

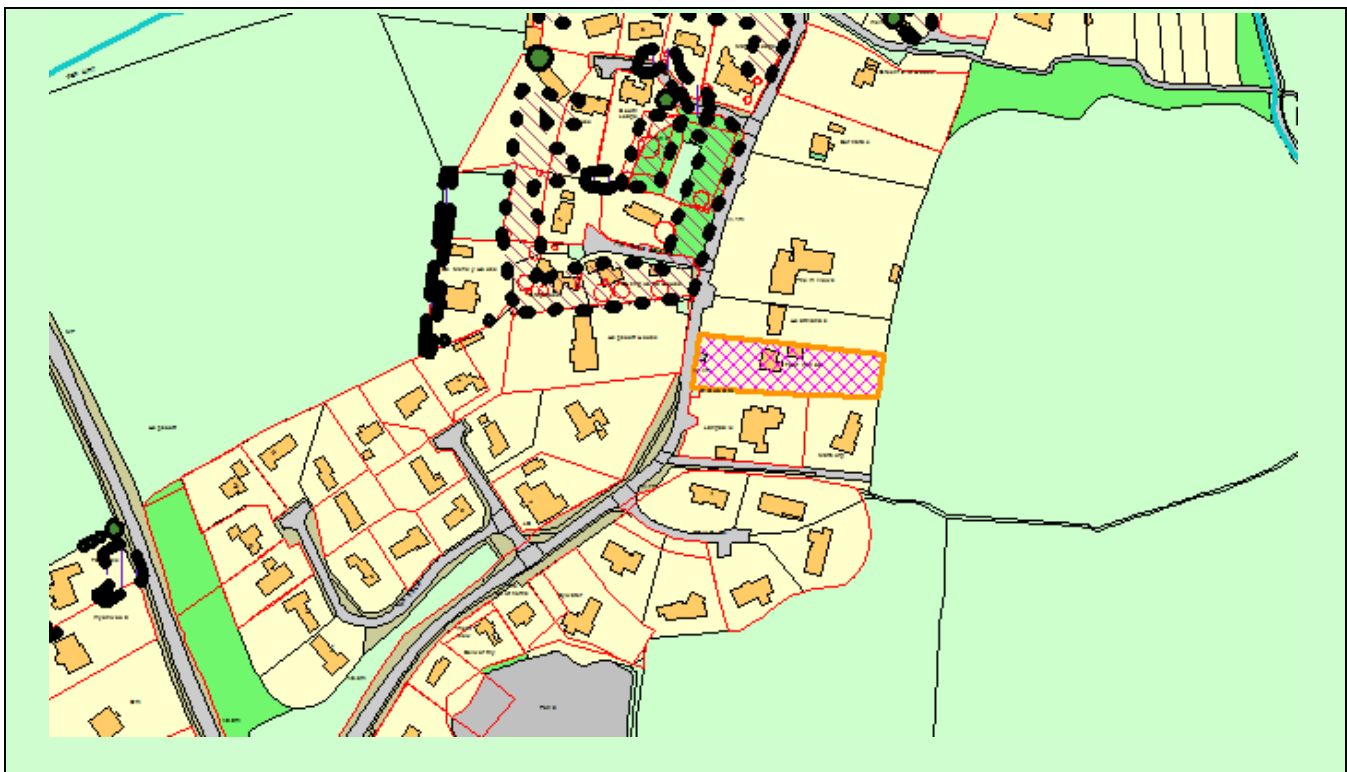


# Northumberland County Council

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

<b>Application No:</b>	19/03670/FUL		
<b>Proposal:</b>	Demolition of existing bungalow "Fourwinds" to create 2 private dwellings, retaining existing access and internal driveway together with retention of all trees and hedges to external boundaries (as amended 29.10.2019)		
<b>Site Address</b>	Four Winds, Hepscott, Morpeth, Northumberland, NE61 6LH		
<b>Applicant:</b>	Mrs Chris Stocks 2 The Crescent, Loansdean, Morpeth, Northumberland NE61 2DQ	<b>Agent:</b>	Mr David Fleming The Coachhouse, Longhirst, Morpeth, Northumberland NE61 3LU
<b>Ward</b>	Longhorsley	<b>Parish</b>	Hepscott
<b>Valid Date:</b>	4 September 2019	<b>Expiry Date:</b>	15 November 2019
<b>Case Officer Details:</b>	Name: Mr Richard Laughton Job Title: Planning Officer Tel No: 01670 622628 Email: richard.laughton@northumberland.gov.uk		

**Recommendation:** That this application be GRANTED permission subject to a s106 agreement in relation to a contribution to the Coastal Mitigation scheme



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## 1. Introduction

1.1 This application is being referred to the Local Area Council for a decision following an objection from Hepscott Town Council. Hepscott is within the Morpeth Neighbourhood Plan therefore in line with the delegation protocol, the application must be referred to the Local Area Council when the recommended is contrary to the views of the Parish Council when a bone fide planning reason has been raised.

