

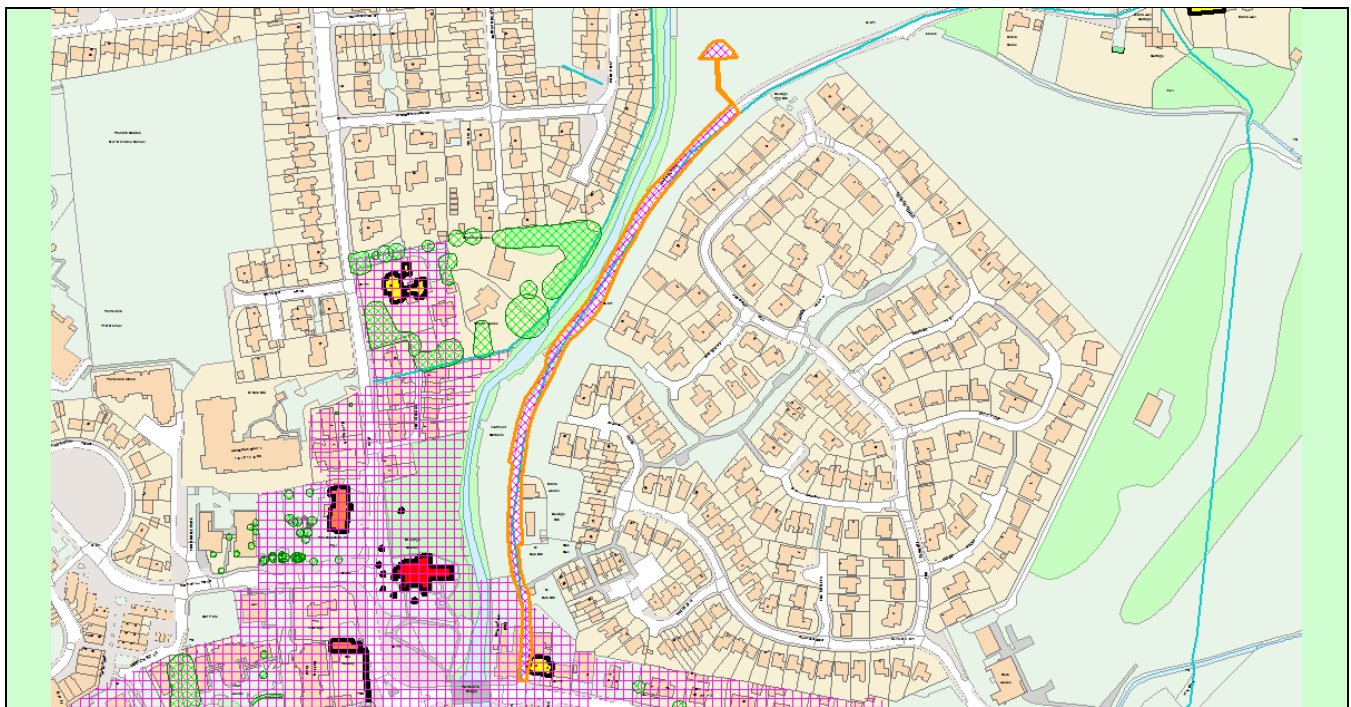


Northumberland County Council

Castle Morpeth Local Area Council Committee Monday 11th July 4pm.

Application No:	22/01086/FUL		
Proposal:	Full planning application for change of use of existing agricultural field for forestry and community education uses including creation of planting amphitheatre and associated infrastructure		
Site Address	Land to The North of Eland Lane, Ponteland, Northumberland,		
Applicant:	Bellway Homes Ltd Woolsington House, Woolsington, Newcastle Upon Tyne, NE13 8BF	Agent:	Savills The Lumen, St James' Boulevard, Newcastle Helix, Newcastle Upon Tyne NE1 5BZ
Ward	Ponteland East and Stannington	Parish	Ponteland
Valid Date:	26 April 2022	Expiry Date:	13 July 2022
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



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1. Introduction

- 1.1 Following the receipt of an objection from Ponteland Town Council, the application was referred to the director of planning and the chairs of the local area council committee. The chair referral response confirmed that the application shall be determined at local area council committee.

