

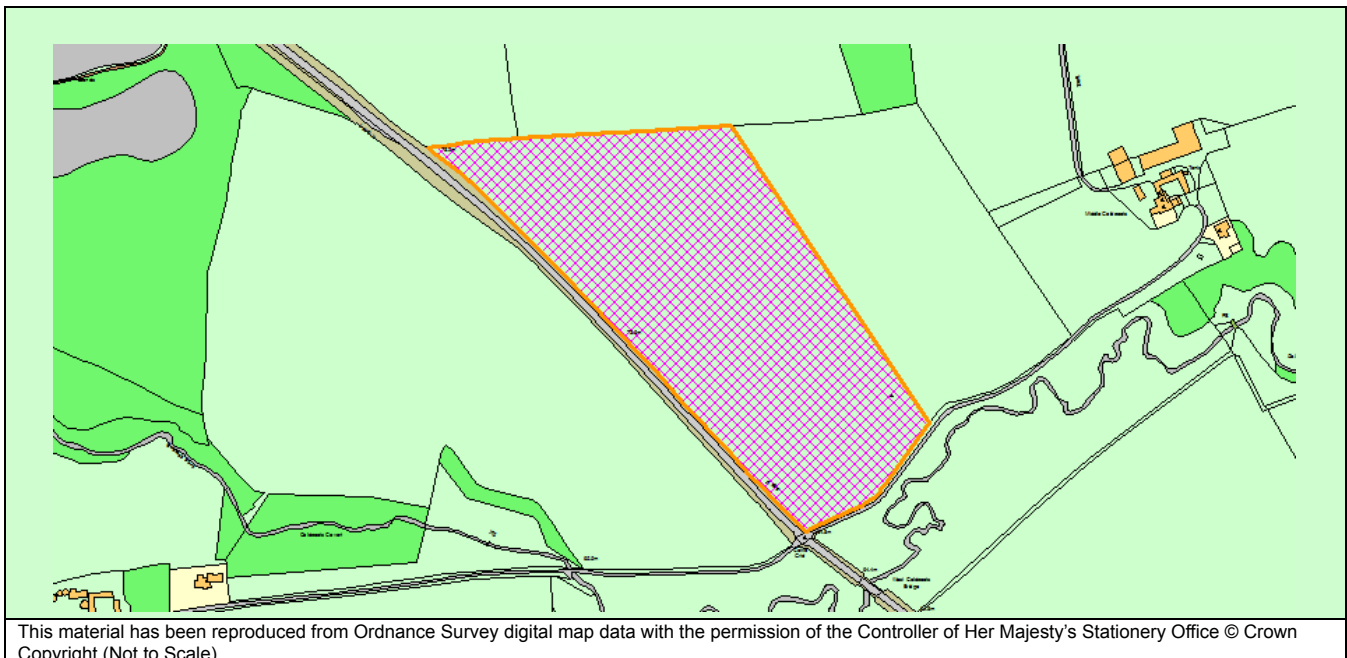


# Northumberland County Council

## Castle Morpeth Local Area Council Committee 11<sup>th</sup> November 2019

|                              |   |                     |                  |
|------------------------------|---|---------------------|------------------|
| <b>Application No:</b>       | 19/00956/FUL  |                     |                  |
| <b>Proposal:</b>             | Change of use from private stable to commercial breeding stable   |                     |                  |
| <b>Site Address</b>          | Land South West Of Middle Coldcoats, Milbourne, Northumberland,   |                     |                  |
| <b>Applicant:</b>            | Mr Keith Franklin<br>Milbourne Lodge, Ponteland,<br>Newcastle Upon Tyne,<br>Northumberland<br>NE20 0DG                    | <b>Agent:</b>       | None             |
| <b>Ward</b>                  | Ponteland North   | <b>Parish</b>       | Ponteland        |
| <b>Valid Date:</b>           | 1 August 2019   | <b>Expiry Date:</b> | 12 November 2019 |
| <b>Case Officer Details:</b> | Name: Mr Ryan Soulsby<br>Job Title: Planning Officer<br>Tel No: 01670 622627<br>Email: Ryan.Soulsby@northumberland.gov.uk |                     |                  |

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



### 1. Introduction

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

## 2. Description of the Proposals

- 2.1 Planning permission is sought for the change of use from a private stable to a commercial breeding stable on land South West of Middle Coldcoats, Milbourne.
- 2.2 There would be no additional built form at the site or alterations to the existing stable block to facilitate the change of use. Amendments to the site would consist of the creation of a car parking area to the west of the existing stable block.
- 2.3 The application site is located in open countryside as well as being situated within designated Green Belt.

