised.
Northumbria Ambulance Service	No response received.
Architectural Liaison Officer - Police	No response received.
Northumbrian Water Ltd	No objection, subject to the use of recommended condition.
County Ecologist	<i>Comments received 10.09.2018:</i> No objection, subject to the use of recommended conditions.
Public Health Protection	<i>Comments received 21.09.2018:</i> No objection, subject to the use of recommended conditions.
Lead Local Flood Authority (LLFA)	<i>Comments received 09.10.2018:</i> Further objection, further details required.
Lead Local Flood Authority (LLFA)	<i>Comments received 15.11.2018:</i> Further objection, further details required.
Lead Local Flood Authority (LLFA)	<i>Comments received 17.05.2019:</i> No objection, subject to the use of recommended conditions.

6. Public Responses

Neighbour Notification

Number of Neighbours Notified	37
Number of Objections	11
Number of Support	0
Number of General Comments	1

Notices

General site notice, put in place 20th August 2019

Morpeth Herald, published 2nd August 2018

Summary of Responses:

13 letters of objection have been received. In summary, the objections have raised the following material planning concerns:

- The proposal is sited on greenfield land and would not constitute infill development;
- Impact on the character and distinctiveness of the area;
- Poor public transport connections;
- Lack of services and amenities in Medburn to accommodate the scale of development in the area;
- Impact on amenity of neighbouring residents;
- The proposal constitutes over-development of the site and is not in keeping with low-density development in the surrounding area;
- Lack of a need for further housing in Medburn;
- Impact on bats.

1 additional letter raised the following general comments:

- Requested a site visit from an officer to consider the condition of The Avenue;
- Highlighted the volume of construction traffic using The Avenue;
- Requested the implementation of passing places for vehicles along The Avenue prior to works commencing.

The above is a summary of the comments. The full written text is available on our website at: <https://publicaccess.northumberland.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

7. Appraisal

- 7.1 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.
- 7.2 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. The emerging Northumberland Local Plan was submitted to the Planning Inspectorate in May 2019 for independent examination, supported by a schedule of Minor Modifications following a six week period of consultation earlier this year. 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.
- 7.3 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

Impact on the character of the site and surrounding area

Housing mix and affordable housing
Highway safety
Sewerage and surface water run-off
Land contamination
Ecology
Education contribution
Play area provision

Principle of development

Housing Land Supply Position

- 7.4 As identified in the Northumberland Strategic Housing Land Availability Assessment (September 2019), the Council can demonstrate a plentiful five-year housing land supply from 'deliverable' sites against the County's minimum Local Housing Need figure. Using the 2014-based household projections for the 2019-2029 period, together with the latest 2018 affordability ratio, gives a minimum Local Housing Need of 676 dwellings per annum (Figure 3). Allowing for the 5% buffer therefore means that the SHLAA's identified 7,956 dwellings 'deliverable' supply would equate to a 11.2 years housing land supply (Figures 12-14).
- 7.5 The Housing Delivery Test result records that Northumberland achieved 197% delivery against its minimum housing need for the initial three years 2015-18, while delivery over the last three years 2016-19 means that the HDT result for 2016-19 is expected to be even higher at 238% (Figure 2). Therefore, in the context of paragraph 11(d) and Footnote 7 of the NPPF, the presumption in favour of sustainable development does not apply.

Sustainable Development

- 7.6 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 Castle Morpeth District Local Plan. Boundaries are drawn to identify the limits to settlements and are defined on the proposals map insets.
- 7.7 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.
- 7.8 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.

- 7.9 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.
- 7.10 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.
- 7.11 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."*
- 7.12 In the appeal against the development of 14 dwellings on the application site at Prospect Farm (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."

7.13 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.

7.14 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.

7.15 The most recent appeal decision in against an appeal for new residential development in Medburn was for application 17/03367/OUT received on 25th 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".

7.16 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.

- 7.17 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.

Impact on the character of the site and surrounding area

- 7.18 The application seeks outline consent with the matters relating to the access, layout, scale, appearance and landscaping are reserved for subsequent approval.
- 7.19 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.
- 7.20 The submitted indicative layout demonstrates that the site could accommodate 13 detached 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 properties subject to previous consent decisions on land to the west and east of the application site, 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, Policies H15 and MBH2 of the Castle Morpeth District Local Plan and the 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

- 7.21 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.