2. Description of the Proposals

- 2.1 Planning permission is sought for the change of use of agricultural land to facilitate the creation of a planting amphitheatre to be used for forestry and community education purposes on land north of Eland Lane, Ponteland.
- 2.2 Access to the site would be from the Eland Lane public highway with a small section of hedgerow removed to allow access into the application site. A stone path would be created to the tinyforest amphitheatre. Approximately 300 new trees would be planted within this location.
- 2.3 The supporting statement outlines the purpose of the development to *'be used as a space to develop knowledge and skills on tree planting, forest management, collecting and recording of environmental data, citizen science, and can be used as a tool to raise awareness of climate change'*.
- 2.4 A site visit was undertaken by the planning officer on 27th May 2022 where it was apparent that some of the proposed work has commenced. Nevertheless, permitted development rights would allow the erection of fencing and additional planting at the site and there was no evidence that the proposed use had been implemented.

3. Planning History

Reference Number: CM/81/D/4B

Description: Provision of flood bank in connection with residential development (as amended by drawing received 30th July 1982)

Status: Permitted

4. Consultee Responses

Architectural Liaison Officer - Police	No response received.
Ponteland Town Council	OBJECTION: Ponteland Town Council feel there is insufficient information to assess the purpose and value of this facility. There is no evidence that a risk assessment has been conducted. Should this application be approved the Committee request a condition is put in place for an ongoing maintenance plan in perpetuity. The Council has concerns over access; parking on a narrow country lane; blocking a road that is used regularly by the neighbouring farm and residents; litter; safety with such a proximity to the river; vandalism; the risk of antisocial behaviour; the remoteness of this facility and the risk that it could become a hangout area for youths resulting in antisocial behaviour.

Highways	No objection.
Highways England	No objection.
Countryside/ Rights Of Way	No objection providing no impact upon PRow.
County Ecologist	No objection; condition recommended.
Lead Local Flood Authority (LLFA)	No comment.
Environment Agency	No objection.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	31
Number of Objections	5
Number of Support	0
Number of General Comments	0

Notices

Public Right of Way, 27th May 2022

Morpeth Herald 5th May 2022

Summary of Responses:

5no objections were received against the application from neighbouring residents. Concerns were raised regarding:

- Insufficient information within application;
- Lack of risk assessment;
- Lack of management and maintenance schedule;
- Flooding and drainage concerns;
- Access and parking concerns;
- Lack of notification
- Use of the site as an area for fly tipping and increased litter;
- Increase in antisocial behaviour;

Material planning considerations 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=R97501QSFNB00>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan 2016 - 2036 (Adopted March 2022) (NLP)

Policy STP 1 - Spatial strategy (strategic policy)

Policy STP 2 - Presumption in favour of sustainable development (strategic policy)

Policy STP 3 - Sustainable development (strategic policy)
Policy STP 4 - Climate change mitigation and adaption (strategic policy)
Policy STP 5 - Health and wellbeing (strategic policy)
Policy QOP 1 - Design principles (strategic policy)
Policy QOP 2 - Good design and amenity
Policy QOP 4 – Landscaping and trees
Policy TRA 2 – The effects of development on the transport network
Policy ENV 2 – Biodiversity and geodiversity
Policy WAT 3 – Flooding
Policy WAT 4 – Sustainable drainage systems
Policy INF 2 – Community services and facilities

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

6.2 National Planning Policy

National Planning Policy Framework (2021) (NPPF)
National Planning Practice Guidance (2021) (NPPG)

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises of the Northumberland Local Plan (NLP) 2016 - 2036 and the Ponteland Neighbourhood Plan (PNP). The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

- Principle of development;
- Design and visual character;
- Residential amenity;
- Ecological impacts;
- Highways safety;
- Water management.

