

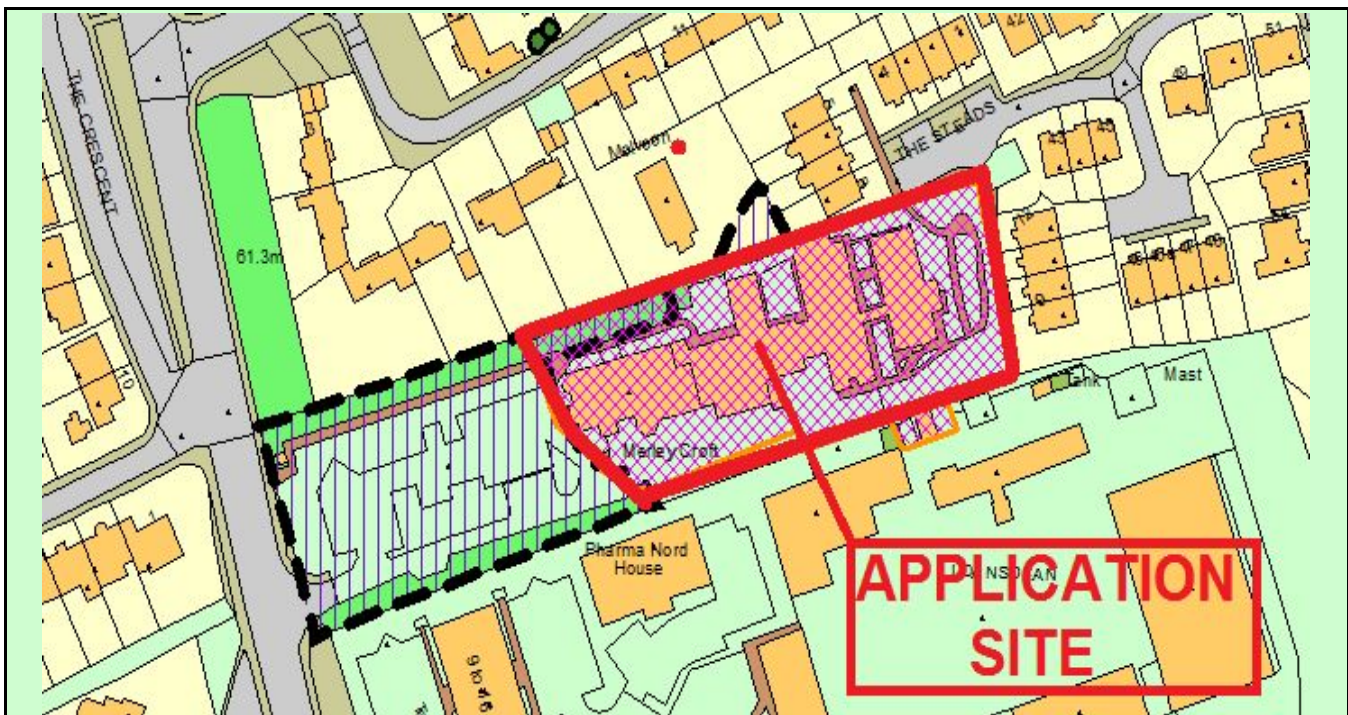


Northumberland County Council

**Strategic Planning Committee
05 February 2019**

Application No:	18/02894/CCD		
Proposal:	Retrospective: Extension of existing car park to provide additional 60 spaces as supplemented by additional information received 30/10/18 and by drainage philosophy received 19/11/18.		
Site Address	Merley Croft, Loansdean, Morpeth, Northumberland NE61 2DL		
Applicant:	Mr Mark Elliott County Hall, Morpeth, Northumberland, NE61 2EF	Agent:	Mr Stephen Tudball Howarth Litchfield, Architects 4, Old Elvet Durham DH1 3HL
Ward	Morpeth Kirkehill	Parish	Morpeth
Valid Date:	25 September 2018	Expiry Date:	31 January 2019
Case Officer Details:	Name: Mr Malcolm Thompson Job Title: Planning Officer Tel No: 01670 622641 Email: Malcolm.Thompson@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



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1. Introduction

1.1 Under the provisions of the Council's current Scheme of Delegation, this application is being reported to the Strategic Planning Committee as it would involve a County Council development on Council-owned land.

2. Description of the Proposals

2.1 The application has been submitted on behalf of the County Council and seeks Planning Permission for the provision of an overflow car park on the site of the former Northumberland Care Trust building that was demolished in April 2017 for use by County Council Members of Staff.

