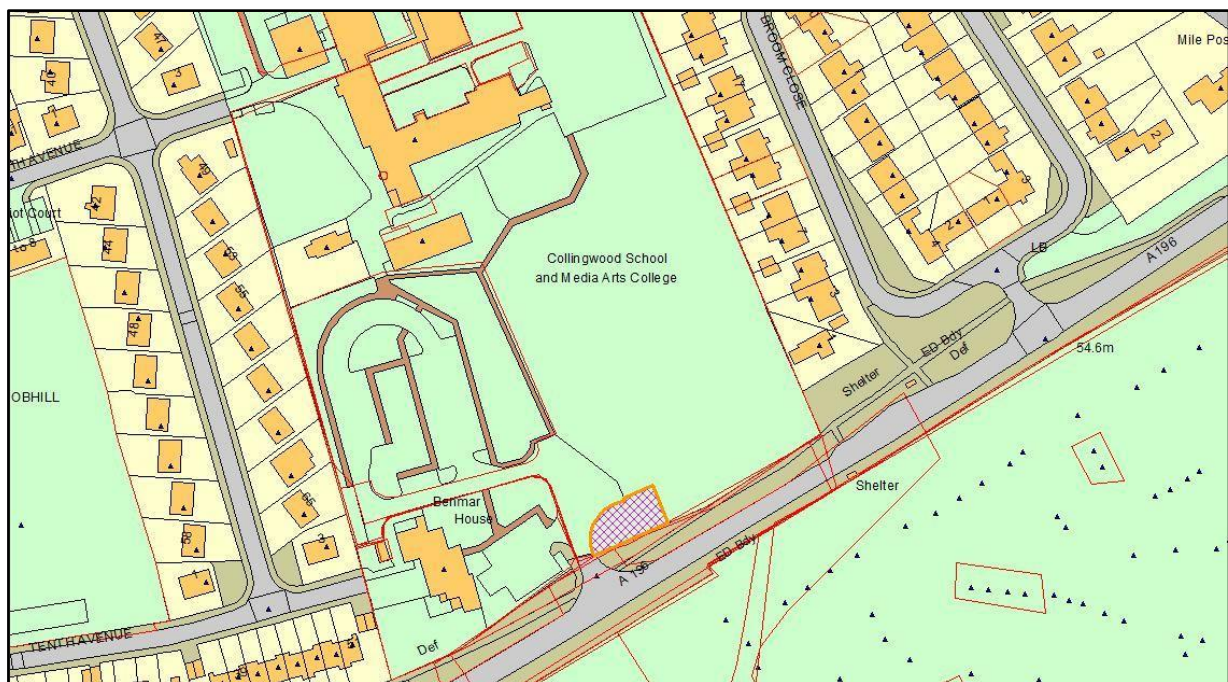




Northumberland County Council

COMMITTEE REPORT

Application No:	19/02305/FUL		
Proposal:	Erection of roundhouse eco educational space		
Site Address	Collingwood School And Media Arts College, Morpeth, Northumberland, NE61 2HA		
Applicant/ Agent	Mr David Walton The New Inn Studios, Bridge Street, Blaydon-on-Tyne, NE21 4JJ		
Ward	Morpeth Stobhill	Parish	Morpeth
Valid Date	6 August 2019	Expiry Date	18 October 2019
Case Officer Details	Name: Mr Callum Harvey Job Title: Planning Officer Tel No: 01670 623625 Email: Callum.Harvey@northumberland.gov.uk		



1. Introduction

- 1.1 The application site is on land owned by the County Council. Under the provisions of the Council's current Scheme of Delegation, the application is to be considered by the Castle Morpeth Local Area Planning Committee.

2. Description of the Proposals

- 2.1 Planning permission is sought for the erection of a timber roundhouse within the grounds of Collingwood School and Media Arts College in Morpeth.
- 2.2 The proposed structure is intended to provide an outdoor education space to accommodate 30 children within the grounds of the school. The circular footprint of the structure would measure 6m in diameter. The structure would feature a curved gazebo roof measuring 2.2m in height to eaves and 3.5m in height to ridge, and would feature a green roof with a Perspex dome at the roof ridge.
- 2.3 The structure is proposed to be located amongst a group of trees within the grounds of the school. The trees form part of a Landscape Corridor as identified in the Morpeth Neighbourhood Plan and in the Castle Morpeth District Local Plan. The application site also forms part of a wider area of Protected Open Space as identified within the emerging Northumberland Local Plan.
- 2.4 The application site also falls within the High Risk Coal Area as identified by the Coal Authority.

3. Planning History

None

4. Planning Policy

4.1 Development Plan Policy

Morpeth Neighbourhood Plan (2016)

Policy Sus1 - Sustainable Development Principles

Policy Des1 – Design Principles

Policy Set1 - Settlement Boundaries

Policy Env1- Landscape and Wildlife Corridors

Policy Tra3 – Transport Requirements for New Developments

Castle Morpeth District Local Plan (2003) (Saved Policies 2007)

Policy RE8 – Contaminated Land

Policy RE9 – Ground Stability

Policy C1 – Settlement Boundaries

Policy C4 – Landscape Corridors

Policy C14 – Trees

Policy MC1 – Morpeth Settlement Boundary

Policy MC3 – Landscape Corridors in Morpeth

4.2 National Planning Policy

NPPF - National Planning Policy Framework (February 2019)

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

4.3 Emerging Planning Policy

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

Policy STP1 – Settlement Boundaries

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 ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)

Policy ENV 3 - Landscape

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

5. Consultee Responses

Public Protection	No objection subject to the use of a recommended Condition and Informative.
Morpeth Town Council	No response received.
Highways	No objection subject to use of recommended Informatives.
Strategic Estates	No response received.
Northumbrian Water Ltd	No comment.

