



Northumberland County Council

Castle Morpeth Local Area Planning Committee 10th February 2020

Application No:	19/04481/FUL		
Proposal:	Erection of 1.8 metre high powder coated mid green Palladin style open mesh fence to perimeter of site. Required to deter people walking on to the grounds of the secure unit.		
Site Address	Kylloe House, Netherton Park, Stannington, Morpeth Northumberland NE61 6DE		
Applicant:	Ms Karen MacDonald County Hall, Morpeth, NE61 2EF,	Agent:	Mr Tim Beech 13 Lostock Avenue, Poynton, Stockport, SK12 1DR
Ward	Ponteland East And Stannington	Parish	Stannington
Valid Date:	14 November 2019	Expiry Date:	9 January 2020
Case Officer Details:	Name: Miss Phoebe Gilchrist Job Title: Planning Student Tel No: 01670 620455 Email: Phoebe.Gilchrist@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



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1. Introduction

1.1.1 This application falls to be determined by the Castle Morpeth Local Area Planning Committee, in accordance with the Council's current Scheme of Delegation, as Northumberland County Council is the applicant.

2. Description of the Proposals

2.1 Planning permission is sought for the erection of a 1.8 metre high powder coated mid green Palladin style open mesh fence to the perimeter of Kyloe House. Kyloe House is a National Secure Children's Home, situated in Netherton Park, Stannington. The application states that this fence is required to deter people walking on to the grounds of the secure unit.

2.2 As part of the proposal, the fence line is proposed to go round the perimeter of the subject site. The proposed Palladin style mesh fencing would be 1.8m in height.

3. Planning History

Reference Number: C/08/00019/CCD

Description: Extension of existing external CCTV system including additional cameras and columns

Status: Approved

Reference Number: C/10/00216/CCD

Description: Single storey extension

Status: Approved

Reference Number: C/10/00238/CCD

Description: Proposed 52 metre squared secure vehicle drop off area

Status: Approved

Reference Number: 11/03295/CCD

Description: Erection of an additional 8M Camera tower to south of Kyloe House.

Status: Approved

Reference Number: 12/00956/CCD

Description: Installation of solar photo voltaic panels on the school roof

Status: Approved

Reference Number: 15/02776/FUL

Description: Extension to existing unit to provide a Step-Down unit and Vocational training facility

Status: Approved

Reference Number: 17/00329/VARYCO

Description: Variation of condition 2 (plans) of approved planning application 15/02776/FUL

Status: Approved

Reference Number: 18/00706/FUL

Description: Creation of new car park with 29 parking spaces to serve a newly constructed stepdown/vocational unit.

Status: Approved

Reference Number: 19/01693/VARYCO

Description: Variation of Condition 2 pursuant to planning permission 17/00329/VARYCO in order to amend the design

Status: Approved

Reference Number: CM/04/D/932 NCC

Description: Extension to provide additional administration facilities

Status: No objection

Reference Number: CM/04/D/092/NCC

Description: Proposed extension to existing secure unit to provide additional admin facilities.

Status: No objections

4. Consultee Responses

Stannington Parish Council	No response received.
Highways	No observations: No issues arise from the proposal
Strategic Estates	No response received.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	8
Number of Objections	0
Number of Support	0
Number of General Comments	0

Notices

No Site Notice Required.

No Press Notice Required.

