

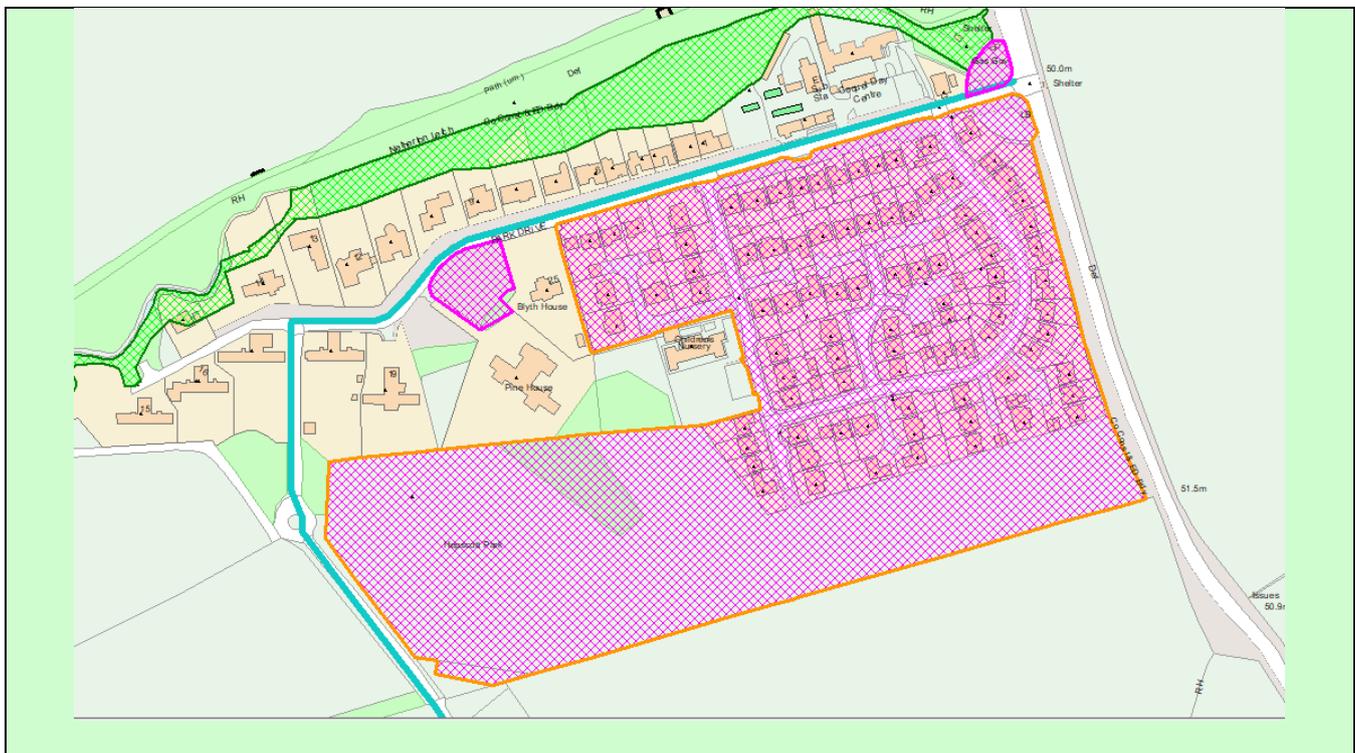


# Northumberland County Council

## Castle Morpeth Local Area Council Committee Monday 8<sup>th</sup> August 2022

<b>Application No:</b>	22/00075/FUL		
<b>Proposal:</b>	Retrospective application for alteration/re profiling to land levels related to residential development.		
<b>Site Address</b>	Hepscott Park, Stannington, Northumberland		
<b>Applicant:</b>	Mr Mark Gabriele Bellway Homes (North East), Bellway House Kings Park, Kingsway N, Gateshead NE11 0JH	<b>Agent:</b>	Mr Joe Ridgeon Bellway House Kings Park, Kingways, Gateshead, NE11 0JH
<b>Ward</b>	Ponteland East and Stannington	<b>Parish</b>	Stannington
<b>Valid Date:</b>	13 January 2022	<b>Expiry Date:</b>	09 August 2022
<b>Case Officer Details:</b>	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 12no objections from neighbouring residents, 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 alteration and reprofiling of land levels to the southern boundary of Hepscott Park, Stannington. The majority of the works have been undertaken on site, hence the retrospective nature of this application.