Principle of development

7.2 Policy STP 1 of the NLP, read in conjunction with the Policies Map which accompanies the Plan, identifies main towns, service centres and service villages across the county where sustainable development can be located. Ponteland is recognised as a main town where there will be a focus for employment, housing, retail and services. The application site is located within the Green Belt inset for Ponteland and therefore forms part of the recognised settlement.

- 7.3 Policy PNP 1 of the PNP seeks for decision makers to have a presumption in favour of sustainable development. These provisions are mirrored with paragraph 10 of the NPPF. The development is clearly sustainable owing to its location within the recognised settlement of Ponteland and the proximity of the site to residential dwellings, schools and existing services.
- 7.4 Policy INF 2 of the NLP is also relevant within this assessment, supporting the creation of community services and facilities. The LPA must *'ensure any significant adverse effects on the environment, habitats, heritage assets and local amenity'* through the creation of community facilities *'can be avoided through good design and siting of development or that those effects can be suitably compensated for or mitigated'*. Impacts upon amenity, habitats and environment will be assessed later within the appraisal. There are no heritage assets in proximity to the site that would be adversely impacted upon by the proposal.
- 7.5 The principle of development is therefore recognised as acceptable in accordance with both local and national planning policy.

Design and visual character

- 7.6 Policy QOP 1 of the NLP states that development proposals should *'make a positive contribution to local character and distinctiveness and contribute to a positive relationship between built and natural features, including landform and topography'*. The NPPF at paragraph 126 recognises good design as a key aspect of sustainable development.
- 7.7 Policy PNP 2 of the PNP outlines that *'development will be supported where it demonstrates high quality and inclusive design'*. The policy goes on to note that *'all new development should make a positive contribution to their surroundings'*.
- 7.8 As part of the application assessment, a site visit was undertaken by the planning officer which consisted of a site walkaround as well as taking in views of the site from within the wider area. To facilitate the development, a small gap has been created within the existing hedgerow with a stone track measuring approximately 31m leading to the planting amphitheatre. This track leads to a semi-circle arrangement where the tree planting is proposed.
- 7.9 The application site is visible to a number of residential properties located to the east and west of the site however, the proposal does not cause harm to the visual character of the area. Whilst additional built form has been created within this area due to the implementation of a footpath and fencing, these works would not detrimentally impact upon the character of Eland Lane.
- 7.10 To ensure the site is appropriately maintained through the lifetime of the development, it would be appropriate for the LPA to include a condition for a management and maintenance plan for this area. Subject to this condition, the LPA are satisfied that the proposal accords with relevant local and national planning policy in regards to good design.

Residential amenity

- 7.11 Policy QOP 2 of the NLP states that *'development will be required to provide a high standard of amenity for existing and future users of the development itself and not cause unacceptable harm to the amenity of those living in, working in or visiting the local area'*. Paragraph 130, part f) of the NPPF states that planning decisions should ensure that developments *'create places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing and future users'*.
- 7.12 Policy PNP 2, part e) also seeks to protect residential amenity nothing that developments must *'not have an unacceptable adverse impact on the amenities of occupiers of nearby properties'*.
- 7.13 The scale of the works coupled with the intended use would ensure that the proposal would not impact upon the amenity of neighbouring residential properties located to the east and west of the application site. The site would be used during daytime hours with no external lighting proposed that would facilitate use of the site during the night. Whilst concerns have been raised regarding use of the site for anti-social behaviour, this does not form a material planning consideration. Furthermore, consultation was undertaken with Northumbria Police who did not provide comment.
- 7.14 The application accords with relevant local and national planning policy and would not adversely impact upon the amenity of neighbouring residents.

