



Northumberland County Council

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

Application No:	21/04875/FUL		
Proposal:	New vehicular access to serve four permitted dwellings		
Site Address	Land North of Southcroft Stables, The Croft, Ulgham, Northumberland		
Applicant:	Peter Richardson 212 Nottingham Way, Davenport, Florida, United States	Agent:	Karen Read Lugano Building, 57 Melbourne Street, Newcastle Upon Tyne, NE1 2JQ
Ward	Pegswood	Parish	Ulgham
Valid Date:	17 December 2021	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



This material has been reproduced from Ordnance Survey digital map data with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright (Not to Scale)

1. Introduction

- 1.1 Following the receipt of an objection from Ulgham Parish 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 creation of a new vehicular access to serve 4no residential dwellings on land north of Southcroft Stables, The Croft, Ulgham.
- 2.2 The local planning authority (LPA) granted outline planning permission for the redevelopment of previously developed land for up to 4no dwellings in December 2018 under planning application ref no. 18/01245/OUT. A reserved matters application for these 4no dwellings is currently being considered under application ref no. 21/04319/REM.
- 2.3 This application proposes the creation of a new vehicular access to the north of the application site rather than use of the existing access located at Southcroft stables. The provision of a new access would allow a separate access for the 4no dwellings, rather than use of the same access currently used by the existing dwelling on site recognised as Ulgham House.
- 2.4 The application site is located within open countryside and designated Green Belt.

3. Planning History

Reference Number: 21/04319/REM

Description: Reserved matters application for access, layout, scale, appearance and landscaping for 4no dwellings on approved application 19/00072/VARYCO.

Status: Pending consideration

Reference Number: 18/01245/OUT

Description: Outline Application for redevelopment of previously developed land (stables and outdoor yard area) for up to 4no. dwellings with all matters reserved (amended 24.10.2018)

Status: Permitted

Reference Number: 19/00072/VARYCO

Description: Removal of condition 21 (footway and lighting) on approved planning application 18/01245/OUT

Status: Refused

Appeals

Reference Number: 20/00056/REFUSE

Description: Removal of condition 21 (footway and lighting) on approved planning application 18/01245/OUT

Status: Allowed

4. Consultee Responses

Ulgham Parish Council	<p>The parish council wish to object to the plans for the construction of a new entrance. This is within the Greenbelt and outside the village line. There is no justification for this new access as the previously agreed existing access is perfectly adequate as it is within the 30mph limit and has unrestricted vision for at least 75 metres in each direction.</p> <p>The only possible reason for a new entrance would be to allow access for any future planned development of the site and we object strongly to this proposal.</p>
Highways	<p>Concerns regarding the provision of additional hardstanding within the open countryside however, conditions recommended. Highway safety improvements identified through addition of footpath condition.</p>

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	2
Number of Objections	1
Number of Support	0
Number of General Comments	0

Notices

No Site Notice Required.

No Press Notice Required.

Summary of Responses:

1no objection was received against the application from a neighbouring resident. Concerns were raised regarding:

- The need for a new vehicular access;
- The proposal facilitating further development of the site.

Material planning considerations shall be assessed within the below appraisal. Whilst the concerns of the objector are recognised regarding future development, the LPA must solely assess this current submission upon its own merits against both local and national planning policy.

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=R47U2EQLBB00>

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 adaptation (strategic policy)

Policy STP 5 - Health and wellbeing (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 TRA 1 – Promoting sustainable connections (strategic policy)

Policy TRA 2 – The effects of development on the transport network

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). The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

- Principle of development (open countryside and Green Belt);
- Design and visual character;
- Residential amenity;
- Highway safety.

Principle of development

(open countryside)

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. The application site is located out with any defined boundary and is therefore recognised as open countryside land.

7.3 Part g) of policy STP 1 restricts development in the open countryside and states that it will only be supported if it can be demonstrated that:

- i. Supports the sustainable growth and expansion of existing business or the formation of new businesses in accordance with Policy ECN 13; or*
- ii. Supports the development and diversification of agricultural and other land-based rural businesses in accordance with Policy ECN 14; or*
- iii. Supports sustainable rural tourism and leisure developments in*

accordance with Policy ECN 15; or
iv. Provides for residential development in accordance with Policies HOU 7 or HOU 8; or
v. Supports the retention, provision or improvement of accessible local services and community facilities which cannot be provided in settlements, in accordance with Policy INF 2; or
vi. Provides for essential transport, utilities and energy infrastructure in accordance with other policies in the Local Plan; or
vii. Relates to the extraction and processing of minerals, in accordance with other policies in the Local Plan'.

