

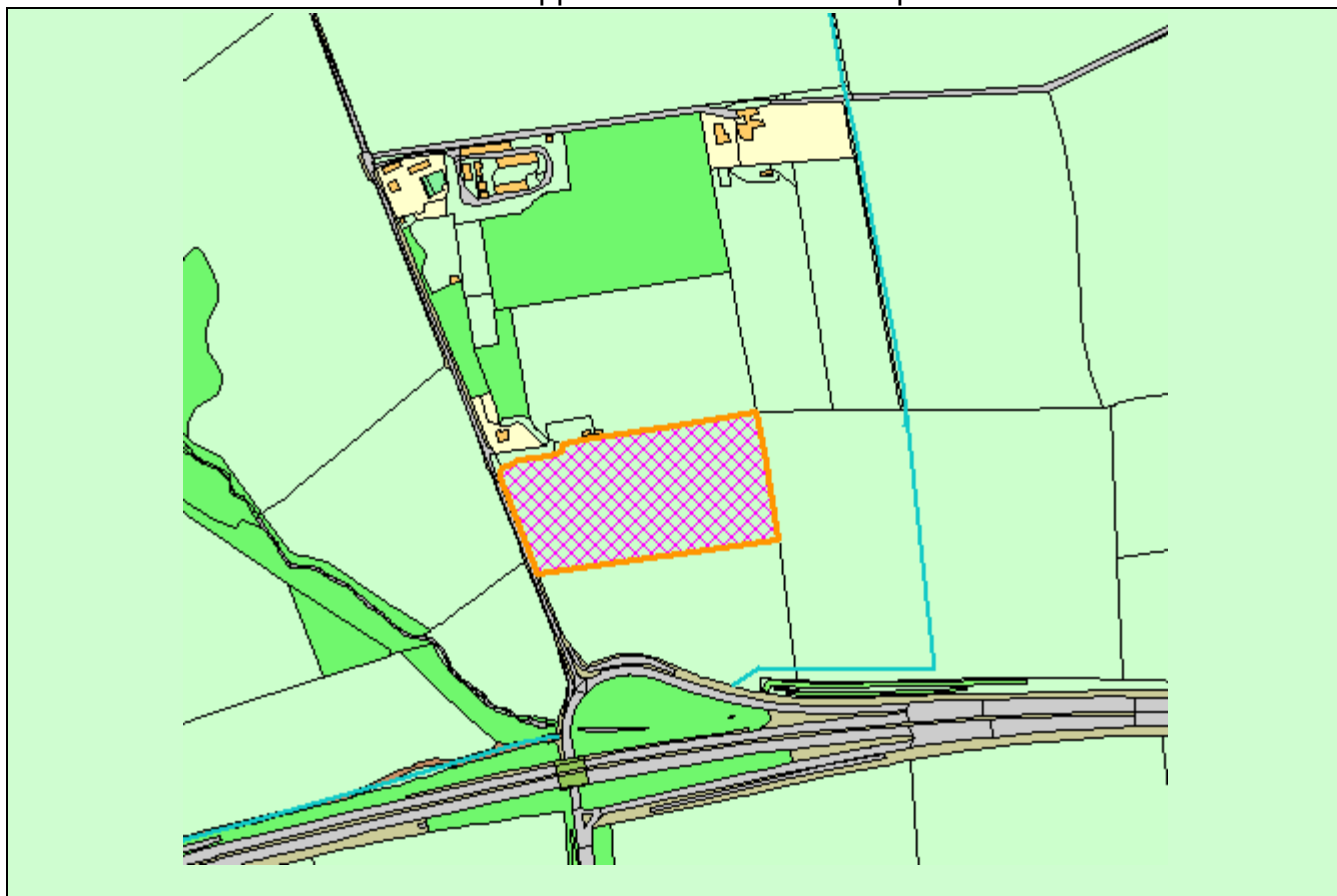


# Northumberland County Council

## Castle Morpeth Area Council 10th February 2020

<b>Application No:</b>	19/01406/FUL		
<b>Proposal:</b>	Change of use from Farmland to "D2 Assembly & Leisure" for the purposes of providing Junior Football facilities and associated access and parking (as amended 25.10.2019)		
<b>Site Address</b>	Land South Of Selmon Park Sports Field, Heddon-On-The-Wall, Northumberland,		
<b>Applicant:</b>	Mr L Duffy 58 Roachburn Road, Hillheads Estate, Newcastle Upon Tyne, NE5 5ND	<b>Agent:</b>	Mr Andrew Davies 82 South View, East Denton, Newcastle Upon Tyne, NE5 2BQ
<b>Ward</b>	Ponteland South With Heddon	<b>Parish</b>	Heddon-on-the-Wall
<b>Valid Date:</b>	6 June 2019	<b>Expiry Date:</b>	1 August 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



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## **1. Introduction**

1.1 Under the Council's current Scheme of Delegation, where an application raises significant planning issues or objections, it is referred to the Head of Service for determination as to whether the application should be considered by Members of the relevant Planning Committee. The application has been vetted by the Senior Manager and Chair of the Committee on August 2018, where it was decided that the application raises significant planning issues due to the strong objections from Heddon On The Wall Parish Council. As such, the application is to be considered by Members of the Committee.

1.2 The application was heard 11<sup>th</sup> November 2019 it was agreed by a majority vote that it be RESOLVED that the application be DEFERRED to allow the following information to be provided:-

- Comments from Highways England
- Detailed Traffic Management Plan
- Traffic Survey on a match day
- Provision of toilets and running water
- Impact of joint use of the site by two clubs
- Conditions regarding floodlighting

1.3 The application has now been supported by a Highways Statement (Tim Speed Consulting) and proposed plans to include toilet facilities in response to the request from Members of the Committee.

