

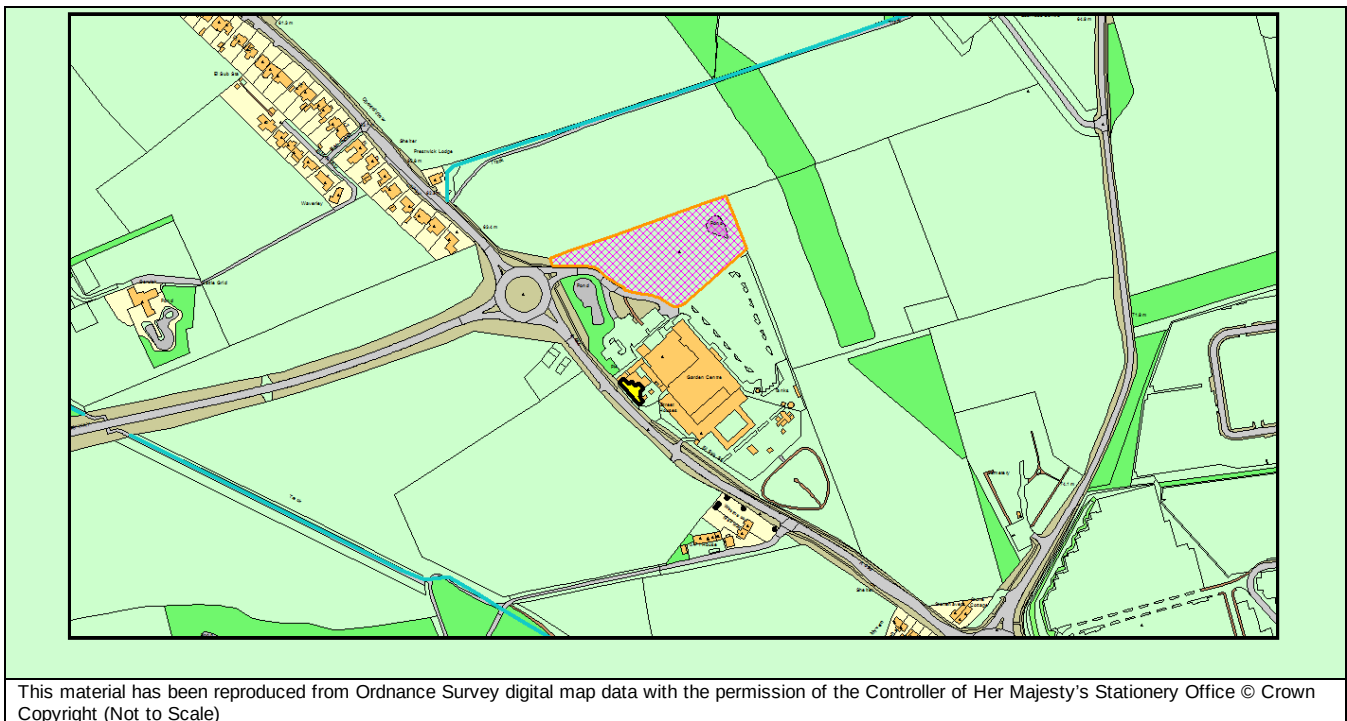


Northumberland County Council

Castle Morpeth Local Area Council Committee 13th January 2020

Application No:	19/03853/FUL		
Proposal:	Development of an extension to the existing customer car park and associated works		
Site Address	Land North Of Dobbies Garden Centre, Street Houses, Ponteland, Northumberland		
Applicant:	Dobbies Dobbies Garden Craft Centre, Street Houses, Ponteland, NE20 9BT	Agent:	Mrs Meg Nelson Quayside House, 127 Fountainbridge, Edinburgh, EH3 9QG
Ward	Ponteland East And Stannington	Parish	Ponteland
Valid Date:	23 September 2019	Expiry Date:	14 January 2020
Case Officer Details:	Name: Mr Ryan Soulsby Job Title: Planning Officer Tel No: 01670 622627 Email: Ryan.Soulsby@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



1. Introduction

- 1.1 This application is being referred to the Local Area Council for a decision following an objection from Ponteland Town Council. In line with the delegation protocol, the application must be referred to the Local Area Council when the recommendation is contrary to the views of the Town

Council, which has a made neighbourhood plan, when a bone fide planning reason has been raised.

2. Description of the Proposals

- 2.1 Planning permission is sought for the extension to the existing car parking and creation of a picnic area located at Dobbies Garden Centre, Street Houses, Ponteland.
- 2.2 The proposed car park extension would be located to the North of the existing car park and would provide an additional 129 spaces to the already existing 216. At present, this area accommodates a car washing facility which would be removed from the site upon commencement of the works.
- 2.3 The application site is located within the open countryside whilst also being situated within designated Green Belt.