## 2. Description of the Proposals

2.1 The application seeks permission for the demolition of the existing bungalow "Fourwinds" to create 2no two storey dwellings at Four Winds, Hepscott.

2.2 The existing site will be subdivided into two plots with 'site 1' replacing the existing bungalow and 'site 2' positioned within the large rear garden to the east. The properties are of similar scale and design up to 8.5m to the ridge. The use of materials would be facing brickwork with stone detailing with natural slate roof tiles. The scheme would retain and extend the existing access and internal driveway together with the retention of all trees and hedges to external boundaries.

2.3 The site is within the settlement limits of Hepscott.

## 2. Planning History

No relevant site history

## 3. Consultee Responses

Hepscott Parish Council	Objection
Highways	No objections subject to conditions
County Ecologist	No objections subject to conditions
North Trees And Woodland Officer	No response received.
Public Protection	No objections subject to conditions

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	6
Number of Objections	1
Number of Support	2
Number of General Comments	0

### Notices

General site notice 9<sup>th</sup> September 2019

No Press Notice Required.

## Summary of Responses:

Hepscott Parish Council made the following comments:

- The building line has been brought forward by 10 metres thereby increasing the sense of scale and massing.
- The height of the proposed buildings is significantly greater than the current building.
- The footprint of the two proposed houses is over three times that of the existing property (both including garages).
- The plans do not meet MNP Policy Set2 where the 'footprint, scale and mass should respect the density of and separation between neighbouring properties'.
- Adequate drainage plans are needed as currently surface water becomes a problem at times of heavy rainfall.
- The proposed build adversely affects the amenity of nearby residents.
- We support the complaints from neighbours in regard to the height of the building and the proximity to Marburg affecting light and privacy.
- The disruption that would be caused to the general public, particularly pedestrians, would be particularly worrying as the site only has a narrow path. This area is already on Hepscott Parish Council 's Local Transport Plan Programme.

Unless the height, scale and mass are significantly reduced, and the flooding and safety issues are addressed, Hepscott Parish Council objects to this planning application.

There has been 1 letter of objection with concerns to disruption during construction and 2 letter of support that consider the design compliments the surrounding properties.

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=PWY3YOQS0CN00>

## **6. Planning Policy**

Morpeth Neighbourhood Plan 2016

Policy Sus1 – Sustainable Development Principles

Policy Set1 - Settlement Boundaries

Policy Set2 - Development in Hebron, Hepscott, Mitford and Pegswood

Policy Des1 – Design Principles

Castle Morpeth District Local Plan, 1991-2006), Adopted February 2003

C1 Settlement boundaries

C11 Protected Species

H15 New housing developments

HPC1 Settlement boundary

H11 Tandem and Backland Development

## 4.2 National Planning Policy

NPPF - National Planning Policy Framework (2019)

NPPG - National Planning Practice Guidance (2019, as updated)

## 4.3 Emerging Policy

Northumberland Local Plan - Publication Draft Plan (including Proposed Minor Modifications) (Regulation 19) (submitted on 29th 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 STP 7 Strategic approach to the Green Belt (Strategic Policy)

Policy STP 8 Development in the Green Belt (Strategic Policy)

Policy HOU 1 Making the best use of existing buildings (Strategic Policy)

Policy HOU 2 Provision of new residential development (Strategic Policy)

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

Policy HOU8 Residential development in the Open Countryside

Policy HOU 9 Residential development management

Policy QOP 1 Design principles (Strategic Policy)

Policy QOP 2 Good design and amenity

Policy QOP 4 Landscaping and trees

Policy QOP 5 Sustainable design and construction

Policy QOP 6 Delivering well-designed places

Policy TRA 1 Promoting sustainable connections (Strategic Policy)

Policy TRA 2 The effects of development on the transport network

Policy TRA 4 Parking provision in new development

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

Policy ENV 2 Biodiversity and geodiversity 1

Policy WAT 1 Water quality

Policy WAT 2 Water supply and sewerage

Policy POL 1 Unstable and contaminated land

Policy POL 2 Pollution and air, soil and water quality

## **7. Appraisal**

7.1 The main considerations are:

- Principle of the development
- Design and Impact on residential amenity
- Access and Parking
- Ecology
- Flood Risk
- Contaminated Land

