



Northumberland County Council

Castle Morpeth Local Area Committee 15th May 2023

Application No:	22/00369/FUL		
Proposal:	Redevelopment of existing land and buildings and the erection of 6No dwellings		
Site Address	Katerdene , Fulbeck, Morpeth, NE61 3JX		
Applicant:	Michie C/O 4-6 Market Street, Alnwick, NE66 1TL,	Agent:	Mr Craig Ross 4-6 Market Street, Alnwick, NE66 1TL,
Ward	Pegswood	Parish	Hebron
Valid Date:	24 February 2022	Expiry Date:	21 April 2022
Case Officer Details:	Name: Mr Richard Laughton Job Title: Planning Officer Tel No: 01670 622628 Email: richard.laughton@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 determined at Castle Morpeth Local Area Council as it raises significant planning issues.

2. Description of the Proposal

2.1 The application is seeking permission for the redevelopment of existing land and buildings and the erection of 6No dwellings at Katerdene, Fulbeck, Morpeth. The application proposes a terrace of 3 properties; a semi-detached properties and a large detached dwelling consisting of traditional features of use of stone to the external walls.

2.2 Located north of Morpeth and east of Fairmoor, the site falls within the general extent of the Green Belt. The site is located approximately 130m north of the Northumberland Local Plan Green Belt inset boundary and Morpeth Neighbourhood Plan settlement boundary. The Morpeth Northern Bypass runs in between the site and the settlement boundary of Morpeth. The proposed site is adjacent to the existing residential dwelling and is bound by agricultural fields with a line of trees to the north, east and west. The site comprises of 3 buildings, hard standing/gravel.

2.3 The site holds a permission 19/05032/AGTRES that allows for the change of use of the existing agricultural building in the north of the site to 2 dwellings. The remaining site is D2 Use Class as confirmed under 19/01461/CLEXIS.

2.4 An application was refused on September 2021 at committee for 7 dwellings under 21/00236/FUL. The scheme has been revised to reduce the scheme to 6 dwellings with an indication of an improved design and to remove the greenfield land from the application site with a clearer confirmation on the previously developed land. It is acknowledged that some members of the committee recognised that an acceptable scheme could be acceptable in principle for the site.

3. Planning History

Reference Number: 19/01461/CLEXIS

Description: Certificate of Lawful Development of an existing use: D2 use class upon land parcel A and Sui Generis (agriculture and D2) use class upon building 1.

Status: Approved

Reference Number: 19/05032/AGTRES

Description: Change of use of existing agricultural building including partial demolition and conversion to 2no. dwellings

Status: Prior approval granted

Reference Number: 21/00236/FUL

Description: Redevelopment of existing land and buildings and the erection of 7No dwellings

Status: Refused

Reference Number: CM/04/D/134

Description: Proposed new farm house.

Status: Approved

4. Consultee Responses

Hebron Parish Council	No response received.
Morpeth Town Council	Objection
Highways	Highways – objection as considered unsustainable location however acceptable in in highways safety terms and conditions recommended.
County Ecologist	No objection subject to conditions
Public Protection	No objection subject to conditions
Northumbrian Water Ltd	No response received.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	49
Number of Objections	2
Number of Support	27
Number of General Comments	2

Notices

General site notice - 10th March 2022

No Press Notice Required.

Summary of Responses:

Objection from Morpeth Town Council:

- Unnecessary development in the open countryside contrary to Morpeth Neighbourhood Plan Policies Sus1 and Set1.
- Unsustainable location as reliance is on car to services contrary to Morpeth Neighbourhood Plan Policies Sus1.
- Inappropriate development in the Green Belt and no very special circumstances demonstrated
- Site and Layout not respectful of character of the site and its rural surroundings
- No requirement for windfall sites in the area
- Bridge over bypass has no pavements or cycle lanes

There have been 27 letters of support:

- The development will see the removal of existing buildings and provide additional housing in the area

- The re-use of the site will provide a high-quality development, whilst improving appearance
- Additional jobs and support to nearby services
- Development will be viewed as part of a cluster of buildings and which is characteristic to the area
- Utilises previously developed land
- Site is near Morpeth and a sustainable location

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=R71LX0QSM8200>

6. Planning Policy

Northumberland Local Plan (March 2022)

Policy STP 1 Spatial strategy (Strategic Policy)