- 7.4 The proposed access would provide for a site that currently has an extant outline planning permission for residential development with a reserved matters application currently under consideration by the LPA. The principle of development is therefore recognised as acceptable in accordance with policy STP 1 of the NLP.

(Green Belt)

- 7.5 The Policies Map that forms part of the NLP identifies the application site as designated Green Belt. Policy STP 8 of the NLP states that *'Development that is inappropriate in the Green Belt, in accordance with national planning policy, will not be supported except in very special circumstances where other considerations clearly outweigh the potential harm to the Green Belt, and any other harm resulting from the proposal'*.
- 7.6 The policy therefore directs the decision maker to the NPPF which at paragraph 150 outlines certain forms of development that are not inappropriate in the Green Belt *'provided they preserve its openness and do not conflict with the purposes of including land within it'*. Part b) of paragraph 150 allows *'engineering operations'* which the LPA would consider constitutes the creation of a new highway access among other forms of development.
- 7.7 The works set out within the submitted details would not cause harm to the openness of the Green Belt either on physical or visual grounds. The proposal therefore accords with both local and national planning policy in relation to appropriate forms of development within the Green Belt.

Design and visual character

- 7.8 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.
- 7.9 The development would not cause harm to the visual character of the immediate or wider area. Whilst the proposal would see the removal of a section of hedgerow and the implementation of additional hardstanding within the open countryside, it was noted by the planning officer when visiting the application site that there are existing rural accesses off the highway to the south serving existing agricultural structures and residential properties which do not appear incongruous within a rural, open countryside setting. The LPA

are satisfied that there is a need for the proposed access and that this accords with both local and national planning policy in relation to good design.

Residential amenity

- 7.10 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'*.
- 7.11 Due to the rural location of the application site, only 1no existing dwelling is located in proximity to the proposed access. The proposal would create a new access for the 4no dwellings which currently have an extant outline planning permission, thus preventing the need for the existing access to be used, located to the front of Ulgham House. This would provide small amenity improvements to the occupiers of this property by ensuring access and egress to the 4no dwellings is not to the front elevation of Ulgham House and is instead located some distance beyond the rear elevation. The proposal accords with both local and national planning policy in relation to residential amenity.

Highway safety

- 7.12 Policy TRA 1 of the NLP states that *'The transport implications of development must be addressed as part of any planning application'*. The policy goes on to note that *'Where applicable and appropriate, development will be required to:*
- a. Promote a spatial distribution which creates accessible development, reduces the need to travel by car, and maximises the use of sustainable modes of transport;*
 - b. Promote good design principles in respect of the permeability, connectivity and legibility of buildings and public spaces; and inclusive access;*
 - c. Promote sustainable transport choices, including supporting, providing and connecting to networks for walking, cycling and public transport; and infrastructure that supports the use of low and ultra low emission vehicles';*
- 7.13 Policy TRA 2 is also relevant within this assessment, noting *'All developments affecting the transport network will be required to:*
- a. Provide effective and safe access and egress to the existing transport network;*
 - b. Include appropriate measures to avoid, mitigate and manage any significant impacts on highway capacity, congestion or on highway safety including any contribution to cumulative impacts;*
 - c. Minimise conflict between different modes of transport, including measures for network, traffic and parking management where necessary;*
 - d. Facilitate the safe use of the network, including suitable crossing points, footways and dedicated provision for cyclists and equestrian users where necessary';*