## **2. Description of the Proposal**

2.1 The application is seeking permission to change of use of land from farmland to "D2 Assembly & Leisure" for the purposes of providing Junior Football facilities. The application seeks to provide quality Football Pitches suitable for 7v7, 9v9 & 11v11(Jnr) in order to secure the future of Heddon JFC with appropriate parking facilities. The site is immediately south of Selman Park Sports field and its future use is uncertain. This existing field would no longer be used by Heddon JFC in place of the proposed pitches within the application site.

2.2 The supporting information states that the construction of a stone track which will maintain year round access to Neighbouring fields (for the Landowners sole use), and a hardstanding informal parking area. There are no plans to construct any permanent structures with the exception for a 900mm high, post and wire fence to the Southern Edge to indicate the site boundary and to the Northern Edge to segregate the Children/Visitors from any Traffic. There will also be earth bund 0.3m high surrounding the site and new planning of hedgerows.

2.3 3no. timber sheds are proposed to the north east corner of the site. Two of these will be for changing facilities and storage with an additional cabin for toilet facilities. Two smaller cabins would measure 4.2m x 4.8m and up to 2.6m high and a larger cabin would measure 6m x 6m and up to 2.9m high.

2.3 The pitches would hold matches most Saturday & Sunday mornings from 9am-1pm. The pitches would be used on 3 weekday evenings with all training

sessions held between 6-8pm but not between October - April due to winter conditions.

2.4 Due to ownership issues the red line boundary has been amended since the original submission to remove a strip of land to the western boundary.

### 3. Planning History

No relevant planning history

### 4. Consultee Responses

Heddon On The Wall Parish Council	Objection
Highways	No objection subject to conditions
County Ecologist	No objections
Strategic Estates	No response received.
County Archaeologist	No objections
Historic England	No objection
Sport England	Support Application
Lead Local Flood Authority (LLFA)	No objection
Northumbria Ambulance Service	No response received.
Public Protection	No objections subject to a condition
Highways England	No objections

### 5. Public Responses

#### Neighbour Notification

Number of Neighbours Notified	9
Number of Objections	4
Number of Support	56
Number of General Comments	0

#### Notices

General site notice 2<sup>nd</sup> July 2019

No Press Notice Required.