3. Planning History

N/A

4. Consultee Responses

Ponteland Town Council	Object on inappropriate development in the Green Belt, highways safety concerns and ecological impacts.
Highways	No objection subject to recommended conditions.
Highways England	No objection.
Strategic Estates	No response received.
County Ecologist	No objection.
Lead Local Flood Authority (LLFA)	No objection subject to recommended conditions.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	9
Number of Objections	1
Number of Support	0
Number of General Comments	0

Notices

General site notice, 27th September 2019
No Press Notice Required.

Summary of Responses:

1no objection was received against the application from a neighbouring property raising concerns regarding:

- Adverse impact on Green Belt;

This material planning consideration will be assessed within the below appraisal.

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=PXZRZ91QSJR100>

6. Planning Policy

6.1 Development Plan Policy

Ponteland Neighbourhood Plan (Made version 2017) (PNP)

Policy PNP 1 – Sustainable development principles

Policy PNP 2 – High quality and inclusive design

Policy PNP 10 – Green infrastructure

Policy PNP 11 – Landscape

Policy PNP 13 – Biodiversity

Policy PNP 26 – Flood alleviation

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) (CMDLP)

Policy RE5 – Surface water run off and flood defences

Policy C1 - Settlement boundaries

Policy C11 - Protected Species

Policy C16 and C17 – Green Belt

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2019)

NPPG - National Planning Practice Guidance (2019)

6.3 Emerging Planning Policy

Northumberland Local Plan - Publication Draft Plan (including Proposed Minor Modifications) (Regulation 19) (submitted on 29th May 2019) (NLP)

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 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
Policy WAT 1 Water quality
Policy WAT 2 Water supply and sewerage
Policy WAT 3 Flooding
Policy WAT 4 Sustainable drainage systems

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) (PNP) and Castle Morpeth District Local Plan (2003, saved policies 2007) (CMDLP). 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;
- Water management;
- 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 CMDLP, read in conjunction with the Proposals Map which accompanies the plan, outlines that development should be focused within defined settlements. Development out with these settlements will not be supported unless essential to the needs of agriculture or forestry or permitted by other relevant policies within the Plan. The application site is located outside of any defined settlement and is therefore considered to be located in the open countryside.

- 7.3 It is recognised that the application site falls within the curtilage of Dobbies Garden Centre and could therefore be recognised as being previously developed with the proposal solely for an extension to an existing car park. Furthermore, it is noted that part of the application site currently accommodates an existing car wash facility which would be removed upon commencement. As the land can be considered as being previously developed, the principle of development has already been established and is therefore acceptable.

Green Belt

- 7.4 The application site is located within the North Tyneside Green Belt designation formed in 1963 by Amendment No.16 to the County Development Plan. Therefore, both local and national Green Belt planning policy is relevant within this assessment.
- 7.5 Whilst policy C17 of the CMDLP details a selection of exceptions that may not be considered inappropriate within the Green Belt, the NPPF provides a more extensive and updated list therefore, further weight is given to National Planning Policy within this assessment. The emerging NLPPD (including minor modifications) also mirrors National Policy in relation to Green Belt.
- 7.6 Paragraph 143 of the NPPF details 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 list certain exceptions that may not be considered as inappropriate development with part g) referencing the complete redevelopment of previously developed land as acceptable providing it would *'not have a greater impact on the openness of the Green Belt than the existing development'*.
- 7.7 The implementation of an extension to the existing car parking area through the use of grasscrete material is acceptable and can clearly be seen to result in less of an impact on openness when compared with the existing car wash facility located at the site. The use of grasscrete is welcomed to retain the landscape character of the area with the creation of a picnic area as indicated upon the submitted details not considered to result in any harm to the Green Belt.
- 7.8 The proposal accords with relevant local and national planning policy in relation to Green Belt.

Design and visual character

- 7.9 Policy PNP 2 of the PNP outlines that development will be supported *'where it demonstrates high quality and inclusive design. All new development should make a positive contribution to their surroundings'*. The NPPF at paragraph 124 recognises good design as a key aspect to sustainable development with paragraph 127 going on to note that developments should function well and add to the overall quality of the area.
- 7.10 Policy QOP 1 of the NLP is also relevant within this assessment and mirrors the provisions of the above policies by stating that development should

make 'a positive contribution to local character and distinctiveness' whilst respecting and enhancing 'the natural and built environment'.

- 7.11 The proposed scheme would not result in an adverse impact upon the visual character of the application site or wider surrounding area. The use of grasscrete material would negate any harsh impact upon the appearance of the application site that would be caused by the use of concrete hardstanding whilst the planting of a number of trees would retain the rural landscape feel of this parcel of land. Removal of the existing car wash structure and paraphernalia would result in a more pleasant approach and setting upon entrance to the application site.
- 7.12 The proposal therefore accords with relevant local and national planning policy in terms of design.

Residential amenity

- 7.13 The closest residential property is located 150 metres to the North West of the site therefore there would be no concerns raised in relation to the amenity of neighbouring residents.