Policy STP 2 Presumption in favour of sustainable development (Strategic Policy)

Policy STP 3 Principles of sustainable development (Strategic Policy)

Policy STP 4 Climate Change mitigation and adaption (Strategic Policy)

Policy STP 6 Green Infrastructure (Strategic Policy)

Policy STP 7 – Strategic approach to the Green Belt

Policy STP 8 – Development in the Green Belt

Policy HOU 2 Provision of new residential development (Strategic Policy)

Policy HOU 3 Housing requirements for neighbourhood areas (Strategic Policy)

Policy HOU 5 Housing Types and Mix

Policy HOU 7 – Exception sites

Policy HOU 8 Isolated Residential Development in the open countryside

Policy HOU 9 Residential development management

Policy QOP 1 Design principles (Strategic Policy)

Policy QOP 2 Good design and amenity

Policy QOP 4 Landscaping and trees

Policy QOP 5 Sustainable design and construction

Policy QOP 6 Delivering well-designed places

Policy TRA 1 Promoting sustainable connections (Strategic Policy)

Policy TRA 2 The effects of development on the transport network

Policy TRA 4 Parking provision in new development

Policy ICT 2 New developments

Policy ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)

Policy ENV 2 Biodiversity and geodiversity 1

Policy WAT 1 Water quality

Policy WAT 2 Water supply and sewerage

Policy WAT 3 Flooding

Policy WAT 4 Sustainable Drainage Systems

Policy POL 1 Unstable and contaminated land

Policy POL 2 Pollution and air, soil and water quality

Policy MIN4 Safeguarding waste mineral resources

Policy MIN5 Prior extraction of minerals

Policy INF1 Delivering development related infrastructure

Policy INF5 Open Space and facilities for Sport and recreation

Policy INF6 Planning Obligations

Morpeth Neighbourhood Plan 2011-2031 (Made 10th May 2016)

Policy Sus1- Sustainable Development Principles

Policy Des 1 –Design Principles

Policy Set1- Settlement Boundaries

Policy Env1- Landscape and Wildlife Corridors

Policy Tra3 – Transport Requirements for New Developments

4.2 National Planning Policy

National Planning Policy Framework (2021) (NPPF)

National Planning Practice Guidance (2020) (NPPG)

7. Appraisal

7.1 The main considerations in the assessment of this application are:

- Principle of the development;
- Layout, scale and appearance;
- Impact on residential amenity;
- Highways
- Ecology
- Public Protection
- Flood Risk

Principle of Development

7.2 The site lies within the open countryside and Green Belt however, is proposing 6 dwellings on a site consisting of existing buildings, part of which has extant permission for the conversion of agricultural buildings for 2 dwellings under (19/05032/AGTRES) and previously developed land 19/01461/CLEXIS identifies the building as Sui Generis.

Open Countryside

7.3 Policy STP 1 of the NLP and Policy Set1 of the MNP both identify the site as open countryside as the proposed site just falls outside the Morpeth settlement boundary.

7.4 Criterion e) of STP 1 supports development within Green Belt inset boundaries or settlement boundaries. It states:

“Sustainable development within, or immediately adjacent to the built-up form of Main Towns, Service Centres, Service Villages, and Small Villages without defined Green Belt inset boundaries or settlement boundaries will be supported, subject to Green Belt policy considerations where relevant, if it is:

- i. Commensurate with the size of the settlement; and*
- ii. Reflects the role and function of the settlement; and*
- iii. Does not adversely impact upon the character and appearance of the settlement; and*
- iv. Does not adversely impact upon the setting of the settlement or the surrounding countryside”.*

7.5 The site is located within the open countryside however, is also adjacent to a ‘Main Town’ on the edge of the Morpeth settlement boundary with it being located only

approximately 130m away from a residential area in Morpeth to the south and approximately 180m to development at Fairmoor to the west. These neighbouring built up areas are either identified to be within the settlement boundary identified in the Morpeth Neighbourhood Plan or Green Belt inset boundary in the Northumberland Local Plan. Whilst the site may appear disconnected due to the Morpeth bypass it can be visually linked to the surrounding development.