#### Summary of Responses:

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=PQTD2SQSFT000>

#### Heddon Parish Council

The application has been made and references numerous times the current use of Selman Park. Unfortunately in light of this application Heddon PC have decided

that the expansion plans go beyond what the Parish had envisaged for the area up at Selman Park and have therefore terminated the rental agreement with Heddon Juniors from the end of July 2019 therefore meaning no reference to Selman Park on the planning application is now relevant.

Reviewing the planning application without any link to Selman Park, Heddon Parish Council would now object on the following grounds:

- The access to the current facility is congested at the best of times as it is a single track lane with minimal passing places;
- The traffic has already caused major issues with farmers and residents over the last two years and would only get worse with two fields been used for pitches 7 days a week;
- The introduction of further traffic would only further compound the above issue;
- The whole expansion plan relied on the continued use of Selman Park, which was on a short term let year to year. This potentially meant that juniors could have moved away at any point and left the village with a field next to it run by an organisation from outside of the area that did not understanding our local area and the surrounding Heritage status and the impact that future changes would have on the local area;
- The neighbouring property in a rural area is now already impacted by training sessions most nights of the week, with two sessions running most evenings and multiple on both days of the weekend, so expansion in squads will only make this matter worse;
- The Car parking on the new site would not be adequate for the Junior football club alone and would therefore mean an overflow onto the public highway;
- The Facility has no mention of a refuse collection facility so rubbish may be an issue;
- The Facility has no mention of toilet or running water facilities;
- The mention of portacabins for storage and or changing rooms would be highly unsightly on the village sky line and as this is an area of outstanding beauty it would detract from that.

In summary, Heddon PC would like to state at this point it would have liked to support this development but the above referenced planning application would show clear over development of a small piece of land in a small local village with no real infrastructure in place to support this size of project.

An additional letter has already been received on 8th October to further express concerns with highways safety in terms of inadequate visibility splays and the access road is not suitable for intensification and a traffic audit should be commissioned. There is also a strip of land within the ownership of the parish council that includes the hedgerow which should not be maintained for biodiversity reasons. It is also considered that the proposal is not an appropriate use within the Green Belt and Open Countryside beyond settlement boundaries as is not acceptable in principle.

Further comments from Heddon PC:

*“As part of the Parish Council's planning application for Selman Park they were required to bury all electrical cables in the interest of health and safety of the Park users. As we could not see any reference to this on the internet and there are*

*power cables running over the site, we asked Northern Powergrid what was happening and they have not been consulted. We would like your assurance that this has been considered in any risk assessment that has been commissioned. Not only for the playing of football and rugby but kite and drone flying and any other sports which it may implicate".* - There is no statutory duty to consult the owners of the utility pole and it would also not fall into the remit of the Council's Public Protection Team. It is noted that electrical wires may cross over part of the site and an informative would be placed on any permission for the applicant to contact Northern Powergrid to enquire about any safety implications before the site is occupied.

There has also been 4 objections received with concerns relating to:

- Traffic safety issues with a single track road;
- Poor Access into the site;
- Increase in activity alongside the existing Selman Park Sports Field would have a detrimental impact to local residents;
- Village cannot sustain growth of existing facility

There has been 56 supporting letters received:

- Selman Park is not sufficient to accommodate a Junior 11 a side pitch;
- Improved sports facilities for children and local community;
- Location would keep the club within the local community;
- Support from Sport England describing Heddon Junior Football Club as a "substantial Club" - benefit for the local community;
- Promotes healthy sports activities;
- Refusal would have potential damage to club;
- Potential high traffic congestion and increased vehicle movement will only be for a period of 10-15mins before and after training or matches;
- Training sessions are not held at the site during winter months;
- Matches and training sessions will be staggered to avoid parking issues;
- No other locations within Heddon-On-The-Wall;

## **6. Planning Policy**

### 6.1 Local Planning Policy

Castle Morpeth District Local Plan (2003)