Highways safety

- 7.14 Consultation was undertaken with the local highways authority, who, following the submission of additional information, raised no objection to the proposed development. As part of the application submission, a transport assessment (TA) was provided by the applicant to assess potential traffic implications and trip generations. The TA demonstrates that there will not be operational issues upon the network resultant from the development proposals during the peak hours of the garden centre.
- 7.15 The proposed car park has been designed in accordance with the dimensional requirement for car parking as set out in Appendix D of the NLP. It is recognised that due to the distance of the car park to the garden centre, disabled car parking and EV car parking are not appropriate for this overflow car park and are therefore not required.
- 7.16 The development site lies adjacent to the saved route of the Ponteland bypass under current and emerging Planning Policies. The applicant has demonstrated through the submission of plans that the proposed car parking will not impact upon revised access proposals to the site, visibility of any side road access from the garden centre to the new link and the alignment of the link itself. As such, Highways DM are satisfied that the development will not adversely impact upon the development of the saved line as and when this is brought forward.

Water Management

- 7.17 Whilst the site is not located within a floodzone 2 or 3 area, and is therefore not at high risk of flooding, consultation was undertaken with the lead local flood authority team for their comments. As part of the submitted details, a drainage layout plan was provided which has been appropriately assessed

by the LLFA team who have raised no objection to the proposed scheme. Conditions have been recommended to ensure the LPA retain a level of control in relation to surface water drainage at the site through the construction phase as well as the lifetime of the development.

Ecological impacts

- 7.18 Consultation was undertaken with the local authority's ecologist who raised no objection to the proposals. Ecology reports provided as part of the application documents outline that there are no great crested newts located within the neighbouring pond that would be impacted upon by the development. The planting of trees within the car park is welcomed, ultimately representing a biodiversity gain in providing habitats for species.

Equality Duty

- 7.19 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

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

Human Rights Act Implications

- 7.21 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.
- 7.22 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.

- 7.23 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. 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 drawing no. 561 PON (PL) 01 Rev. A (received 13th September 2019)
- 2) Drainage strategy Dobbies Garden Centre Ltd (received 30th September 2019)
- 3) Proposed site plan drawing no. 561 PON (00)12 (received 30th September 2019)
- 4) Proposed signage strategy drawing no. DCP-CDL-Z0-T-DR-12-0001 Rev. B (received 30th September 2019)
- 5) Proposed finished levels drawing no. DCP-CDL-Z0-C-DR-00-0001 Rev. B (received 30th September 2019)
- 6) Proposed drainage layout drawing no. DCP-CDL-Z0-C-DR-05-0001 Rev. B (received 30th September 2019)
- 7) Surface finishes and kerbing drawing no. DCP-CDL-Z0-C-DR-07-0002 Rev. B (received 30th September 2019)
- 8) General arrangements drawing no. DCP-CDL-Z0-C-DR-00-0003 Rev. B (received 30th September 2019)
- 9) Earthworks analysis drawing no. DCP-CDL-Z0-C-DR-06-0001 Rev. B (received 30th September 2019)
- 10) Construction details drawing no. DCP-CDL-Z0-C-DR-07-0001 (received 30th September 2019)
- 11) Proposed swale drawing no. DCP-CDL-Z0-C-DR-05-0005 (received 30th October 2019)

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

03. 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.

04. Details of the disposal of surface water from the development through the construction phase shall be submitted to and agreed with the Local Planning Authority.

Reason: To ensure the risk of flooding does not increase during this phase and to limit the siltation of any on site surface water features.

05. Prior to first use 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.

06. Prior to first use of the car park, 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-statutory technical standards.

07. Tree planting shall be carried out in accordance with the approved drawings no later than the expiry of the next planting season following

commencement of the development, or within such other time as may be approved with the Local Planning Authority. The landscaped areas shall be subsequently maintained to ensure establishment of the approved scheme, including watering and the replacement of any trees, which fail within a period up to 5 years from the completion of the development.

Reason: In the interests of visual amenity and the satisfactory appearance of the development upon completion, and in accordance with the provisions of policy PNP 2 of the Ponteland Neighbourhood Plan and National Planning Policy Framework.

Informatives

- 1) Under the Wildlife and Countryside Act 1981 (as amended) 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.

If protected species such as nesting birds are encountered during development then works should cease immediately and professional advice should be sought straight away.

The Chartered Institute of Ecology and Environmental Management
(CIEEM)

has an online professional directory should assistance be required.

<https://cieem.net/i-need/finding-a-consultant/>

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>

The applicant should note that where sites are very overgrown or have features such as log piles or piles of stones there may be risk of causing harm

to species protected under law from killing or injury such as reptiles, or species of principal importance such as toads and hedgehogs. Any vegetation

or materials clearance be carried out gradually and with due care and attention.

- 2) 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.

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

Date of Report: 12th December 2019

Background Papers: Planning application file(s) 19/03853/FUL