### Principle of development

7.2 Policy Sus1 of the Morpeth Neighbourhood Plan states that proposals for new development will be expected to be accommodated within settlement boundaries defined in the neighbourhood plan other than in those circumstances defined in

policy Set1. Policy Set1 of the Morpeth Neighbourhood Plan states that development proposals will be supported within the settlement boundaries subject to being in accordance with other relevant policies in the Plan. Areas outside the boundary will be treated as open countryside where developments will only be supported where it serves or supports the following purposes or activities;

- A.** Farming and other land based rural businesses, or the sustainable diversification of these activities; or
- B.** Existing businesses and enterprises; or
- C.** A sustainable visitor attraction that is related to the experience or interpretation of the countryside or a sustainable leisure development which respects the character of the countryside where needs are not met by existing facilities within settlement boundaries; or
- D.** Housing that meets the criteria in paragraph 55 of the NPPF (Now Paragraph 79 of 2018 NPPF); or
- E.** Appropriately designed extensions to existing buildings, including extensions to dwellings, which are subservient to and respect the scale and appearance of the existing building.

7.3 Policy C1 of the Castle Morpeth Local Plan establishes settlement boundaries and states that development in the open countryside beyond settlement boundaries will not be permitted unless the proposals can be justified as being essential to the needs of agriculture or forestry or are permitted by alternative policies in the development plan. The site is within the settlement boundaries of Morpeth under Policy HPC1 and is therefore within a sustainable location.

7.4 The latest version of the NLP is at the submission stage and due for public enquiry. 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.

7.5 The proposal is a new dwelling within an existing residential curtilage and situated within a recognised settlement boundary and therefore the principle of development is considered acceptable, in accordance with policy Sus1, Set1 of the Morpeth Neighbourhood Plan and policies C1 and HPC1 of the Castle Morpeth District Local Plan.

#### Design and impact to residential amenity

7.6 Policy Set 2 of the Morpeth neighbourhood Plan specifically relates to development within Hepscott. In particular, as the building is to replace an existing property it should conform to the relevant criteria:

*“A. A new dwelling or building which fills a small, restricted gap in the continuity of existing frontage buildings or on other sites within the settlement boundary, where the site is closely surrounded by buildings and where, in either case, the footprint, scale and mass of the development respects the density of, and separation between neighbouring properties; or,*

*B. The re-use or development of previously developed land provided that the new development would not adversely impact on the amenity of nearby residents by way of siting, design, scale, massing, or through noise and disturbance;*

*Unless the benefits of development outweigh the loss, proposals should retain mature trees within application sites, and include on-site measures to protect mature trees both within and adjacent to the site”.*

7.7 Policy Des1 sets a number of design principles for new development such as ensuring that the design and layout respects or enhances the character of the site and its surroundings in terms of its proportion, form, massing, density, height, size, scale, materials and detailed design features; ensuring development of and in proximity to designated and local heritage assets and their settings conserves, preserves, reflects and enhances the historic asset and the historic environment in accordance with their significance; ensures development safeguards, respects and enhances the natural environment; and that the development does not cause an unacceptable adverse impact on the amenities of occupiers of existing or proposed nearby properties.

7.8 Policy H15 of the Castle Morpeth Local Plan specifies the detailed requirements for new housing developments and seeks to ensure high quality design whilst protecting the amenity of neighbouring properties. Given that Local Policy H15 promote good design, it is considered that due weight can be given as it is generally consistent with guidance set out in the NPPF. In addition Policy H11 states that tandem and backland development should be refused if it would cause a loss of amenity due to a poor relationship with existing dwellings; loss of trees and a significant breach of a clearly defined building line.

7.9 Hepscoth village is set in attractive woodland with the Hepscoth Burn running through the heart of the village. In recent years residential development has taken place around a group of older houses, mainly in the form of low density executive homes. The village has an attractive wooded setting and it is considered that the development of additional large new estates would be damaging to this sylvan and low dense character. The Local Plan and Neighbourhood Plan further state that small infill housing sites within the settlement boundary may be appropriate but must be assessed on their individual merits.