C1 – Settlement Boundaries

C16 – Green Belt

C17 Green Belt development

RE4 Water Quality

R2 Playing Pitches

### 6.2 National Planning Policy

National Planning Policy framework (2019)

National Planning Practice Guidance (2019, as updated)

### 6.3 Emerging Planning Policy

Northumberland Local Plan Publication Submission Draft Plan (Regulation 19)

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 1  
ENV7 Heritage assets

## **7. Appraisal**

7.1 The main issues for consideration include:

- Principle of development
- Design
- Amenity
- Design and Amenity
- Highway Safety

### Principle of Development

7.2 The adopted Development Plan for the area within which the application site is located comprises the Ponteland Neighbourhood Plan Made 2017, saved policies of the Castle Morpeth District Local Plan, adopted in 2003.

7.3 The application site lies in an area beyond settlement boundaries of Heddon-On-The-Wall as defined in the Castle Morpeth District Local Plan (2003) therefore the site can be considered as being located in an area of open countryside. It is also within the Green Belt as identified within the Castle Morpeth Local Plan Proposal Map.

7.4 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.

7.5 The Council does not currently have an up-to-date Playing Pitch Strategy, as it is currently in production. Nevertheless, the Playing Pitch Strategy and Sports Facility Strategy (2011) identified a prominent deficiencies in the provision for youth football in the West. It suggests that these deficiencies would not be met through re-designation (changing one pitch from one type to another), which logically suggests that the creation of new pitches are needed to meet this deficiency.

Indeed, Castle Morpeth District Local Plan (2003) (CMLP), 'saved' in 2007, Policy R2 states that:

*“ in rural areas the Council will respond positively to proposals to provide new formal recreational facilities ”.*

7.6 With regards to the Northumberland Local Plan - Reg 19 Publication Draft with Proposed Minor Modifications (submitted for examination May 2019) (emerging NLP), Policy ECN 14 part 1 criterion b supports rural diversification developments for leisure, recreation or tourism activities (including playing pitches) that require open land in a countryside location, but development should avoid using the best and most versatile agricultural land (para 5.67), which the site is not. Whilst, Policy INF 5 only discusses the loss of recreation and open space and their creation through the planning system where necessary to serve needs arising from new developments (i.e. planning obligations) (para 14.32), and therefore is irrelevant to this proposal

7.7 Both the NPPF and Policy C17 of the Local Plan identify a list of appropriate uses in the Green Belt for which new build development may be permitted. Any other uses not identified are deemed to be inappropriate. Paragraph 133 of the NPPF attaches great importance to Green Belts, with the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open. Paragraph 143 of the NPPF highlights that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Paragraph 144 requires Local Planning Authorities (LPA) to ensure that substantial weight is given to any harm to the Green Belt, and that “‘very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.

7.8 The NPPF, at para 145, lists exceptions to the general policy of Green Belt restraint, setting out forms of development that are considered to be appropriate in the Green Belt. This does however differ slightly to the exceptions listed under Local Plan Policy C17 and so greater weight should be given to the NPPF. In terms of new buildings in the Green Belt the NPPF, under para 145, allows;

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the

Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

7.9 Paragraph 146 of the NPPF further states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. 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.

7.10 National Planning Practice Guidance (NPPG) regarding the Green Belt was recently updated on 22nd July. *Inter alia*, the update suggested factors that could be taken into account when considering the potential impact of development on the openness of the Green Belt:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume; the duration of the development, and
- its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

7.11 The application would accord with criteria b) of paragraph 145 and e) of paragraph 146 as it would provide outdoor recreational use that would have no greater impact on the openness of the Green Belt. It is accepted that the volume of the pitches is large, however, the change of use from agricultural land to playing pitches is not considered to be significant transition to the character of the site by, essentially retaining open grassland. In visual terms, the site would be bounded by a low timber post and rail fence and it has been agreed with the applicant to omit the four storage metal containers to two single timber structures. This would preserve the impact to openness and generally be more sympathetic to the surrounding open countryside. Furthermore, it is accepted that the site may generate traffic and visitors on certain days of training or scheduled matches however, this would not amount to long periods throughout the week to significantly intensify the use of the site. In addition, it must be noted that as the site would still remain as open greenfield land the future remediation from playing pitches to agricultural land would not require significant works.