7.6 Policy STP 1 states however, that sustainable development within, or immediately adjacent to the built-up form of Main Towns, Service Centres, Service Villages, and Small Villages **without** a defined Green Belt inset boundaries or settlement boundaries will be supported in accordance with the identified criteria. The site is adjacent to a 'Main Town' that has a defined Green Belt inset boundary in the NLP therefore, the application is not in strict accordance with Policy STP e). The matter of whether the application proposes a 'sustainable development' will be discussed later in the appraisal.

7.7 It must also be acknowledged that the purpose of Policy STP 1 and spatial strategy is to manage the location of development and settlement boundaries to help protect the countryside, prevent the merging of settlements, maintain the character and form of settlements, and protect the settings of historic and ecological assets. As the proposal is constrained to developing upon brownfield land and existing buildings, there would be no significant encroachment into the open countryside beyond the existing tree lined site boundaries.

7.8 In favour of the application is Criteria (i) of STP 1 which states '*development in the open countryside should be sensitive to its surroundings, not have an unacceptable impact upon the local road network and use previously developed land where opportunities exist*'. The site comprises of previously developed land with a scheme sympathetic to the rural and built environment through appropriate design and the replacement of unsightly buildings, improving the appearance of the site and enhancing the setting of the surrounding area. There would also be no impact upon the highways network based on the use of an existing safe access. As such, the application would accord with this element of STP 1.

7.9 Criterion (g iv) of Policy STP 1 supports development within the open countryside that provides for residential development in accordance with Policy HOU 7 or HOU 8. It states "*development in the open countryside will be supported if it can be demonstrated that it... provides for residential development in accordance with Policies HOU 7 or HOU 8*".

7.10 Policy HOU 7 relates to schemes that could be allowed in the open Countryside which is considered to be a small 'Rural Exception Site'. This seeks to provide an exception to development in the countryside for small schemes that provide affordable housing. This has not been proposed in the application, therefore is not applicable.

7.11 Policy HOU 8 supports the development of isolated homes in the open countryside in cases where it re-uses redundant or disused buildings and enhances its immediate setting. As this relates to re-use rather than redevelopment however, this would not apply to the application. Overall, the site is not considered as 'isolated' given its proximity to Morpeth and an existing residential unit and buildings on site.

7.12 Policy HOU 2 relates to the provision of new residential development and the delivery of new open market and affordable dwellings in a range of tenures, types and

sizes will be supported where it is consistent with: a. The spatial strategy for Northumberland; b. Meeting the objectively assessed housing needs and housing priorities as identified through an up-to-date assessment; and c. Making the best and most efficient use of land and buildings, encouraging higher densities in the most accessible locations and the redevelopment of suitable previously-developed 'brownfield' sites wherever possible and viable to do so. Similar to policies STP 1 and STP 3, there is conflict with the NLP spatial strategy but recognised benefits in terms of making the most efficient use of land through the redevelopment of a previously developed site and existing buildings.

7.13 Policy Set1 of the Morpeth Neighbourhood Plan defines Morpeth's settlement boundary. The proposed site falls just outside of the boundary and therefore, should be treated as open countryside. It sets out a list of development that will be supported in the open countryside including 'housing that meets the criteria in paragraph 55 of the NPPF' (now paragraph 80). Paragraph 80 of the NPPF relates to homes in isolated areas, which it can be argued this site is not.

7.14 Whilst not 'isolated' there is a judgement to be made on whether the site is sustainable in terms of its accessibility to local services. There have been representations received from Morpeth Town Council and comments from NCC Highways Development Management advising that the site will be dependent on the private vehicle to access services despite the close proximity to Morpeth.

7.15 The site is connected to Morpeth by a road bridge that passes over the bypass which appears light in traffic and used by cyclists. It would be possible for pedestrians to walk over the concrete verges into a residential area of Morpeth only 130m from the site. The bridge also leads onto a pedestrian footpath and a formal cycling route along the Morpeth Bypass, connecting to Fairmoor to the west with bus stops and further access into Morpeth. In terms of the sustainable development principles established in NLP Policy STP 3 criterion J states that development will be expected to:

"Be accessible by or be able to be made accessible by public transport, walking or cycling where feasible, thereby reducing the need to travel for both people and goods, and the dependence on travel by private car".

7.16 There is already an established residential use on site, and it can be relatively accessible to a 'Main Town' thereby reducing the dependence on travel by private car. However, the identified lack of infrastructure on the adjacent road bridge such as any formal footpaths or cycle lanes, questions pedestrian and highway safety of this route and therefore, the reliance will be on the private car to access services. The proposal would therefore, conflict with the aims of Policy STP 3(J).