- 7.22 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.
- 7.23 The emerging Northumberland Local Plan (NLP) Policy HOU5 promotes housing developments which provide for a mix of dwelling types, whilst Policy HOU6 seeks to secure affordable housing.
- 7.24 At 13 dwellings, the proposed application is considered major development where an affordable housing contribution can be sought. Colleagues in the Affordable Housing team have therefore been consulted on the proposed application. They have advised that the application site is not considered to be a suitable location for affordable homes due to its specific location and the executive nature of the proposed development. They have also advised that the principle of taking a commuted sum at Medburn has been established on previous applications (including lack of services and transport options) and there is no reason to change the reasons to do so for this application.
- 7.25 Based on the evidence of housing need in Northumberland, for this site there is a requirement for a commuted sum equivalent to 17% (currently) affordable homes to be paid. The Affordable Housing Officer has advised that if this cannot be agreed then the sum should be agreed with the Council's Senior Estates Surveyor and may be subject to viability and third party assessment. The sum will take account of the low density of the proposed development and will be adjusted accordingly.
- 7.26 The affordable housing contribution is subject to a S.106 Agreement between the applicant and the Council.
- 7.27 The application documents show that the proposed development would comprise large detached dwellings, with a mix of between 4 to 6 bedrooms. However, the final details regarding the scale of the proposed dwellings is subject to consideration under a future application, where the precise housing mix would also be agreed as part of the scale and design of the dwellings. It is considered that an acceptable housing mix is achievable, albeit that the details would be agreed at the Reserved Matters stage were this outline application to be supported.
- 7.28 In respect of housing mix the proposal is therefore considered to be in accordance with the Ponteland Neighbourhood Plan and the NPPF.

Highway Safety

- 7.29 The Avenue is a private road and therefore is regarded as having no highway status either in terms of public rights or maintenance liabilities.
- 7.30 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.

- 7.31 Firstly, The Highway Authority has previously undertaken vehicle speed readings on the approaches to the junction. These revealed 85% 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.
- 7.32 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.
- 7.33 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."

- 7.34 In addition, the most recent appeal APP/P2935/W/18/3213887 at Dyke House, Medburn dated 25 th 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”.

- 7.35 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.
- 7.36 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.
- 7.37 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.
- 7.38 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.
- 7.39 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.
- 7.40 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 therefore considered acceptable in this respect, in accordance with the NPPF.

Sewage and Surface Water Run-off

- 7.41 Chapter 14 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. Ponteland 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.
- 7.42 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.
- 7.43 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 Sustainable Urban Drainage Scheme (SuDS) to be agreed via a planning condition, and subject to further details to be submitted for consideration as secured by the conditions recommended by the LLFA team.
- 7.44 Northumbrian Water have also been consulted on the proposed development, and have no objection subject to the use of a recommended condition which requires further details of the intended disposal of foul and surface water for future consideration.
- 7.45 Subject to the use of conditions as recommended by the LLFA team and Northumbrian Water, it is considered that the proposal would not lead to an increase in flood risk at the application site or elsewhere. The proposal is therefore in accordance with Policies 27 and 28 of the Ponteland Neighbourhood Plan, Castle Morpeth District Local Plan Policy RE5, Policies WAT3 and WAT4 of the emerging Northumberland Plan, and Chapter 14 of the NPPF.

Land Contamination

- 7.46 The proposed development site is an undeveloped agricultural field and limited potential sources of contamination have been identified. A Phase 1 contaminated land risk assessment has been carried out and the site classified as low risk, however, the Phase 1 Desk Study recommends that a preliminary Intrusive ground Investigation is undertaken. The Council's Public Health Protection team have been consulted on the proposals, and have advised that should significant made ground be encountered during the

construction of the development it is recommended that testing is undertaken to confirm whether any contaminants of concern are present on site and to indicate potential remedial options, if required.

- 7.47 Subject to the use of the conditions recommended by the Public Health Protection team, it is considered that the proposals would not have an adverse impact on the health of future users of the proposed development, in accordance with Policy RE8 of the Castle Morpeth District Local Plan and the NPPF in this respect.

Ecology

- 7.48 The Council's Ecologist has been consulted on the proposed development, and details of the existing grass sward of the site have been provided. The Ecologist has no objection to the proposals subject to the use of recommended conditions requiring further details to be submitted for future consideration. Subject to the use of these recommended conditions, it is considered that the proposed development accords with Policy C11 of the Castle Morpeth District Local Plan and the NPPF in this respect.

Education Contribution

- 7.49 The Council's Education team have been consulted on the proposals, and have requested a £24,000 contribution toward secondary education at Ponteland High School. This contribution would be subject to a S.106 agreement between the County Council and the applicant, along with the affordable housing contribution as referred to earlier in this report.