Ecological impacts

- 7.15 Policy ENV 2 of the NLP states that developments should minimise their impact upon biodiversity and geodiversity and where possible, secure net gains. Policy STP 3, part f and policy STP 6 are also relevant within this assessment and seek for biodiversity net gains and the protection, creation and enhancement of coherent ecological networks. These provisions are mirrored within paragraph 174, part d) of the NPPF.
- 7.16 Consultation was undertaken with the local authority's ecologist who raised no objection to the application submission, subject to a condition ensuring that mitigation and enhancement measures are adhered to as set out within the submitted ecological report. It is also recommended that a condition be included to secure the implementation of landscaping within the site and the ongoing management and maintenance within this area. Subject to appropriately worded conditions, the LPA are satisfied the proposal accords with both local and national planning policy in relation to biodiversity.

Highway safety

- 7.17 Paragraph 111 of the NPPF states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.
- 7.18 The adjacent Eland Lane is privately owned and does not form part of the adopted highway. The closest point of highway is recognised as the signalised junction onto the A696. The proposal is unlikely to generate large amounts of vehicular movements and with no vehicle parking proposed, this

should deter motorists from travelling to the site, thus enabling walking and cycling to be the main forms of transport. The development therefore accords with both local and national planning policy in relation to highway safety.

Water management

- 7.19 Policy WAT 3 of the NLP states that *'In assessing development proposals the potential for both on and off-site flood risk from all potential sources will be measured'*. Paragraph 159 of the NPPF states *'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'*.
- 7.20 The application site is located within floodzone 3 due to the proximity of the River Pont which runs adjacent to the western boundary of the application site. A flood risk assessment forms part of the application submission allowing appropriate consultation to be undertaken with the Lead Local Flood Authority (LLFA) team. Within their consultation response, LLFA raise no comment against the application with no conditions recommended.
- 7.21 Consultee comments were also provided by the Environment Agency who also raised no objection against the application proposals. The development therefore accords with policy WAT 3 of the NLP and the NPPF.

Equality Duty

- 7.22 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

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

Human Rights Act Implications

- 7.24 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.

- 7.25 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.
- 7.26 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 application proposes a sustainable form of development located within the settlement of Ponteland. The development accords with both local and national planning policy and is therefore recommended for approval.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

01. 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. ELAND – 003 (received 26th April 2022)
 - 2) Proposed site plan drawing no. ELAND-001 rev. B (received 26th April 2022)
 - 3) Ecological assessment project no. 6955 (received 23rd March 2022)

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

02. The development hereby approved shall be undertaken in full accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report ('Tiny Forests, Ponteland. E3 Ecology Ltd. 16/03/22') as well as full adherence to 'Bat Conservation Trust. Guidance Note 08/18. Bats and artificial lighting in the UK Bats and the Built Environment series'

Reason: To maintain the favourable conservation status of protected species and to conserve and enhance the biodiversity of the site in accordance with paragraph 174 of the National Planning Policy Framework.

03. Within 3 months of the date of this permission, a fully detailed landscaping plan (including long-term management of the woodland, the creation of a minimum of no.3m native hedgerow, the use of Northumberland native species and creation and management of herb-rich grassland) must be submitted to the local planning authority for approval. The approved landscaping scheme must be implemented during the first full planting season (November-March inclusive)

Reason: To enhance the biodiversity of the site in accordance with paragraph 174 of the National Planning Policy Framework.

Informatives

- 1) A Public Right of Way passes close to or through the site. No action should be taken to disturb the surface, obstruct the path or in any way prevent or deter public use without the necessary legal diversion or closure Order having been made, confirmed and an alternative route provided.
- 2) Trees should be planted no less than 2-3m apart. Densely growing trees will not thrive and risk compromising the establishment of woodland. As the trees grow they will require further thinning. Appropriate methods for woodland creation and management can be found in <https://www.woodlandtrust.org.uk/media/50673/woodland-trust-woodland-creation-guide.pdf>.

This can be used to inform the management plan for the site, as required by the condition above.

- 3) The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

Date of Report: 20th June 2022

Background Papers: Planning application file(s) 22/01086/FUL