2.2 The works have resulted in the provision of an additional 67 car parking spaces to the 56 that previously existed (total of 123) on within an area of land measuring approximately 4500sq. metres in area.

2.3 The works were carried out in July 2018 and therefore the application is deemed to be retrospective.

2.4 The completed application form indicates that the use is required for a period of 3 years.

3. Planning History

Reference Number: C/74/D/108

Description: Extensions

Status: Approved

Reference Number: C/05/00158/TPO

Description: Crown raise by up to 4 metres 1 horse chestnut in group G1

Status: Consent

Reference Number: C/06/00096/TPO

Description: Crown raise by 4 metres 1 Horsechestnut

Status: Consent

Reference Number: C/08/00047/TPO

Description: Crown raise 2 Horse Chestnut trees by 4.5 metres

Status: Consent

Reference Number: 12/02052/FELTPO

Description: Works to trees

Status: Withdrawn

Reference Number: 16/00510/FELTPO

Description: Tree Preservation Order Application to fell Holm Oak tree which leans at 40 degrees from vertical over the car parking area

Status: Approved

Reference Number: 16/01981/ADE

Description: Advertisement Consent: Installation of 1no. 3m x 3m flat for sale board

Status: Approved

Reference Number: 16/02018/ADE

Description: 3m x 3m Flat For Sale Board

Status: Application returned

Reference Number: 16/03224/DEMGDO

Description: Prior notification for proposed demolition

Status: Prior notification

Reference Number: CM/98/D/227

Description: Change of use of former residential home to office accommodation including construction of new car park for 70 vehicles as amended plans received 3/6/98 21/7/98 26/8/98 & 11/3/99

Status: Approved

Reference Number: CM/98/D/227/A

Description: Variation of condition No 7 attached to planning permission 98/D/227 to permit Saturday working on 10 No occasions per calendar year

Status: Approved

Reference Number: 16/04292/FUL

Description: Development of retail floor space (Use Classes A1 and/or A2 and/or A3 and/or A5 and/or D1), a food store (Use Class A1), a drive-thru restaurant (Use Class A3 and/or A5), a family pub/restaurant (Use Class A3 and/or A4) and associated car parking, cycle spaces, landscaping and access arrangements

Status: Withdrawn

Reference Number: 17/00139/ADE

Description: Advertisement consent for 1no flat panel sign

Status: Approved

Reference Number: CM/20100626

Description: Works to 2 no trees

Status: Approved

4. Consultee Responses

Highways	No objection.
Morpeth Town Council	No comment.
Highways	No response received.
County Ecologist	No objections – condition offered.
North Trees And Woodland Officer	No response received.
Strategic Estates	No comment.
Lead Local Flood Authority (LLFA)	No objections - further info. required if to become permanent.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	25
Number of Objections	0
Number of Support	0
Number of General Comments	2

Notices

General site notice posted 27 September 2018.

No Press Notice Required.

Summary of Responses:

2 "neutral" comments received in which reference is made to the following:

- Consideration be given to limiting use to "office hours" (08:30-17:30 suggested);
- Possible installation of "controlled" access barrier;
- Provision of a "wildlife friendly" 1.8 metres high fence along northern site boundary;
- Crown thinning of trees on northern boundary;
- Additional planting;
- Installation of public litter bin; and
- Unnecessary footpath.

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=PDE0U3QSIFB00>

6. Planning Policy

6.1 Development Plan Policy

Morpeth Neighbourhood Plan (Made Version - May 2016)

Sus1 - Sustainable Development Principles

Des1 - Design Principles

Env1 - Landscape and Wildlife Corridors

Emp5 - Safeguarding of Employment and Additional Employment Sites

Castle Morpeth Local Plan - 2003

MC1 - Settlement Boundary

MC3(vi) - Landscape Corridor

T6(i) - Provision for Cyclists

6.2 National Planning Policy

National Planning Policy Framework 2018 (NPPF)

National Planning Policy Guidance 2014 (NPPG)

6.3 Other documents/strategies

Northumberland Local Plan Publication Draft Plan (Regulation 19)

Policy STP 2 - Presumption in favour of sustainable development

Policy STP 3 - Sustainable development

Policy QOP 1 - Design principles

7. Appraisal

7.1 The issues pertinent to the determination of this application are:

- Principle of the development
- Highways impact
- Flood risk
- Ecology
- Amenity

Principle of development

7.2 The NPPF operates under a presumption in favour of sustainable development. It states that development proposals, which accord with the development plan should be approved without delay. The adopted Development Plan for the area within which the application site is located comprises the Morpeth Neighbourhood Plan, the Castle Morpeth District Local Plan and with the policies of the Northumberland Draft Local Plan (Reg 19).