7.17 The application does accord sustainability principles with other criteria in NLP Policy STP 3 such as;

- Minimising the impact upon local amenity for new or existing residents and businesses by securing a more compatible use to the adjacent residential property;
- Make an efficient use of land through the re-use of brownfield land;
- Enhances local distinctiveness of the natural and built environment and helps promote a sense of place;
- Effectively manages the impact on the highway network;
- Maximises energy efficiency;

- Located in an area with low flood risk;
- Biodiversity enhancements.

7.18 The application aims to reduce energy consumption with a commitment to a minimise resource use, mitigate climate change through sustainable design and construction with further details to be secured by a condition. This can include improved efficiency of heating, cooling, ventilation and lighting; prioritise the use of locally sourced, recycled and energy efficient building materials; connect to small-scale renewable and low carbon energy systems, if viable; facilitate the efficient use of water and are flexible to allow for future modification, refurbishment and retrofitting. This supports the principles in NLP Policy STP 4 and QOP 5 and a positive factor in the planning balance.

Green Belt

7.19 Policy STP 7 of the Northumberland Local Plan (NLP) sets the strategic approach to the Green Belt in the County. As defined in the Policies map, the application site is located within the Green Belt, approximately 130 meters north of the inset boundary of Morpeth.

7.20 Policy STP 8 of the NLP relates to development in the Green Belt, it sets out how Green Belt land will be protected and enhanced in accordance with national planning policy. It states *'in assessing development proposals within the Green Belt:*

- a. 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;*
- b. Development which is not inappropriate in the Green Belt, as defined in national planning policy, will be supported'.*

Therefore, the proposed development will need to be assessed against national Green Belt policies set out in the NPPF.

7.21 Paragraph 149 of the NPPF states local planning authorities *'should regard the construction of new buildings as inappropriate in the Green Belt'* and gives a closed list of exceptions to this. The proposal indicates that exception g) of paragraph 149 is relevant:

- 'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
- not have a greater impact on the openness of the Green Belt than the existing development; or*
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.'*

7.22 The site consists of brownfield land confirmed under permission 19/01461/CLEXIS for Sui Generis D2 use and has extant permission for the conversion of agricultural buildings for 2 dwellings under (19/05032/AGTRES) which is likely to be developed should the application be refused.

7.23 The submitted statement confirms that the development footprint on site will be reduced by 23%, from 571sqm to 131sqm and a modest volume increase of 30% which is generally acceptable. In defining openness, it is generally accepted to mean the absence of development. Planning Policy Guidance states a judgement based on the circumstances of the case is required when assessing the impact of a proposal on the openness of the Green Belt. Through the courts, a number of matters in considering impacts on openness have been raised:

- *‘openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation.’*

7.24 The proposed development will not have a greater impact in terms of spatial considerations and photos montages further supports that the proposed design presents a visual improvement. Whilst there will be a removal of trees, the scheme retains those along the main vantage points to provide screening from the wider surrounding area and to retain the rural character of the site. The additional planting proposed will also improve the visual appearance within the site and an overall enhancement when comparing the proposed dwellings against the existing structures on site.

7.25 The application would therefore not have a greater impact on the openness of the Green Belt and meet the criteria within paragraph 149 of the NPPF.

Conclusion

7.26 The site does not strictly accord with the Spatial Strategy and Policy STP1 and STP 3 of the NLP as it is located outside the Green Belt inset boundary and is not easily connected to services by formal pedestrian footpaths. However, the site is not an isolated location immediately adjacent to the Morpeth settlement boundary and has other economic and environmental sustainability benefits identified in Policy STP3.

7.27 The scheme can be considered acceptable in the Green Belt as accords with paragraph 149(g) in the NPPF as it would develop upon previously developed land with no greater impact to openness as there would be approximately just over a 30% increase in volume and reduction in floor space in comparison to the existing buildings with a visual improvement from a high-quality design and layout.

Design and Visual Amenity

7.28 NLP Policy HOU 9 aims for residential development management to contribute to a sense of place, which supports community identity and pride. The location and design of facilities should provide opportunities to screen or reduce their visual prominence, not impact upon amenity, health or security; Policies QOP1 and QOP2 sets out the design criteria for new proposals and to ensure 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.