- 7.14 Consultation was undertaken with highways development management (HDM) as part of the planning application with discussions also held between the planning officer, applicant's agent and HDM throughout the application. Concerns were raised by HDM regarding the creation of a new access within the open countryside which would introduce hardstanding into a currently undeveloped section of agricultural land. Whilst these concerns are noted, as previously outlined the LPA would not consider that the implementation of the works would have a detrimental impact upon the visual character of the area. Furthermore, the applicant has outlined their agreement for a section 106 agreement to be created linking any approved access with planning permissions for the 4no dwellings. This would ultimately ensure an intrinsic link between the access and redevelopment of Southcroft stables.
- 7.15 Within the consultation response provided by HDM, conditions were recommended to secure the implementation of a footpath from the development site to the settlement of Ulgham located to the north. This condition was previously included upon the outline planning permission for the wider site (18/01245/OUT) however, this was appealed by the applicant and ultimately removed at appeal (APP/P2935/W/20/3255596).
- 7.16 Within the appeal decision, the Inspector inferred that the highway serving the site is a lightly trafficked rural lane; by definition lightly trafficked establishes that there are less than 1000 traffic movements a day. The C124 is not by definition a quiet rural lane, it is a classified road which has been identified as a C-class route and provides part of the route between two primary roads, namely the A197 to the south and the B1337 to the north. In lightly used streets a minimum unobstructed width for pedestrians should be provided, and should generally be 2m in width. In relation to this site, where amenities, facilities and a children's park are located to the north of the development area, the lack of a footway provision would result in the mode of travel by foot being unacceptable and it is considered that the quality of the walking experience will deteriorate unless sufficient infrastructure is provided.
- 7.17 There is no guidance given or evidence provided to suggest that the lack of footway on a lightly trafficked road, thus encouraging pedestrians to share the carriageway with vehicles, is an appropriate resolution in relation to pedestrian connectivity. The lack of appropriate pedestrian infrastructure intensifies the fear and perception of harm as a result of having to share the road with vehicles, especially in dark and wet conditions, and the failure to secure such a provision is dismissive of the threat.
- 7.18 Under both the NLP and NPPF it is considered necessary to provide for pedestrians first and foremost, to ensure that they cannot find themselves in an unsafe or perilous position, which would include occasions where they must share a carriageway with any vehicle occupying the highway.
- 7.19 The condition meets the six tests of planning conditions which are –
- Necessary – to provide a solution to protect pedestrian safety a solution is required; the complete absence of a solution is unacceptable.

Relevant to planning – four new family homes require pedestrian infrastructure to connect the site to the existing infrastructure, amenities and facilities, otherwise the site will rely on private car.

Relevant to development – residents of this development will need access to local facilities, amenities and services.

Enforceable – details to be submitted and approved, footway to be constructed prior to occupation of first new dwelling.

Precise – length of 140m of footway from site access to the existing footway infrastructure to the north of the site.

Reasonable in all other aspects – 140m footway costing approx. £14,000 equates to £3,500 per dwelling which is reasonable. One return pedestrian trip per new household a day would result in excess of 1km daily usage. Should the footway not encourage one walking trip per household a day, then the location of the development should be determined to be unsustainable and inappropriate for residential development.

7.20 The LPA are satisfied that the inclusion of this condition is necessary upon the granting of any further planning permission for the site and that planning permission for the new access serving the 4no dwellings could not be supported without the applicant's agreement and intention to implement the footpath. Correspondence has been received from the applicant confirming their agreement to condition.

7.21 In relation to the proposed access, appropriate visibility splays would exist to allow safe ingress and egress from the application site upon the immediate highway network. No highway safety concerns arise from the proposal.

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 proposals represent an acceptable form of development that accords with both local and national planning policy. The securing of a footpath linking the development site with the settlement of Ulgham is integral and promotes sustainable connections inline with both local and national planning policy.
- 8.2 The application 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 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 be carried out in complete accordance with the approved plans. The approved plans for this development are:-

- 1) Location plan drawing no. 001_01 rev. P1 (received 16th December 2021)
- 2) Proposed site plan drawing no. 200_01 rev. P8 (received 30th March 2022)

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

03. Prior to the commencement of development the applicant shall demonstrate in writing to the Local Planning Authority that precise details of the proposed footpath, no less than two metres in width, between the application site and the settlement of Ulgham have been agreed to the satisfaction of the Highway Authority.

Reason: In the interests of highway safety in accordance with policy TRA 1 of the Northumberland Local Plan and the National Planning Policy Framework.

04. Prior to first operation of the proposed vehicle access, the footpath works must be fully completed in accordance with the approved plans. The footpath will therefore be retained in accordance with these approved details unless written notification from the local planning authority outlines otherwise.

Reason: In the interests of highway safety in accordance with policy TRA 1 of the Northumberland Local Plan and the National Planning Policy Framework.

Date of Report: 20th June 2022

Background Papers: Planning application file(s) 21/04875/FUL