7.3 The already undertaken works have improved parking provision for staff employed at County Hall, Morpeth following the loss of an overflow car park adjacent to the former fire station site, and upon which a school is currently under construction. The additional car parking spaces will provide a much-needed facility for County Hall staff thereby complying with policies Emp5 and Sus1 of the Neighbourhood Plan. There are no in-principle objections to the works and they are therefore in accordance with the objectives of the NPPF.

Highways impact

7.4 The Highway Authority has been consulted on the application so as to ensure that the works will not result in an adverse impact on the safety of users of the highway, the highway network, or highway assets. In response, the Highways Officer

has offered that the information submitted has been checked against this context and that the proposal is considered to be acceptable in principle in terms of the National Planning Policy Framework. It is noted that the application is retrospective and the parking provision and layout is considered satisfactory. However, it was also noted that the number of additional parking spaces to be provided and stated in the supporting information did not accurately reflect that in the proposed site layout plan. A revised site layout plan accurately showing the level provided has since been provided.

7.5 A pedestrian route is available to the County Hall complex although not entirely direct. However, no alternative is available within land forming part of this application and taking account of the proposed First School development on land to the south.

7.6 The Highways Officer acknowledges that the location of the access to the overspill car parking facility is such that drivers entering the main County Hall car park, and finding no spaces available, then need to re-emerge onto the classified highway network at the existing mini-roundabout before accessing the overspill car park. Whilst the need for additional vehicle movements at the mini-roundabout junction is undesirable it is not an issue which represents a fundamental safety concern.

7.7 Following receipt of the revised site layout plan, the Highways Officer has been re-consulted and in response considers the scheme to be satisfactory from a highway aspect. Nevertheless, a suitable condition is proposed securing the retention of the spaces as indicated in the site layout plan.

7.8 The car park extension will ensure that adequate provision will be made for staff at an existing development and will therefore be in compliance with Neighbourhood Plan policy Des1.

Flood risk

7.9 Upon receipt of the application, the Lead Local Flood Authority (LLFA) were formally consulted and in response raised an objection as no drainage statement had been submitted indicating that consideration had been given for flood risk to or from the site. The applicant subsequently submitted a Drainage Philosophy indicating the following:

- confirmation of any drainage existing on the site prior to the works having been carried out;
- confirmation of the proposed drainage on site;
- evidence that the car park is draining at greenfield runoff rates;
- confirmation of the attenuation requirements to meet this discharge rate;
- details of where the site is draining to;
- confirmation of the existing and proposed impermeable areas;
- confirmation that the site is draining within its natural catchment;
- evidence that the 1 in 30 year storm event is managed within the proposed drainage system and that the 1 in 100 year + 40% CC event is stored on site;
- evidence priority has been given to open SuDS features; and
- consideration of any flood risk on site.

7.10 The LLFA has subsequently offered that following review of the additional details there are no objections to the temporary car park proposed as the temporary drainage discharge rates are less than the existing rates discharging. The drainage statement produced and provided in support of the application states that works have been undertaken to ensure the existing system is working. However, in the event that the car park is to become permanent, the LLFA have offered that a revised drainage statement will need to be submitted and that it will need to comply with current best practices and sustainable drainage. An appropriate condition is proposed.

Ecology

7.11 The existing "original" car park is accessed directly from the adjacent A197 leading from the A1 to the south and into Morpeth town centre approximately 1.6Km to the north. The site frontage forms part of a the Landscape Corridor as appears in the Castle Morpeth District Local Plan under policy MC3(iv). Given that the application site boundary is some 75 metres away from the main road, there will be no impact upon the Landscape Corridor.

7.12 The County Ecologist acknowledges the contents of the ecological report ('Extended Phase 1 Habitat Survey - Merley Croft, Morpeth', EcoNorth Ltd., 24.7.18) accompanying the application and which describes the site as being of generally low ecological value given that it is formed of existing car park (tarmacked), the now cleared former site of the Merley Croft buildings (rubble and hard core following the demolition works but now also tarmacked) together with some trees and shrubs to the site boundaries.