7.12 It must be noted that Section 8 of the NPPF promotes healthy and safe communities through encouraging social interaction by providing recreational services for the community needs. Development of such a sports facility promotes healthier lifestyles and community cohesion. The proposed development would support this general principle within the NPPF.



7.13 A condition should be imposed to ensure floodlighting should not be installed without the consent from the Local Planning Authority and any inappropriate storage of equipment would be an enforcement issue.

7.14 Overall, there would be no encroachment into the countryside and would provide an appropriate use within the Green Belt without a greater impact to openness. The proposal would also secure playing pitches in a rural location but provide a local facility for Heddon-On-The-Wall and villages in the surrounding area. The application is therefore acceptable in principle as it would be in accordance with policy R2 of the Castle Morpeth District Local Plan and paragraph 145 & 146 of the NPPF.

#### Design and Residential Amenity

7.15 The application is for a change of use with minor works including low boundary fencing, hardstanding and a small timber storage building. There would be no significant change to the open landscape. The proposal would also not have a detrimental impact on neighbour amenity without any significant works provided. The use of the site would be limited for use by Heddon Juniors JFC on Saturday & Sunday mornings and on 3 weekday evenings during the summer months. Whilst the proposal would intensify the use of the site, it is not considered to provide a significant disturbance to the adjacent residential property and the existing boundary treatment would also be retained to provide screening. The timber changing facilities are to be sited to the north eastern corner away from existing properties. The application would therefore be in accordance with the NPPF to ensure no significant harm is caused to existing residents.

#### Highways.

7.16 The vehicular access is intended to be from an existing access with the U9096 on its eastern side, which currently serves the farm to the north and access to the Selman Park field. It is intended to form a gated access at the eastern extent with a new section of road access to extend eastwards to provide access to the perpendicular parking spaces on the southern side. At its termination a gated access to serve the adjoining field will be formed.

7.17 The U9096 is an adopted road subject to a 60mph speed limit with no street lighting or parking restrictions. This road is narrow with passing places provided to the south of the site. The alignment of the road is relatively straight running in a general north to south direction along the sites western side, with good levels of visibility to the north (looking right from the access) and forward visibility of vehicles departing from the access. To the south (looking left) visibility is obstructed by a crest in the carriageway and as such visibility splays in accordance with Design Manual for Roads and Bridges, which requires 2.4m x 215m in both directions is not easily achievable.

7.18 The access with the U9096 is relatively wide with informal kerb lines that splay southwards increasing the effective edge of carriageway which does provide an improved level of visibility along the U9096. The crest in the carriageway to the south lifts the level of approaching vehicles and as such these can be seen from the access allowing a vehicle to wait until the path is clear to depart.

7.19 A revised site plan has amended the red line boundary along the western boundary with the U9096 to omit the majority of the hedgerow beyond the access. This does not impact upon the visibility splays or the conditions as previously outlined. The applicant proposes to hard surface the existing vehicular access for 6.0m from the edge of the carriageway where the existing private access surface condition had deteriorated. The extent of this are shown on the revised Construction Method Statement Plan

7.20 With consideration of this and the existing passing places the Highways Authority considered that the visibility is sufficient to the south provided the hedge lines are cut around the junction mouth or alternative boundary treatment is provided.

7.21 For all sites, developers are expected to provide the minimum level of car parking, unless it can be demonstrated that the parking provision is considered appropriate. These parking spaces measure 2.5m x 5.0m with 50 No. spaces retained for the site. This was considered to be sufficient to serve this development.