Play area provision

- 7.50 The proposal is for the construction of 13 dwellings on a site measuring 1.1ha in size. Policies R4 and H15 of the Castle Morpeth District Local Plan require proposals for residential development on sites larger than 1ha to provide a children's play area. Ponteland Neighbourhood Plan seeks to make provision for open space and recreational space.
- 7.51 Given the proposed density of the development at 13 detached executive units over a linear 1.1ha site, it is considered that the development does not warrant a requirement for on-site provision of a play area. It is considered that a financial contribution towards the provision of play area facilities elsewhere would be a beneficial result for the community, as this would lead to provision in a location which would be more widely used. Therefore an off-site play area contribution of £9,984 is sought from the applicant on the basis of the development proposing 13no. units. The details of this contribution would be secured by a Section 106 Agreement between the County Council and the applicant.
- 7.52 In respect of potential sports provision, it is acknowledged that as yet there is no Community Infrastructure Levy in place and neither the Castle Morpeth Local Plan nor the Ponteland Neighbourhood Plan set out specific formula Policies in respect of this. Furthermore there is no requirement to consult with

Sport England given that the proposals constitute less than 300 dwellings. As such there would be no policy basis to request that any provision or contribution towards wider sports provision be made.

- 7.53 Subject to an off-site play area provision contribution as set out above which would be secured by a Section 106 Agreement, the development would accord with Policies R4 and H15 of the Castle Morpeth District Local Plan and Policies INF5 and INF6 of the emerging Northumberland Local Plan.

Other Matters

Equality Duty

- 7.54 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

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

Human Rights Act Implications

- 7.56 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.
- 7.57 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.

- 7.58 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, land contamination 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 Members are minded to GRANT permission for this application, subject to S.106 Agreement and the following conditions:

Conditions

- 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 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 thereafter.

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

- 4) 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)

- 5) The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:-

1. Site Location Plan - 1490-MG-00-00 Revision A – received 16.07.2018
2. Proposed Site Plan - 1490-MG-50-01 Revision C – received 24.07.2018

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

- 6) 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 4.5l/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 CJ EMM Ltd reference 206B31-FRDA/01.
 - 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, in accordance with Ponteland Neighbourhood Plan Policies 27 and 28, Castle Morpeth District Local Plan Policy RE5 and the NPPF.

- 7) 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 developments lifetime, in accordance with

Ponteland Neighbourhood Plan Policies 27 and 28, Castle Morpeth District Local Plan Policy RE5 and the NPPF.

- 8) Prior to commencement of development 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, in accordance with Ponteland Neighbourhood Plan Policies 27 and 28, Castle Morpeth District Local Plan Policy RE5 and the NPPF.

- 9) Prior to their installation, details of any crate system under any highway shall be provided to and agreed in writing by the local planning authority.

Reason: To ensure any surface water flows across the development site will not be impeded and increase the risk of flooding as a consequence, in accordance with Ponteland Neighbourhood Plan Policies 27 and 28, Castle Morpeth District Local Plan Policy RE5 and the NPPF.

- 10) Finished floor levels shall be set at least 300mm above ground level.

Reason: To prevent the risk of flooding to any dwelling on site, in accordance with Ponteland Neighbourhood Plan Policies 27 and 28, Castle Morpeth District Local Plan Policy RE5 and the NPPF.

- 11) Prior to their construction, details of boundary walls and fences shall be provided to and agreed in writing by the local planning authority.

Reason: To ensure no features detrimentally affect the flow of any surface water flows through the development site, in accordance with Ponteland Neighbourhood Plan Policies 27 and 28, Castle Morpeth District Local Plan Policy RE5 and the NPPF.

- 12) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

- As built drawings for all SuDS components - including dimensions (base levels, inlet/outlet);
- elevations, areas, depths, lengths, diameters, gradients etc);
- Construction details (component drawings, materials, vegetation);
- Health and Safety file;
- Details of ownership organisation/adoption details.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non technical standards, in accordance with Ponteland Neighbourhood

Plan Policies 27 and 28, Castle Morpeth District Local Plan Policy RE5 and the NPPF.

- 13) The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing:
- a) A phase 2: site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/ or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.
 - b) Thereafter, a written Method Statement (or Remediation Strategy) detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without express written agreement of the Local Planning Authority.
 - c) Two full copies of a full closure (Verification Report) report shall be submitted to and approved by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants, in accordance with Policy RE8 of the Castle Morpeth District Local Plan and the NPPF in this respect.

- 14) If during re-development contamination not previously considered is identified, then a Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out.

Reason: To ensure that any contaminants within the site are dealt with in an appropriate manner to afford protection to the public, the buildings and the environment, in accordance with Policy RE8 of the Castle Morpeth District Local Plan and the NPPF in this respect.