7.29 Policy Des1 of the Morpeth Neighbourhood Plan includes a list of criteria in terms of the design of new developments. Of particular relevance to this application, the policy states that proposals will be supported where:

- The design and layout of the development achieves a sense of place by protecting and enhancing quality, distinctiveness and character of settlements;
- Respecting or enhancing the character of the site and its surroundings in terms of its proportion, form, massing, density, height, size, scale, materials and detailed design features;
- Ensuring the development safeguards, respects and enhances the natural environment, the biodiversity, landscape and wildlife corridors and the countryside;
- Ensuring that the development does not cause an acceptable adverse impact on the amenities of occupiers of existing or proposed nearby properties;
- Incorporating sustainable drainage systems.
- These policies are consistent with the aims of the NPPF which has good design as one of the key aspects of sustainable development and which states that developments should respond to local character and history and reflect the identity of local surroundings and materials.

7.30 The proposed layout will create a small cluster of dwellings to form a well-designed place to create a positive and coherent identity. The scheme will remove an unsightly group of buildings but appreciate the history of the site with the design of the dwellings proposing traditional features and use of stone throughout to integrate with the surrounding rural character. The general principle of the external materials is welcomed but a condition is recommended to secure further details to ensure the appearance responds to local character to reflect the identity and local surroundings. It is recognised that a spacious development is proposed with undeveloped areas of land available to be used for open space that will contribute to social cohesion and inclusion.

7.31 The proposed appearance of the dwellings achieves a balance between the modern housing in Morpeth and Fairmoor whilst also appreciating the traditional farm steadings within the open countryside. The heights, scale and façade design are appropriate and in proportion to present a visually attractive group of buildings that achieves a sense of place by protecting and enhancing quality and character of the rural and built environment. The site will benefit from connectivity to both urban and rural areas, offering an attractive place to live.

7.32 There is a good provision of outdoor amenity space, and the scheme provides a spacious layout with access to the rural surroundings and natural features. The proposed dwellings would not have a detrimental impact to neighbouring amenity in terms of loss of light, outlook and privacy due to the adequate separation distances retained. The proposed front elevation of the terraced properties would be sited approximately 15 metres from the side elevation of Katerdene. The size and lack of fenestration upon the side elevation of the existing property ensure the new dwellings would not have a significant impact on privacy.

7.33 Overall, the proposed design and layout is supported that enhances quality of the built and rural environment and there would be no detrimental impact to the amenity of existing and future occupants. As such, the application is in accordance with NLP Policies QOP1, HOU 9 and Des 1.

Highways

7.34 Policy TRA 1 of the NLP states that the transport implications of development must be addressed as part of any planning application. Policies TRA 2 and TRA 4 seek to ensure any new application has no detrimental impact to the existing transport network and provides adequate parking provision in accordance with the NCC standards within Appendix E of the Plan. Policy Tra3 of the MNP seeks to ensure traffic flows leading to Morpeth Town Centre is not severe and incorporates improvements to pedestrian and cycle routes.

7.35 A Highways objection remains with regards to the location of the proposed development, in that the proposals are outside the settlement boundary of Morpeth, and do not accord with policies STP3, TRA1 and TRA2 of the NLP in terms of promoting and enhancing sustainable modes of transport and offering a genuine choice of travel. Future residents of this site will be solely reliant on private car use to access basic amenities and facilities. There is a request to remove new pedestrian links from the site that lead towards the adjacent road bridge. It is not encouraged to connect to a road bridge where no formal footpaths exist.

7.36 The application has been supported with the vehicular access arrangements to the site, with drawings presented demonstrating that refuse vehicles and private cars can access and egress the site safely. The speed survey data has been submitted which identifies the 85th percentile speeds (over a 15-day period) of 36.4mph southbound and 32mph northbound on the U6010. Appropriate visibility splays, in accordance with these recorded speeds have been shown on the submitted drawings. It is considered that the presented information demonstrates that safe and suitable vehicular access to the site can be achieved for the intended residential use, and the volumes of traffic as a result of the development do not indicate that there will be a capacity issue on the U6010. The site can suitably accommodate adequate parking on site. The imposition of conditions and informative will address the highways safety and capacity concerns with the proposed development. From this perspective, the site is in accordance with NLP policies TRA1, TRA 2 and TRA 4 and Tra3 of the MNP.