Summary of Responses:

The full written text is available on our website at:

<http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=PS7CXLQSGBA00>

6. Planning Policy

6.1 Development Plan Policy

Stannington Neighbourhood Plan (2018):
Policy 10: Design and Character

Castle Morpeth District Local Plan (2003):
C1 Settlement Boundaries

Saved Policy S5 of the Northumberland and National Park Joint Structure Plan

6.2 National Planning Policy

NPPF - National Planning Policy Framework (2019)

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

6.3 Other Documents/Strategies

Northumberland Local Plan Publication Draft Plan (Regulation 19) including minor modifications (as submitted on 29 May 2019) (NLPPD)

Policy STP 2 - Presumption in favour of sustainable development

Policy STP 3 - Sustainable development

Policy HOU 9 - Residential development management

Policy QOP 1 - Design principles

Policy QOP 2 - Good design and amenity

7. Appraisal

7.1 The main issues for consideration in the determination of this application are:

- Principle of development
- Design and amenity

7.2 On 27th March 2012 (amended 2019) the Government published the National

Planning Policy Framework (the NPPF). The policies within this Framework are material considerations which Local Planning Authorities should take into account from the day of its publication.

7.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan for this site is the Morpeth Neighbourhood Plan, which was formally 'Made' in May 2016. As such, this is the prevailing plan under which the proposal should be considered.

7.4 The development plan for this site also comprises the "saved" policies of the Castle Morpeth District Local Plan (2003). The saved policies of the Local Plan continue to constitute the development plan and therefore remain relevant to the determination of this application. However, the weight that can be afforded to these policies varies due to their differing degree of conformity, or conflict, with the NPPF.

Principle of development

7.5 The relevant policies of the Development Plan comprise policy 10 of the Stannington Neighbourhood Plan, policies Sus1 and Des1 of the Morpeth

Neighbourhood Plan, and policies C1 and RE2 of the Castle Morpeth Local Plan.

- 7.6 The application site lies outside of any settlement boundary as defined by Saved Policy C1 of the Castle Morpeth Local Plan and therefore falls within the Open Countryside. The emphasis of policy C1 is to restrict development beyond settlement boundaries however; the proposal is for a fence around the perimeter of Kylvoe House at Netherpton Park.
- 7.7 The proposals are not identified as being located within the green belt under the Castle Morpeth Local Plan however, Saved Policy S5 of the Northumberland and National Park Joint Structure Plan identifies an extension of the Green Belt outside of Morpeth that includes the application site, although it is considered to be ambiguous for those locations on the inner outer boundaries of the proposed Green Belt Policy S5 however, the site at Netherpton Park is clearly within the general extent. There are appeal cases that identify great weight can be afforded the Policy S5. The NPPF lists certain categories of built development that are not necessarily inappropriate in the Green Belt. It includes extensions to buildings provided they do not result in disproportionate additions over and above the size of the original building under paragraph 145.
- 7.8 The proposed works are considered to be minimal that would not result in deterioration to the openness of the proposed green belt or be visually detrimental. The proposal is therefore acceptable in principle as it would be in accordance with the NPPF.

Design and amenity

- 7.9 The site is located within a small group of buildings known as Netherpton Park near Stannington which includes commercial, residential and agricultural uses. This building is located some distance from the neighbouring buildings, the closest of which are currently vacant.
- 7.10 The design, scale and massing of the proposed development is considered to be acceptable in relation to the existing building and the surrounding area.
- 7.11 In relation to amenity, the nearest residential properties close to the site are approximately 100m away and it is not considered that amenity would be affected by the development to any more significant degree than at present.
- 7.12 Upon carrying out a site visit as part of the assessment of this application, it was considered that the proposed fence line would not have an adverse impact on the character or appearance of the subject property or surrounding area and therefore accords with policies H14 of the Castle Morpeth District Local Plan and policy 10 of the Stannington Neighbourhood Plan.

Equality Duty

- 7.13 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

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

Human Rights Act Implications

7.15 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.

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

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

8. Conclusion

8.1 The main planning considerations in determining this application have been set out and considered above whilst having regard to the appropriate local plan policies and the emerging Core Strategy. 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 subject to the following:

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:-

1. Drawing number 1000-301-B, plan titled 'Perimeter Fence Site Layout', received 14th November 2019
2. Drawing number 1000-301, plan titled 'Fence Details', received 15th November 2019

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

Date of Report: 21/01/2020

Background Papers: Planning application file(s) 19/04481/FUL