7.10 Whilst it is accepted that plots sizes differ in shape and size, it is generally accepted that Hepscoth is characterised by low density detached properties with generous garden land. It is therefore, appropriate to carefully consider the sub-division of plots to ensure the character of the village is not compromised. The proposal would provide an equal and proportioned sub-division of the plot to still retain a low density. It would also replicate the building line and position of the properties to the neighbouring site to the south. Whilst the properties are large in scale and massing, they are still adequately set back 30m into the site from the highway therefore not imposing onto the street scene. There is also no distinctive vernacular within Hepscoth with a range of styles and height with two storey properties either side. It is, therefore, considered that there is no design to conform to and the individual proposals are a well-proportioned style that would still respect the character of the surrounding area with generous garden area and surrounding curtilage retained.

7.11 There would be appropriate separation distances retained between the two proposed dwellings and to those existing neighbouring properties with over 20m to habitable rooms. Due to the position and orientation, there would also be no windows overlooking to compromise neighbouring privacy or direct loss of sunlight.

7.12 Overall, the application would be an appropriate infill or backland development where the footprint, scale and mass of the development respects the density of the site and settlement and also separation between neighbouring properties. The site is therefore, in accordance with policy Set2 and Des1 of the Morpeth Neighbourhood Plan, H11 and H15 of the Castle Morpeth District Local Plan and the NPPF.

### Highways

7.13 It is proposed that the development will utilise an existing vehicular access to the C132 adopted highway, which is subject to a 20MPH speed limit at this location. The plans show the vehicular access to the development is to be upgraded, which will require the realignment of the kerb line, demolition of the existing wall to the rear of the footway and the construction of a new 1.5 metre high wall set back to provide adequate visibility splays.

7.14 It is not anticipated that the proposed development will lead to a significant risk to road safety, with the existing highway having sufficient capacity to accommodate the level of traffic generated by the site which will not have a material impact upon the surrounding road network. There will also be adequate parking provision on site.

7.15 The Highways Authority has been consulted and has no objection to the application subject to conditions to secure the on site car parking a construction method statement, as shown. The application is considered to be in accordance with the NPPF.

### Public Protection

7.16 The development site lies within The Coal Authority low risk area but Public Protection recommend that mine gas protection should be installed. There is no information on any potential contaminated land as a result of the past historical use (Unknown), however, as this development site relates to domestic use rather than industrial use, the potential impact of risk is low to the end user therefore, appropriate planning conditions will be imposed to ensure that risks from land contamination to the future users are minimised and to ensure that the development can be carried out safely. Subject to conditions, the application is in accordance with the NPPF.

### Ecology

7.17 The application documents and ecological survey report indicate that there are bat roosts present in the buildings and, as a result, works are required to be undertaken under a Natural England European Species Development (Low Impact) Licence. There is some potential for nesting birds on site. Terrestrial animals such as hedgehogs are recorded locally and are likely to commute and forage across the site from time to time. No other protected, threatened or notable habitats and/or species are likely to be affected by the proposals.

7.18 There are no objections to the proposals on ecological grounds subject to a condition being imposed for a condition ensuring that the avoidance, mitigation and enhancement measures detailed in the report are carried out in full.

7.19 As this is a proposed residential development within 10km of the coast, consideration will need to be given to the impact of increased recreational disturbance to bird species that are interest features of the coastal SSSIs and European sites, and increased recreational pressure on dune grasslands which are similarly protected.

7.20 When developers apply for planning permission for new residential and holiday development within the coastal zone of influence, the LPA has to fulfill its obligations under the Wildlife and Countryside Act (for SSSIs) and the Conservation of Habitats and Species Regulations (for SPAs, SACs and Ramsar Sites), by ensuring that the development will not have adverse impacts on designated sites.

7.21 The Council has introduced a scheme whereby developers can pay a contribution into a strategic mitigation service which will be used to fund coastal wardens who will provide the necessary mitigation. Contribution to the Coastal Mitigation Service enables a conclusion of no adverse effect on site integrity to be reached when a planning application is subject to appropriate assessment. Similarly it enables a conclusion of no adverse effect on the interest features of coastal SSSIs. Specifically the Northumberland Shore SSSI has been considered in this case.

7.22 The applicant has confirmed that they intend to contribute to the Coastal Mitigation Service and that this contribution shall be secured by legal agreement. A S.106 agreement is required in order to make the development acceptable with regard to the impact to the Northumberland Shore SSSI, Northumbria Coast SPA Ramsar, the agreement shall therefore be a contribution of £600 to fund the Coastal Mitigation Service, i.e. £600 per unit x 1 additional unit.

7.23 Overall, subject to conditions and a legal agreement to the coastal mitigation scheme, the application is in accordance with the NPPF.