#### Supporting Highway Statement and Traffic Survey

7.22 Despite the Local Highways Authority being satisfied with the application based on the proposed traffic generation, site access improvements and on site parking provision, an additional highway statement and traffic survey has been submitted due to a request from Members of the Committee who wished for further details on:

- Comments from Highways England
- Detailed Traffic Management Plan
- Traffic Survey on a match day
- Impact of the joint use of the site by two clubs

7.23 Comments have been received from Highways England with no objections to the proposal and any potential impact this may have to the A69 to the south of the site.

7.24 The findings from the Highway Statement can be summarised as:

#### *Existing Conditions*

- At the access location, the gates to the site are set back 5.3 metres from the U9096 channel line. The access location is used as an informal passing place on the U9096.
- There is a further “central” informal passing place at a gated field access 85 metres to the south.
- From the U9096 at the proposed site access, forward visibility of the central passing place exists from a driver eye height of 1.05 metres to an object height of 0.6 metres. Equally, from the central passing place, forward visibility of the U9096 at the proposed site access exists from a driver eye height of 1.05 metres to an object height of 0.6 metres.

- Further “southern” informal passing places exist on each side close to the junction of the U9096 with the B6528. These passing places are 63 metres from the central passing place..

7.25 It is therefore the case that there is complete intervisibility between the three locations on the U9096.

#### *Vehicle Trip Generation*

- Vehicular movements which were previously associated with Heddon Juniors’ use of Selman Park would in the future be associated with the new facilities and no change in trip generation would exist apart from natural general increases and decreases in membership.
- The vehicular movements associated with the Club’s activities are shown in Appendix C of the Highways Statement. Almost all of the parents stay at the ground for the duration of the sessions. It can be seen that the vehicle movements associated with the Football Club would continue to be low. At the ends of the sessions, all of the associated vehicles disperse over a very short period.

In summary, the proposed total movements are based on the squad sizes (14 squads) for an indication of generated traffic (Does not include car sharing and has staggered training and organised match times)

Monday 18:00-19:00 15-20 persons (summer training)  
 Tuesday 17:00 -20:00 37 persons (summer training)  
 Wednesday 17:00 - 20:00 41persons (summer training)  
 Thursday 18:00 – 20:00 45 persons (summer training)

Saturday 09:00 – 13:00 115 persons (match day during football fixture season)  
 Sunday 09:00 – 13:00 114 Persons (match day during football fixture season)

Saturday/ Sunday at Selman Park includes a 22 person squad for Heddon St Andrews Football Club. Date and time is depended on fixtures

The match days additional cars required for staff and referees but will also have away fixtures to be played at other locations. The total is therefore a worst case scenario.

- A designated Football Club marshal will stand opposite the access when cars are leaving the site to ensure safe traffic management on the U9096.

#### *Traffic Survey*

7.26 Heddon Juniors used Selman Park until July 2019 and therefore cannot provide a traffic survey on a match day. There were infrequent matches played over the Christmas period in order for the applicant to provide a survey of the current team using Selman Park. A survey of a match day is therefore not part of the submitted survey as requested.

The Traffic survey states however that:

*“Surveys of vehicle movements on the U9096 unrelated to Heddon Juniors were undertaken using CCTV videos 0830-1430 on Saturday 16<sup>th</sup> and on Sunday 17<sup>th</sup> November 2019. Those survey periods were selected because they have been the periods of greatest use of Selman Park by Heddon Juniors over the period June 2017 to July 2019. There have been and will continue to be weekday training sessions between 1700 and 2000 during the lighter summer months but these generate far fewer vehicle movements than those at weekends”.*

The data from the surveys is provided in Appendix D of the Highways Statement and confirms that the U9096 was exceedingly lightly trafficked. It further states that:

*“The peak hour during the survey periods was 1115-1215 on the Saturday when there were 47 two-way motor vehicle movements (24 northbound and 23 southbound), ie. an average of one vehicle only every 1¼ minutes.*