## 3. Planning History

**Reference Number:** 15/01899/FUL

**Description:** Construction of single storey stable building and horse exercise menage

**Status:** Permitted

## 4. Consultee Responses

|                        |   |
|------------------------|---|
| Ponteland Town Council | Object to this proposal on the grounds of Highway and public safety.<br><br>The A696 travelling North from Ponteland is a notorious black spot and this section in particular. The statistics show that since 2014 there have been 3 fatalities on this stretch of road, 5 serious accidents and a number of minor incidents.<br><br>The Planning Committee are extremely concerned that slow moving vehicles pulling horse trailers and other vehicles of this nature will make this stretch of road even more hazardous as they attempt to join the traffic flow where vehicles are travelling at the national speed limit along the A696. The Planning Committee would like to see this change of use refused. |
| Highways               | No objection subject to conditions and informatives.  |
| Public Protection      | No comment.   |
| County Ecologist       | No objection.   |
| Highways England       | No objection.   |

## 5. Public Responses

### Neighbour Notification

|                               |   |
|-------------------------------|---|
| Number of Neighbours Notified | 3 |
| Number of Objections          | 0 |
| Number of Support             | 0 |
| Number of General Comments    | 0 |

### Notices

General site notice, 8th August 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=POO2NLQS0K500>

## **6. Planning Policy**

### 6.1 Development Plan Policy

Ponteland Neighbourhood Plan Submission Draft (2017) (PNP)

Policy PNP 1 - Sustainable development principles

Policy PNP 2 - High Quality and Inclusive Design

Policy PNP 13 - Biodiversity

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

Policy C1 - Settlement boundaries

Policy C11 - Protected species

Policy C16 and C17 - Green Belt

### 6.2 National Planning Policy

National Planning Policy Framework (2019) (NPPF)

National Planning Practice Guidance (amended, 2019) (NPPG)

### 6.3 Other documents/strategies

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

Policy STP 1 - Spatial strategy

Policy STP 2 - Presumption in favour of sustainable development

Policy STP 3 - Sustainable development

Policy STP 8 – Development in the Green Belt

Policy QOP 1 - Design principles

Policy QOP 2 - Good design and amenity

Policy QOP 6 - Delivering well designed places

Policy TRA 4 - Parking provision in new development

Policy ENV 2 - Biodiversity and geodiversity

## **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 Ponteland Neighbourhood Plan (made version 2017) and Castle Morpeth District Local Plan (2003, saved policies 2007). The main considerations in the assessment of this application are:

- Principle of development (open countryside and Green Belt);
- Design and visual character;
- Residential amenity;
- Highways safety;
- Ecological impacts.

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 Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications (May 2019) can therefore be given some weight in the assessment of this application.

### **Principle of development**

*(open countryside)*

- 7.2 Policy C1 of the Castle Morpeth District Local Plan (CMDLP) identifies settlements within the former district with development expected to be situated within these areas, albeit with some exceptions. These exceptions consist of the development being essential for agriculture or forestry or being in accordance with other relevant policies within the plan. The proposals map that forms part of the CMDLP shows the application site as being located out with of any defined settlement boundary therefore, the application site is considered to be located within the open countryside.
- 7.3 Whilst there are no relevant policies within the CMDLP in relation to this proposal, the NPPF at paragraph 83 outlines that planning decisions should enable 'the sustainable growth of all types of businesses in rural areas through conversion and well designed new buildings'.
- 7.4 Paragraph 84 of the NPPF goes on to note that planning decisions should recognise that local businesses and communities may be required to be located beyond recognised settlements and in locations that are not well served by public transport. In these circumstances it is important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 7.5 The proposal for the site consists of the conversion of an existing stable block with no additional built form being introduced at the site as part of the scheme. It is recognised that for a commercial business of this type, an open

countryside location is required as there would likely be adverse impacts upon neighbouring businesses and residents if the development were to be located within a built up settlement area.

- 7.6 As such, it is considered that there is clear accordance with paragraphs 83 and 84 of the NPPF in determining that the principle of development in the open countryside is considered acceptable.

(Green Belt)

- 7.7 The North Tyneside Green Belt was designated in 1963 by Amendment No. 16 to the County Development Plan. The Proposals Map which accompanies the CMDLP recognises the application site as being located within this Green Belt area therefore, consideration must be given to both local and national planning policies in relation to Green Belt development.