2.2 The application site previously formed the compound area for the residential development upon Hepscott Park. The developer undertook the works to alleviate historic surface water flooding of the adjacent children's nursery located within Hepscott Park.

2.3 Minor alterations to the approved landscaping for the site are proposed to ensure appropriate landscape/planting will be implemented within the development.

2.4 The application site is located within open countryside and designated Green Belt.

## 3. Planning History

**Reference Number:** 16/02336/FUL

**Description:** Demolition of existing buildings and erection of 89 dwellings (Use Class C3), access, landscaping and associated engineering works

**Status:** Permitted

## 4. Consultee Responses

Stannington Parish Council	No response received.
County Ecologist	No objection.
Lead Local Flood Authority (LLFA)	No objection subject to recommended conditions.
Public Protection	No comment.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	99
Number of Objections	12
Number of Support	0
Number of General Comments	0

## Notices

No Site Notice Required.

No Press Notice Required.

## Summary of Responses:

12no objections were received against the application from neighbouring residents. Concerns were raised regarding:

- Drainage implications upon existing dwellings;
- Flooding of the site;
- Retrospective nature of the application;
- Impacts upon adjacent land owners;
- Inaccuracies in submission;

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=R5I4NWQSLPT00>

## **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 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 WAT 3 – Flooding

Policy WAT 4 – Sustainable drainage systems

Stannington Parish Neighbourhood Plan 2017 – 2031 (Made September 2018)  
(SNP)

Policy 10 – Design and character

### 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) and the Stannington Parish Neighbourhood Plan (SNP). 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;
- Ecological impacts;
- Water management.

### 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'.*

Whilst the development does not accord with the above provisions, the works relate to an existing development which itself forms part of the open countryside.

7.4 Policies WAT 3 and WAT 4 are relevant within this assessment and seek for development proposals to reduce any potential flooding impacts that may arise whilst incorporating sustainable drainage systems (SuDS). Whilst these policies will be

assessed within a later section of the appraisal, there is clear accordance between the work undertaken and the goals of these 2no policies.

7.5 The development does not fully accord with the provisions set out within policy STP 1 however, it would not cause identifiable harm to the open countryside with the implementation of additional landscaping, and no built form, ensuring the encroachment into the open countryside would cause minimal impact.

(Green Belt)

7.6 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'*.

7.7 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 drainage work among other forms of development.

7.8 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. Whilst there would be minimal physical impact due to the alterations in land levels, the land would remain free of built form and shall be appropriately landscaped upon completion of the works. The implementation of a 10m planting buffer along the eastern, southern and western boundaries of the site would provide partial screening whilst offering protection to this area. The development therefore accords with relevant local and national Green Belt policy.

### **Design and visual character**

7.9 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. Policy 10 of the SNP mirrors these provisions.

7.10 The development would not cause harm to the visual character of the immediate or wider area. The implementation of a planting buffer will partially screen the development from the public domain and provide a clear separation between the wider development site and the agricultural fields to the south. The application therefore accords with relevant local and national planning policy regarding 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 The development would not cause harm to the amenity of neighbouring residents in regards to overbearing impacts, privacy, loss of light or outlook. Flooding implications shall be addressed later within the appraisal. The proposal therefore accords with both local and national planning policy in relation to protecting residential amenity.

### **Ecological impacts**

7.13 Policy ENV 2 of the NLP states that developments should minimise their impact upon biodiversity and geodiversity and where possible, secure net gains. These provisions are mirrored within paragraph 174, part d) of the NPPF.