*The peak vehicle movements associated with the Club on a Saturday are 1045-1115 (34 inbound) and 1315-1330 (34 outbound). During the 1045-1115 period, there were 12 vehicles observed in the survey (5 northbound and 7 southbound), an average of one vehicle only every 2½ minutes. During the 1315-1330 period, there were 7 vehicles observed in the survey (3 northbound and 4 southbound), an average of one vehicle only every 2 minutes.*

*It is the case that the combination of non-Heddon Juniors vehicle movements and Heddon Juniors vehicle movements has occurred successfully in the past on the U9096 single track road with passing places and there is no reason why it should not continue to do so in the future without widening or additional passing places”.*

7.27 In addition the report highlights that there has been no such accident in a ten-year period. This includes a 25 months period of vehicular movements associated with Heddon Juniors Football Club training and playing matches at Selman Park.

### *Conclusions*

7.28 The Local Highways Authority has been re-consulted and have no objections to the scheme but advised that vehicular movements for the Senior Team ‘Heddon St Andrews’ should be included within the assessment for a more precise assessment. The statement however, has been reviewed and is considered to be acceptable in principle with assessments undertaken of personal injury incidents (accidents) over a 10 year assessment period (2009 to 2019) and review of baseline traffic flows following surveys undertaken during November 2019.

7.29 In summary the findings are that:

- Light traffic occurs on the U9096 during the Saturday and Sunday from those not associated with the football clubs;
- As a worst case scenario, there would be a total of 115 persons using the site at weekends but matches are staggered from 09:00-13:00
- Additional 22 persons using the site for Selman Park on alternate Saturday or Sunday, which is not considered to raise any concerns in respect of the

highway impact of the two clubs on the occasions when they do play at the same time

- Hardcore parking for 60 cars would be accessed from a 6.0 metre wide hardcore access track. Marshalls will manage traffic flow.
- There would be no change in the number of vehicle movements as a result of the proposed relocation of Heddon Juniors from Selman Park to the proposed facilities.
- The U9096 has an impeccable road safety record and there is no reason to believe that that situation would change in the future.
- No objections from Highways England.
- The detailed traffic management plan requested is not applicable for schemes of this nature and scale.

7.30 Overall, the application has increased the access road width to 6.0m and providing sufficient reversing space for perpendicular parking spaces. It is considered that based on the proposed traffic generation, site access improvements and on site parking provision, existing passing places the Highways Authority and Highways England has no objections subject to conditions and the application is in accordance with the NPPF.

### Foul Drainage

7.31 The toilet block will dispose of foul drainage via a septic tank. The Environment Agency has been consulted and has no objections based on the nature and scale of the proposal and the low risk to ground or surface waters. The application would be in accordance with the NPPF.

### Ecology

7.32 The site is an intensively managed arable field with some intact hedgerows to the boundaries. The boundary features can be retained and enhanced within the plans. There is a small risk that ground nesting birds may be using the site. All wild birds and their nests are protected when in use and this will, therefore, need to be accounted for before any works commence (nesting period for most species would be fully encompassed by the period March – August inclusive). The County Ecologist has been consulted and has no objections to the application subject to conditions being imposed to protect the boundary hedgerow during construction and for details of native planting to compensate for the loss of the widened access into the site. Subject to conditions, the application is in accordance with the NPPF.

### Archaeology

7.33 The proposed development site is located within Hadrian's Wall Military buffer zone. It should therefore be considered for its potential indirect (visual) impact on the setting of the scheduled monument of Hadrian's Wall and the universal value of the World Heritage Site. It should also be considered for its potential direct (physical) impact on potential below ground archaeological remains.

7.34 The proposed development is located over c.900m north of the scheduled line of Hadrian's Wall. The development would not interrupt views along Hadrian's Wall or impact on our understanding of the universal value of the World Heritage site. The topography, vegetation and distance from Hadrian's Wall also make it unlikely

that the proposed development will be highly visible from the line of Hadrian's Wall. It is therefore unlikely to have a significant impact in the context of the wider landscape. The application has also stated that the groundworks required for the proposed development will be limited.