- 7.8 Whilst the CMDLP outlines some exceptions to Green Belt development that may not be considered inappropriate, the NPPF provides a more detailed list therefore more weight is given to national policy in this regard. The NLPPD mirrors the NPPF when detailing what types of development may be considered acceptable within the Green Belt.

- 7.9 Paragraph 143 of the NPPF states that 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Paragraph 145 of the NPPF goes on to note that 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt'. In this instance, this is not relevant as the proposal does not seek to introduce a new building at the site and instead, seeks the conversion of an existing building.

- 7.10 Paragraph 146 of the NPPF details further exceptions to development in the Green Belt that may not be considered inappropriate. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

- 7.11 In this instance, it is clear that the proposal could be considered to accord with exception d) under paragraph 146 of the NPPF with the application seeking to re-use an existing building on site. Whilst the definition of permanent and substantial construction is subjective, in this instance, when considering the use of the building it can be considered that the stable block can be appropriately 're-used', thus negating any requirements for additional built form.

- 7.12 It is therefore considered that the proposal is in accordance with Green Belt provisions as stipulated in both local and national planning policy.

### **Design and visual character**

- 7.13 Policy PNP 2 of the PNP details that development will be supported where it demonstrates high quality and inclusive design. Moving on to national planning policy, paragraph 124 of the NPPF 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 whilst being visually attractive.
- 7.14 As the proposal does not seek any external or internal changes to the application building, focusing solely on the change of use of the site, there would be no adverse impacts caused upon the visual character of the site or surrounding area. The existing stable block is constructed with timber panels at a scale and massing appropriate for its open countryside location. It is therefore considered that the proposal accords with both local and national planning policy in terms of design.

### **Residential amenity**

- 7.15 Due to the secluded nature of the application site, with the nearest residential property located approximately 300 metres to the North East, it is not considered that there would be any detrimental impacts upon the amenity of nearby residents.

### **Highways safety**

- 7.16 Paragraph 109 of the NPPF stipulates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Ponteland Town Council objected to the application on the grounds that the change of use would adversely impact upon the safety of users of the adjacent A696 public highway.
- 7.17 Consultation was undertaken with the local highways authority who, following the submission of further information, raised no objection subject to appropriate conditions. Detailed information was provided as part of the submission in relation to traffic flows along this parcel of highway along with accident data for the last 5 years.
- 7.18 It is considered by Highways DM that information provided within the technical note is considered acceptable with the low levels of arrivals and departures unlikely to result in any detrimental impacts upon highways safety. Furthermore, improvements to the vehicular access at the site, approved under an earlier planning application, will allow for safer ingress and egress at the site.
- 7.19 A stage 1 road safety audit has also been provided as part of the application submission. Upgrade works to the application site would be subject to a Section 278 Agreement pursuant to the Highways Act 1980, with this process

undertaken outside of any planning permission with the local highways authority.

- 7.20 A proposed car parking layout has been provided detailing 8no perpendicular parking spaces with swept paths shown for an RV trailer arriving/departing the car parking area in a forward gear. Highways DM have reviewed this provision against the expected trips outlined in the Technical Note and consider that parking provision would be acceptable.
- 7.21 Taking the above into consideration, it is therefore considered that sufficient information has been provided to allow the local planning authority to conclude there would be no adverse impacts upon highways safety, in accordance with relevant local and national planning policy.

### **Ecological impacts**

- 7.22 Policy PNP 13 of the PNP outlines that all development proposals should conserve the biodiversity of land, species, buildings and habitats, and maximise opportunities for creation, restoration, enhancement and management of biodiversity. The NPPF at paragraph 170 stipulates that planning decisions should seek to protect sites of biodiversity.
- 7.23 Consultation was undertaken with the local authority's ecologist who raised no objection to the scheme. As the change of use does not include works to the buildings or land as such, impacts on habitats and species are unlikely. The proposal therefore accords with relevant local and national planning policy in this regard.

### **Equality Duty**

- 7.24 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**

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

### **Human Rights Act Implications**

- 7.26 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.

- 7.27 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.
- 7.28 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 whilst having regard to the appropriate local plan policies. 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.