7.14 Consultation was undertaken with the local authority's ecologist who raised no objection to the minor landscaping amendments set out within the proposal. The species of native shrubs and specimen trees within the 10m buffer has previously been agreed through the discharge of the relevant planning condition.

### **Water management**

7.15 Policy WAT 3 of the NLP states that *'Development proposals will be required to demonstrate how they will minimise flood risk to people, property and infrastructure from all potential sources'*. Policy WAT 4 focuses upon the implementation of SuDS within development and states *'SuDS will be a requirement for any development where it is necessary to manage surface water drainage'*.

7.16 Paragraph 167 of the NPPF is relevant within this assessment and states *'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere'*.

7.17 Consultation was undertaken with the lead local flood authority (LLFA) team regarding the application proposals. Discussions were held between the LLFA team and the developer following which, amended details were submitted to the LPA for assessment. Reviewing the additional information, LLFA raise no objection to the application subject to recommended conditions that will prevent flooding upon adjacent land parcels. The submission of a verification report will ensure that all SuDS have been implemented upon the site in accordance with the approved scheme.

7.18 Subject to recommended conditions, the development accords with policies WAT 3 and WAT 4 of the NLP as well as the NPPF.

### **Equality Duty**

7.19 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**

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

### **Human Rights Act Implications**

7.21 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.

7.22 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.

7.23 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. 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) Engineering layout drawing no. 15-003/100 Rev. L (received 30th May 2022)

- 2) External below ground drainage drawing no. 001 (received 30th May 2022)
- 3) Flood alleviation plan drawing no. 15-003/E04 rev. A (received 30th May 2022)
- 4) Landscape masterplan drawing no. NT12547/001 Fig 13 (received 16th June 2022)
- 5) Location plan 15-003/E00 (received 10th January 2022)

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

02. Prior to completion of the basin and its outfalls, details of the adoption and maintenance of the attenuation basin, outfalls, overspill areas, ditches, culverts and associated features shall be submitted to and agreed by the Local Planning Authority. A maintenance schedule and log, which includes details for all SuDS features for the lifetime of development shall be composed within and be implemented forthwith in perpetuity.

Reason: To ensure that the scheme to dispose of surface water operates at its full potential throughout the development's lifetime.

03. Within three months of the basin and ditches being constructed, a verification report carried out by a qualified drainage engineer or a suitably qualified professional must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

- \* As built drawings for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc);
- \* Construction details (component drawings, materials, vegetation);
- \* Health and Safety file; and
- \* Details of ownership organisation/adoption details.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards.

04. No further land raising or lowering within the application site shall be undertaken without the prior consent of the local planning authority.

Reason: To prevent any changes to overland flood flow routes.

### **Informatives**

- 1) The successful creation/restoration of species-rich grassland is dependent on several factors. Soil phosphorous should be low, with an index of 0 or 1 or less than 16mg/l and sites with few weeds (thistles, docks, nettles, rushes and ragwort) will have greater potential. The correct site preparation and ongoing management are key to a long-term creation/restoration. Further information is available on the Government's website <https://www.gov.uk/guidance/create-and-restore-species-rich-grassland> and the Magnificent Meadows project webpages

<http://www.magnificentmeadows.org.uk/advice-guidance/section/how-can-i-restore-or-recreate-a-meadow>.

A species-rich grassland mix is now produced in Northumberland from seed harvested within grassland SSSIs in the Northumberland National Park, which can be bought through British Wildflower Seeds. It has a high proportion of yellow rattle, which is helpful to its establishment in existing grasslands.  
<https://britishwildflowermeadowseeds.co.uk/collections/wildflower-meadowseeds/products/northumberland-meadow-seed-mix>

**Date of Report:** 28<sup>th</sup> June 2022

**Background Papers:** Planning application file(s) 22/00075/FUL