7.13 A site visit has confirmed that 3 of the existing trees near the northern site boundary and which were identified as having low and moderate risk with respect to roosting bats, are still present on site, have not been directly impacted by the works and have not been subject to any significant pruning works. The new tarmacked area forming the extended car park to which this application relates is largely on the footprint of the previous buildings and well clear of the retained trees. As a result it is considered unlikely that any significant root damage will have occurred to the root systems as a result of the works. That said, it is unknown if the protective measures recommended in the ecological were employed during construction or not. Some minor hedge and vegetation removal appears to have been carried out recently and possibly during the works. There is no information as to whether any checks for nesting birds were carried out at the time although it is considered unlikely that any significant irreversible ecological damage has accrued.

7.14 The recommendations included in the ecological report were essentially precautionary measures to be implemented during construction. As such, the suggested conditions in the ecological report cannot now be implemented. However, and in order to address the concerns expressed in the "neutral" representations, it would be considered prudent to seek some modest compensatory measures in terms of small amount of hedge or dense shrub planting along the eastern end of the northern boundary so as to bring some biodiversity benefit as well as, in time, some potential additional screening to properties to the north of the site. This would be in accordance with policy Env1 of the Morpeth Neighbourhood Plan and the NPPF. An appropriate condition is suggested.

Amenity

7.15 The site visit has indicated that the additional car parking and associated works are essentially upon the footprint of the building(s) that previously existed. The site is bounded by dwellings to the north and south with existing offices and the new school currently under construction to the immediate south.

7.16 While the recently undertaken works are minor in scale, the risk of amenity impacts exists and must therefore be assessed in order to ensure this is not a consequence of the development. No objections have been received following the placing of a site notice and the posting of neighbour consultation letters. The comments made in the 2 "neutral" representations received are noted. In respect of the suggestion "office hours" it is respectfully offered normal working hours for County Council staff are currently 07:00 - 19:00 and the car park is available during these times. As the car park is for County Council staff only, any other users would be unauthorised and therefore subject to appropriate action under the Council's existence car park enforcement procedures. The works subject of this application have not affected the existing boundary treatment

7.17 Currently the original lamp standards are present in the western (old) part of the car park but none in the eastern (new) part. Two generators with temporary lighting are present on site, though it is understood that they are only present because of a failure of the mains supply to the existing lighting and resulting from damage caused by contractors on the adjacent new school site. Despite their not forming part of the present application, the applicant has been requested to address the concerns with regards to light spillage.

7.18 In this instance it is considered the works have not given cause for concern and resulted in any unnecessary or unreasonable impacts on nearby residential amenity. The application is therefore in accordance with the provisions of the NPPF.

Other matters

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 well-being 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 considerations in determining this application have been set out and considered above whilst having regard to the appropriate Neighbourhood Plan policies. The application has also been considered against the relevant sections within the Castle Morpeth District Local Plan and the National Planning Policy Framework 2018 (NPPF), and there is not considered to be any conflict on the matters of relevance in this case.

8.2 Given the above, officers are of the opinion that to withhold retrospective planning permission (albeit with appropriate conditions) would be unreasonable.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

01. The facing materials and finishes to be used in the construction of the development shall be in accordance with details contained in the application. The development shall not be constructed other than with these approved materials.

- Proposed Site Plan drawing no. 1015 Revision P03 dated 29 October 2018

- Report "Temporary Car Park Extension, Telford Court, Morpeth, Northallerton" Number 16T806 TC and produced by Billingham & George Partners dated 15/11/2018.

Reason: To ensure the development is carried out in accordance with the approved plans and documents.

02. In the event of a further application being submitted to extend the use of the land as a car park, a revised drainage statement shall be submitted to and approved in writing by the Local Planning Authority. The submitted statement shall indicate that the car park fully complies with best practices and sustainable drainage at that time. Thereafter, the approved scheme shall be fully implemented in accordance with the approved details and retained as such thereafter.

Reason: In order to ensure that appropriate flood prevention measures are put in place and in accordance with the NPPF.

04. Notwithstanding the submitted details, a detailed landscape planting plan including provision for the planting of locally native trees and shrubs of local provenance, shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter, the approved scheme shall be fully implemented during the first full planting season (November - March inclusive) following the granting of planning permission.

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

05. The use of the land as an overflow car park for Northumberland County Council staff shall cease to operate after 31 December 2022 unless a further valid application to extend the period is made and received by the Local Planning Authority on or before that date.

Reason: In order to assess the situation and at the applicant's specific request.

Date of Report: 28 December 2018

Background Papers: Planning application file(s) 18/02894/CCD