6. Public Responses

Neighbour Notification

Number of Neighbours Notified	7
Number of Objections	0
Number of Support	0
Number of General Comments	0

Notices

No Site Notice Required.

No Press Notice Required.

Summary of Responses:

None Received.

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 Morpeth 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 Morpeth Neighbourhood Plan was made in May 2016 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 The main issues for consideration in the determination of this application are:

Principle of the development
Design and visual impact
Highway Safety
Coal Mining Legacy

Principle of the development

7.4 The application proposes to construct an outdoor timber structure for educational purposes within the grounds of an existing school. The proposed location of the structure would not impede the use of the adjacent sports field within the school grounds. It is considered that the proposed educational use of the structure would complement the existing school. The principle of development is therefore considered acceptable, in accordance with Policies Sus1 and Set1 of the Morpeth Neighbourhood Plan, Policies C1 and MC1 of the Castle Morpeth District Local Plan, Policies STP1 and INF5 of the emerging Northumberland Local Plan, and the NPPF.

Design and visual impact

7.5 The application proposes to erect a timber structure with a green roof, the dimensions of which are set out earlier in this report. The received Proposed Site Plan shows that the structure would be located amongst a group of well

established trees which form part of a Landscape Corridor along the A196 in Stobhill. Following a site meeting with the case officer, further details have been provided which show the construction method of the structure.

- 7.6 It is considered that the scale, massing and proposed materials of the structure would be sympathetic to its surroundings and would not detract from the streetscene. It is considered that the proposed construction method as detailed on the received site plan would ensure that the existing trees would not be impacted by the works, resulting in no adverse impact to the Landscape Corridor. The proposal would therefore not lead to an adverse visual impact on the surrounding area, in accordance with Policies Sus1, Des1 and Env1 and the Morpeth Neighbourhood Plan, Policies C4, C14 and MC3 of the Castle Morpeth District Local Plan, Policies QOP 1, QOP 2, QOP 4, QOP 5, QOP 6, ENV 1 and ENV 3 of the emerging Northumberland Local Plan, and the NPPF.

Highway Safety

- 7.7 The Highways Authority have been consulted on the proposals, and have raised no concerns whilst recommending the use of informatives in the interest of highway safety. It is therefore considered that the proposed works are in accordance with Polict Tra 3 of the Morpeth Neighbourhood Plan and the NPPF.

Coal Mining Legacy

- 7.8 The application site is located within the High Risk Coal Area as identified by the Coal Authority. The Public Health Protection team have been consulted, and have no objections subject to the use of a recommended condition which requires details of any land contamination discovered during the works to be submitted in order to establish necessary mitigation measures.

- 7.9 The site is located within the High Risk Coal Area as identified by the Coal Authority, however the proposal is for a timber structure which would not require any extensive ground intrusions. The application therefore does not need to be supported by any ground gas or stabilisation surveys or mitigation measures.

- 7.10 Subject to the use of the condition recommended by the Public Health Protection team, the proposal would not have an adverse impact in respect of ground stability, ingress of ground gases or land contamination, in accordance with Policies RE8 and RE9 of the Castle Morpeth District Local Plan, Policies POL 1 and POL 2 of the emerging Northumberland Local Plan and the NPPF.

Other Matters

- 7.11 The application site includes an existing storage container. Whilst this is not part of the proposed works, it has been clarified that the container is used for storage of equipment used to maintain the school grounds. The container is therefore considered to benefit from Permitted Development rights under Part 12 Class A of the General Permitted Development Order. As such, planning

consent would not be required for the container, therefore it is not included within the description of the proposal.

Equality Duty

- 7.12 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

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

Human Rights Act Implications

- 7.14 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.
- 7.15 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.
- 7.16 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 proposed timber structure is within the grounds of an existing school and is proposed for education purposes. The principle of development is therefore considered acceptable.
- 8.2 Following the receipt of construction method details of the structure it is considered that the works would not impact the adjacent trees which form part of a Landscape Corridor. The proposed scale, massing and materials would not have an adverse impact on the streetscene.
- 8.3 Subject to the use of recommended informatives, the proposal would not have an adverse impact on highway safety. Subject to the use of a condition recommended by the Public Health Protection team, the proposal would not have an adverse impact in respect of ground stability, ingress of ground gases or land contamination.

9. Recommendation

That this application be GRANTED planning permission subject to the following:

Conditions

- 1) 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)

- 2) 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. Location Plan received 18.07.2019
2. Proposed Floor Plan and Elevations Dwg. No. S4L 06 received 06.08.2019
3. Proposed Site Plan and Construction Method Revision B received 24.09.2019

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

- 3) The facing materials and finishes to be used in the construction of the development shall be in accordance with details contained in the application. The development shall not be constructed other than with these approved materials.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with Policy Des1 of the Morpeth Neighbourhood Plan and the NPPF.

- 4) The proposal shall be constructed in strict accordance with the construction method works set out in the received Proposed Site Plan as listed under Condition 2 of this consent.

Reason: To prevent harm to the existing trees which form part of a designated Landscape Corridor, in accordance with Policy Env1 of the Morpeth Neighbourhood Plan, Policies C4, C14 and MC3 of the Castle Morpeth District Local Plan and the NPPF.

- 5) If during development contamination not previously considered is identified, then a written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until a 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 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.

Informatives

Proximity to Mature Trees

The proposed development is to be situated within mature trees, it is recommended that a heave protection product be considered for use in the foundation design to protect the development from moisture effects released from root zones.

Reminder to not store building material or equipment on the highway

Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.

Reminder to not deposit mud/ debris/rubbish on the highway

In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway

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: 26.09.2019

Authorised by:

Date:

Background Papers: Planning application file(s) 19/02035/FUL