- 15) Prior to the commencement of development above damp proof course level a plan for the landscape planting of the site shall be submitted for the written approval of the LPA. The plan shall include details of planting in wildlife

corridors to be created which shall be no less than 2m wide, and shall not form part of residential gardens. The plan shall detail the species and number of trees, hedgerows, shrubs and use only Northumberland native species. Once approved the plan shall be implemented in full during the first 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, in accordance with Policy C11 of the Castle Morpeth District Local Plan and the NPPF.

- 16) Prior to the commencement of development above damp proof course level a scheme for the provision of bird boxes and bat boxes integrated into the fabric of the building shall be submitted for the written approval of the LPA. The scheme shall detail the location, height, orientation, numbers and specification of bird nesting provision. No fewer than 13 such features in total shall be installed. The approved scheme shall be implemented in full prior to the dwellings being occupied.

Reason: to protect and enhance the biodiversity of the site, in accordance with Policy C11 of the Castle Morpeth District Local Plan and the NPPF.

- 17) Prior to the commencement of the development a scheme for the installation of any permanent and temporary external lighting on the site shall be submitted to and agreed in writing with the LPA. The lighting scheme should be designed so that lighting levels are minimised in accordance with the document 'Bats and Lighting in the UK', Institute of Lighting Engineers and BCT, 2009. The approved scheme shall be implemented in full prior to the dwellings being occupied.

Reason: To prevent the risk of harm to protected species from the outset of the development in accordance with Policy C11 of the Castle Morpeth District Local Plan and the NPPF.

- 18) All boundary hedgerows and trees are to be retained. Hedgerows and trees are to be protected from root compaction during the course of the development works in accordance with the guidance set out in 'BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations' British Standards Institution, 2012.'

Reason: To maintain and protect the existing landscape and biodiversity value of the site in accordance with Policy C11 of the Castle Morpeth District Local Plan and the NPPF.

- 19) All trenches and excavations deeper than 0.30m left open overnight should have a ramp installed at an angle of no more than 45 degrees to allow the escape of entrapped mammals.

Reason: To enhance the biodiversity of the site for a UK BAP priority species in accordance with Policy C11 of the Castle Morpeth District Local Plan and the NPPF.

- 20) Gaps shall be created and retained in all boundary fences between dwellings to allow the passage of small mammals such as hedgehog. Gaps shall measure no less than 13cm by 13cm.

Reason: To enhance the biodiversity of the site for a UK BAP priority species in accordance with Policy C11 of the Castle Morpeth District Local Plan and the NPPF.

- 21) The development shall not be occupied until 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.

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

- 22) The development shall not be occupied until details of car parking area have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the car parking area shall be retained in accordance with the approved details.

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

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

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

- 24) 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.

- 25) 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.

- 26) The development shall not be occupied until details of refuse storage facilities and a refuse storage strategy as well as a vehicle swept path analysis for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and design of the facilities and arrangement for the provision of the bins. The approved refuse storage facilities shall be implemented before the development is brought into use. 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 the National Planning Policy Framework.

- 27) Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

To prevent the increased risk of flooding from any sources in accordance with the NPPF.

Informatives

Front Gardens

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

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

Existing Watercourses

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) for further information.

Protected Species

The risk of encountering bats, nesting birds or other protected species in connection with the execution of this planning consent is low, but there is a small risk that individual animals may be encountered during works.

All species of bat and their roosts (whether occupied or not) are strictly protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010. Similarly, all wild birds and their nests are protected whilst in use and it is an offence to recklessly or intentionally destroy nests or dependent young when on or near the nest, or to kill or take them.

Applicants and contractors should note that the protected species legislation operates independently of the planning system, planning consent does not override the legislation relating to protected species and that they should be aware that there is a small chance of encountering protected species during works.

In the unlikely event of protected species such as bats or nesting birds being encountered during development then works should cease immediately and professional advice should be sought straight away. Applicants and contractors can obtain advice and a list of appropriately qualified consultants by telephoning Natural England's bat advice line on 0345 1300 228.

Further information about protected species and the law can be found on the government website <https://www.gov.uk/guidance/bats-protection-surveys-and-licences>

Surface Water Drainage NWL

The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

- Soakaway
- Watercourse, and finally
- Sewer

If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates & points into the public sewer network. This can be done by submitting a point of connection enquiry directly to us. Full details and guidance can be found at <https://www.nwl.co.uk/developers/predevelopment-enquiries.aspx> or telephone 0191 419 6646.

Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Application can then be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

EIA

The proposal has been assessed and is not considered to fall under any category listed within Schedules 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The proposal is not considered to be EIA development and therefore does not require screening.

Date of Report: 23.08.2019

Background Papers: Planning application file(s) 18/02543/OUT