## **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. 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 20<sup>th</sup> March 2019)
2. Construction details drawing no. GPS-19005-002 Rev P02 (received 24<sup>th</sup> September 2019)



3. Site layout drawing no. GPS-19005-003 Rev P02 (received 24<sup>th</sup> September 2019)
4. General arrangement drawing no. GPS-19005-100 Rev P03 (received 24<sup>th</sup> September 2019)
5. Proposed levels drawing no. GPS-19005-400 Rev P02 (received 24<sup>th</sup> September 2019)
6. Surfacing and kerbing drawing no. GPS-19005-1100 Rev P03 (received 24<sup>th</sup> September 2019)
7. Visibility assessment drawing no. GPS-19005-101 Rev P01 (received 1<sup>st</sup> October 2019)
8. Proposed drainage drawing no. GPS-19005-500 Rev P01 (received 24<sup>th</sup> September 2019)
9. Car parking layout drawing no. GPS-19005-0004 Rev P01 (received 24<sup>th</sup> September 2019)
10. Visibility splays drawing no. GPS-19005-3000 Rev P01 (received 24<sup>th</sup> September 2019)
11. Hedgerow boundary treatment drawing no. GPS-19005-3001 Rev P01 (received 24<sup>th</sup> September 2019)
12. Floor plan drawing no. GPS-19005-007 Rev. P01 (received 10<sup>th</sup> July 2019)

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

03. The development shall not be occupied until the car parking area indicated on the approved plans has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

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

04. Notwithstanding the details submitted, the development shall not be brought into use until a means of vehicular access with the A696 has been constructed in accordance with Northumberland County Council Type 'C' construction specification alongside 6 of 10 the closure of the redundant access and section of the private access road to the southern side, with visibility splays to be maintained at all times in accordance with the approved details. Thereafter, the vehicular access, together with visibility splays, shall be implemented and retained in accordance with the approved details.

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

05. Notwithstanding the details submitted, the development shall not be brought into use until details of the closure and reinstatement of the redundant access with the A696 together with street lighting, drainage and associated works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include full resurfacing of the A696 southbound lane encompassing the full extent of the new junction bell mouth and the redundant access and approaches on the A696.

Thereafter, the development shall not be brought into use until these works have been constructed in accordance with the approved plans.

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

06. Prior to occupation, details of surface water drainage to manage runoff from private land to the adopted highway has been submitted to and approved by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is occupied and thereafter maintained in accordance with the approved details.

Reason: In order to prevent surface water run off in the interests of the amenity of the area and to ensure suitable drainage has been investigated for the development and implemented, in accordance with the National Planning Policy Framework.

07. The development shall not be occupied until details of refuse storage facilities and a refuse storage strategy 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 arrangements 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 National= Planning Policy Framework.

08. 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 demolition/ 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.

### **Informatives**

- 1) You should note that under the Highways Act 1980 a vehicle crossing point is required. These works should be carried out before first use of the

development. To arrange the installation of a vehicle crossing point (and to make good any damage or other works to the existing footpath or verge) you should contact the Highways Area Office at:  
[centralareahighways@northumberland.gov.uk](mailto:centralareahighways@northumberland.gov.uk)

- 2) You should note that the existing vehicle crossing point(s) from the A696 shall be closed off with full reinstatement works to be undertaken. These works should be carried out before first use of the development. To arrange alterations to the existing vehicle crossing point (and to make good any damage or other works to the existing footpath or verge) you should contact the Highways Area Office at: [centralareahighways@northumberland.gov.uk](mailto:centralareahighways@northumberland.gov.uk)
- 3) You are advised that offsite highway works required in connection with this permission are under the control of the Council's Technical Services Division and will require an agreement under section 278 of the Highway Act 1980. These works should be carried out before first occupation of the development. All such works will be undertaken by the Council at the applicant's expense. You should contact Highway Development Management at [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk) to progress this matter.
- 4) You should note that a highway condition survey should be carried out before the commencement of demolition and construction vehicle movements from this site. To arrange a survey contact Highway Development Management at [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk)
- 5) The following highway works will be agreed under the terms of Section 278 of the Highways Act 1980: Closure of redundant access and reinstatement works including resurfacing of southbound carriageway on A696 to encompass new access and bellmouth and through redundant access and approaches.
- 6) You are advised to contact the Council's Traffic Management Section at [highwaysprogramme@northumberland.gov.uk](mailto:highwaysprogramme@northumberland.gov.uk) before and during the construction period in respect of the Traffic Regulation Order requirements on The Avenue.
- 7) 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.
- 8) In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.
- 9) You should note that Road Safety Audits are required to be undertaken. Northumberland County Council offer this service. You should contact [highwaysplanning@northumberland.gov.uk](mailto:highwaysplanning@northumberland.gov.uk) or 01670 622979.

**Date of Report:** 10<sup>th</sup> October 2019

**Background Papers:** Planning application file(s) 19/00956/FUL