### Flood Risk

7.24 The development site is adjacent to a known flooding area due to localised flooding and surface water runoff. As such, a drainage strategy is required to ensure that the development would not increase the risk of flooding elsewhere. The Local Lead Flood Authority (LLFA) has been consulted and consider that a drainage strategy can be secured via a condition to ensure the effective disposal of surface water from the development. As such the development is in accordance with the NPPF subject to a condition being imposed.

### Equality Duty

The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact



on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

### Crime and Disorder Act Implications

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

### Human Rights Act Implications

The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

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

## **8. Conclusion**

8.1 Consideration has been given to potential effects on character, highway safety, land contamination, drainage and ecology. There are not considered to be any significant harmful impacts, and any effects could be satisfactorily mitigated through appropriate conditions and subject to a s106 for coastal mitigation. It is therefore considered that sustainable development would be achieved in this case having regard to the relevant local and national planning policies.

## **9. Recommendation**

That this application be GRANTED permission subject to subject to a s106 agreement in relation to a contribution to the Coastal Mitigation scheme and the following conditions:

## 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 approved shall be carried out in complete accordance with the approved plans. These plans are:

L(2-)35 M

L(2-)20 L

L(2-)23 L

L(2-)37 M

L(2-)24 L

L(2-)38 M

L(2-)21 L

L(2-)36 M

L(9-)10 L

L(9-)10 M "Access Drive"

L(9-)10M – Proposed Site Plan

L(9-)11 A

L(9-)01

Reason: For the avoidance of doubt and in the interests of proper planning.

03. No development shall take place unless in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report (Four Winds, Hepscott, Proposed Development Ecology and Bat Report - Summer 2019', Ruth Hadden, 8.8.19) and as shown on the architect's drawings ('Overall Site Layout Proposed Scheme "L"', Drawing No.: 2772 L(9-)11 A) including, but not restricted to, works to be undertaken under a Natural England European Protected Species Development (Low Impact) Licence; 2No. bat boxes (as specified) to be erected in trees within the ownership/control of the applicant before demolition/development commences; inclusion of 2No. In-built bat boxes (as specified) into the new structures; adherence to timing restrictions; adherence to precautionary working methods and Method Statements; adherence to external lighting recommendations and in accordance with 'Bats & Lighting in the UK' Bat Conservation Trust/Institution of Lighting Engineers, 2018; use of 'bat friendly' timber treatments (as specified); use of traditional bitumen felt or timber sarking and no use of breathable roofing membranes in areas as specified; any water tanks in roof spaces to be covered; any deep (in excess of 300mm) excavations left open overnight to be either securely covered or provided with an earth or timber ramp not less than 300mm wide and no steeper than 45 degrees to provide an escape route for ground animals that might otherwise become entrapped; an updating active season bat and bird nesting survey to be carried out in the event that demolition works do not commence before the end of August 2020 with the results of that survey together with any necessary modifications to avoidance, mitigation or enhancement measures to be forwarded to and agreed in writing with the LPA before works commence.

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

04. No demolition, removal of vegetation or felling of trees shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

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

05. No development shall be carried out other than in accordance with the guidance set out in 'BS5837:2012 Trees in Relation to Design, Demolition and Development: Recommendations' British Standards Institution, 2012.

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

06. A detailed landscape planting plan, including the planting of locally native trees and shrubs of local provenance, shall be submitted to and agreed in writing with the LPA with the planting to be fully implemented during the first full planting season (November – March inclusive) following the commencement of development.

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

07. No dwelling shall be occupied until the car parking area, associated with that dwelling, 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.

08. No dwelling shall be occupied until details of cycle parking, associated with that dwelling, have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before the dwelling 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.

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

- i. vehicle cleaning facilities;
- ii. the parking of vehicles of site operatives and visitors;
- iii. the loading and unloading of plant and materials;
- iv. 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.

10. No dwelling shall 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 The Local Plan and the National Planning Policy Framework.

11. Prior to the construction, a scheme for the disposal of surface water from the development which shall use sustainable drainage techniques wherever possible shall be submitted to and approved by the Local Planning Authority.

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

12. Notwithstanding any description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to, and approved in writing by, the Local Planning Authority. All roofing and external facing materials used in the construction of the development shall conform to the materials thereby approved.

Reason: To retain control over the external appearance of the development in the interests of amenity and in accordance with the provisions of the NPPF.

**Date of Report: 25.10.2019**

**Background Papers:** Planning application file(s) 19/03670/FUL