Ecology

7.37 NLP Policy ENV 2 states that development proposals affecting biodiversity and geodiversity, including designated sites, protected species, and habitats and species of principal importance in England (also called priority habitats and species), will:

- a. Minimise their impact, avoiding significant harm through location and/or design. Where significant harm cannot be avoided, applicants will be required to demonstrate that adverse impacts will be adequately mitigated or, as a last resort compensated for;
- b. Secure a net gain for biodiversity as calculated, to reflect latest Government policy and advice, through planning conditions or planning obligations

7.38 The proposed development may impact on protected or notable species, designated nature conservation sites or priority habitat in the absence of mitigation, which is proposed in the ecological report. This mitigation should be secured by condition. In accordance with planning policy the development should provide a net gain for biodiversity which can be achieved through the provision of a landscape plan, secured through a planning condition.

7.39 Although trees and shrubs on the site are to be felled, they are not of high quality. Trees will be retained along the more exposed northern boundary and along with the planting proposals, the site will, in time provide mitigation for this. This scheme includes new tree planting, native hedge planting, grassland planting and the installation of hedgehog/amphibian hibernacula, 6 bird boxes and 4 bat boxes or features. Some conditions are required to ensure protected species will not be harmed by the development and the requirement for net gain for biodiversity will be met.

7.40 The County Ecologist has no objection subject to conditions therefore the application is in accordance with Policy ENV 2.

Public Protection

7.41 NLP Policy POL 1 relates to unstable and contaminated land. Development proposals will be supported where it can be demonstrated that unacceptable risks from land instability and contamination will be prevented by ensuring the development is appropriately located and that measures can be taken to effectively mitigate the impacts.

7.42 NLP Policy POL 2 relate to pollution and air, soil and water quality and development proposals in locations where they would cause, or be put at unacceptable risk of harm from, or be adversely affected by pollution by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances will not be supported. Development proposals that may cause pollution of water, air or soil, either individually or cumulatively, are required to incorporate measures to prevent or reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment, people or biodiversity.

7.43 The Environmental Protection Team have been consulted and offer no objection to the application and would recommend conditions are imposed in order to protect public health and prevent loss of amenity.

7.44 The Phase 1 Geo-Environmental Risk Assessment assesses the risk to future residential site users from potential contamination to be “low to moderate”. No potentially pervasive contamination sources are identified, although the walkover survey did reveal the presence of suspected asbestos containing materials, and some made ground should be expected associated with the existing development. The report recommends that intrusive investigation is carried out to confirm the absence of a significant risk.

7.45 Although no potential ground gas sources are identified in the Phase 1 report, Northumberland County Council require the provision of ground gas protection measures for all development within the Coal Authority’s development low-risk and high-risk areas to the equivalent standard of a Characteristic Situation 2 classification.

7.46 The submitted noise assessment concludes that guidance noise levels can be achieved without mitigation and is found to be acceptable.

7.47 Overall, Public Protection has no objections to the application, subject to condition being imposed relating to land contamination and ground gas mitigation. The application is therefore in accordance with NLP Policies POL 1 and POL 2.

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 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.

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 application conflicts with Spatial Strategy in Policy STP 1 of the NLP in terms of its location for new dwellings in the open countryside beyond the Green Belt inset boundary. There is also concern that the site will rely on the private car to access services identified by Morpeth Town Council and Highways Development Management and therefore is not a sustainable location. These issues should be afforded great weight in the planning balance.

8.2 The application site, however, is not regarded as an isolated location and within close proximity to Morpeth and a form of connectivity from the bypass road bridge to the south. The site is unique due to its visual and close connection to a 'Main Town' and consists of developing upon brownfield land and an extant permission for residential development through the conversion of existing buildings. There would be no greater impact to the openness of the Green Belt from a spatial and visual perspective when comparing the proposed scale, layout against the existing buildings on site.

8.3 The Class Q extant permission is not generally encouraged to use as a fallback position however, the history of the site and its characteristics has been taken into consideration and acknowledgment that the proposed application provides an enhanced scheme, with a more suitable design, layout and an opportunity to create a sense of place.