7.35 There are no objections to this application from the County Archaeologist as the development of this type in this location will not impact on the setting of the scheduled monument Hadrian's Wall or the universal value of the World Heritage Site. The application is therefore in accordance with the NPPF.

### 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 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:-

Proposed Block Plan MP I 9/HJFC/DRG:02 Rev H  
Construction Method Statement Plan MPNE/MS/49  
Proposed Elevations Timber Cabin "The Amur - 44mm"  
Proposed Elevations Timber Cabin "The Sigma -44mm"

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

03. No demolition, development, tree felling or vegetation clearance 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. Netting of hedgerows, trees or buildings is only permitted in exceptional circumstances in accordance with Chartered Institute of Ecology and Environmental Management/Royal Society for the Protection of Birds advice. A methodology and management plan for the installation and maintenance of the netting shall be approved in writing with the Local Planning Authority prior to installation.

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

04. No development will commence until the following have been provided to the LPA for approval in writing:

- a plan showing construction and any new site access

- hedgerow protection measures during construction
- New native hedgerow planting (mixed guelder rose, blackthorn and hazel) where the existing hedgerow requires gapping up
- New native wildflower planting in a 5m strip along the boundaries (Northumberland Wildflower mix from B&K Wharf or British Wildflower Seeds) with an annual 'cut and remove' management plan.

Reason: to maintain and enhance the biodiversity value of the site in accordance with the NPPF.

05. Notwithstanding the details submitted, the development shall not be brought into use until the means of vehicular access from the U9096 has been hard surfaced up to at least 6.0m from the edge of carriageway in accordance with the approved plans.

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

06. Notwithstanding the details submitted, the development shall not be brought into use until details of the maintenance strategy for maintaining the visibility splays along the full extent of the sites western boundary with the U9096, to include cutting back of hedgerows and verges, which shall be maintained at all times, has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is occupied.

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

07. The development shall not be brought into use until the car parking area indicated on the approved plans, including any disabled car parking spaces contained therein, 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 external refuse or refuse containers shall be stored outside of the approved refuse storage area except on the day of refuse collection.

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

09. The approved Construction Method Statement and associated plans shall be adhered to throughout the construction period.

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework.

10. If during redevelopment contamination not previously considered is identified, then an additional method statement regarding this material shall be



submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out. Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition.

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.

11. No permanent or temporary lighting shall be installed at the hereby approved site or structure.

Reason: In the interest of residential and visual amenity having regards to the National Planning Policy Framework.

12. The development shall not be brought into use until further details of the toilet block in the form of elevations and floor plans has been submitted to an approved in writing by the Local Planning Authority. The toilet block shall be installed in accordance with the approved plans thereafter.

Reason: Reason: In the interest of visual amenity having regards to the National Planning Policy Framework.

### **Informatives**

01. There is a utility pole and electrical wires crossing over the application site. It should be ensured that Northern Powergrid or the utility owner is contacted prior to the site being occupied to ensure that any safety implications with the proposed use have been appropriately considered.

02. Any areas of hardstanding areas (car parks, driveways etc.) within the development shall be constructed of a permeable surface so flood risk is not increased elsewhere. There are three main types of solution to creating a permeable surface:

Using gravel or a mainly green, vegetated area.

Directing water from an impermeable surface to a border rain garden or soakaway.

Using permeable block paving, porous asphalt/concrete.

Further information can be found here -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7728/pavingfrontgardens.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/pavingfrontgardens.pdf)

In addition the development should explore disconnecting any gutter down pipes into rain water harvesting units and water butts, with overflow into rainwater garden/pond thus providing a resource as well as amenity value and improving water quality.

03. 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.

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

05. You should note that alterations to the existing vehicle crossing point(s) are required. These works should be carried out before first use of the development. To arrange alterations to the existing vehicle crossing point(s) (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)

06. Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone. The proposed development will not require a permit from the Environment Agency. Further information is available at: [Septic tanks and treatment plants: permits and general binding rules](#)

**Date of Report: 24.01.2020**

**Background Papers:** Planning application file(s) 19/01406/FUL