8.3 Other material considerations that weigh in favour of the application includes a more efficient use of land with the re-use of a brownfield site; an improved design and removal of unsightly buildings; a more compatible use next to an existing residential property; biodiversity enhancements and sustainable construction techniques. The application accords with criteria identified within NLP Policies in STP3, STP4, HOU 9, QOP 4, ENV 2, and MNP Policy Des 1. The application has also received 27 letters of support. The combination of these material considerations should also be afforded great weight in the planning balance.

8.5 The application is finely balanced, but it is considered that the positive factors outweigh the identified policy conflicts, and the application is therefore in accordance with national and local planning policies and recommend 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 not be carried out otherwise than in complete accordance with the approved documents and plans. The approved plans for this development are:-

Proposed Elevs P1-3 ALN511881 1050 Jan2022

Proposed Elevs P4-5 ALN511881 1051 Jan2022

Proposed Elevations P6 ALN511881 1052 Jan2022

Proposed Plans P1-3 ALN11881 1110 Jan2022

Proposed Plans P4-5 ALN11881 1111 Jan2022

Proposed Plans P6 ALN11881 1112 Jan2022

Planting Schedule from George F.White (uploaded 20th March 2023)

Landscaping & Ecology Plan ALN511881 1120 Mar 2023 (uploaded 20th March 2023)

Proposed Site Plan ALN511881 1100 P02
Arboricultural Constraints Plan : ACP.Katerdene.No1
Tree Protection Plan TPP.Katerdene.No1

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

03. Prior to any vegetation removal to enable the development a method statement will be provided to and agreed with the LPA. This will include:

- A method statement to provide protection of any opportunistic bats within the farm buildings to be dismantled and the tree which has low suitability for bats if it is to be removed.
- Precautionary method statements for the protection of birds, hedgehog and amphibians.
- Details of the bat friendly lighting arrangements. Once agreed the development will proceed according to these method statements.

Reason: to ensure protected species are not harmed by this development.

04. Works will proceed according to the accepted Landscape plan (ALN511881) and the planting schedule uploaded on 20 March 2023 Landscape. This includes Tree planting, native hedge planting, grassland planting and the installation of hedgehog/amphibian hibernacula, 6 bird boxes and 4 bat boxes or features

Reason: To ensure the development results in a net gain for biodiversity in accordance with paragraph 174d of the NPPF and policy ENV2 of the Northumberland Local Plan.

05. No dwelling shall be occupied until the car parking area indicated on the approved plans has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA4 of the Northumberland Local Plan.

06. No dwelling shall be occupied until details of the vehicular access have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. Thereafter, the vehicular access shall be retained in accordance with the approved details.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan.

07. No dwelling shall be occupied until cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety, residential amenity, and sustainable development, in accordance with the National Planning Policy Framework and Policy TRA1 of the Northumberland Local Plan.

08. Prior to occupation the Electric Vehicle Charging points shown on the approved plans shall be implemented. Thereafter, the Electric Vehicle Charging Points shall be retained in accordance with the approved plans and shall be kept available for the parking of electric vehicles at all times.

Reason: In the interests of Sustainable Development, in accordance with the National Planning Policy Framework and Policy TRA1 of the Northumberland Local Plan.

09. Development shall not commence until a Demolition and Construction Method Statement, together with a supporting plan has been submitted to and approved in writing by the Local Planning Authority. The approved Demolition and Construction Method Statement shall be adhered to throughout the demolition and construction periods. The Demolition and Construction Method Statement and plan shall, where applicable, provide for:

- i. details of temporary traffic management measures, temporary access, routes and vehicles;
- ii. vehicle cleaning facilities;
- iii. the parking of vehicles of site operatives and visitors;
- iv. the loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework and Policy TRA2 of the Northumberland Local Plan.

10. The development hereby permitted shall not be commenced until a scheme to deal with contamination of land or controlled waters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be undertaken by a competent and qualified consultant. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:

a) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/ or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-PathwayReceptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.

b) Thereafter, a written Method Statement (or Remediation Strategy) detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without express written agreement of the Local Planning Authority.

Reason: To ensure that risks from land contamination are minimised.

11. Prior to the development being brought into use or continuing in use the applicant shall submit a full closure (Verification Report) report to the Local Planning Authority for its written approval. The report shall provide verification that the required works

regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met. [Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition].

Reason: To ensure that risks from land contamination are minimised .

12. If during redevelopment contamination not previously considered within any statement / report that has received the approval of the Local Planning Authority is identified, then a written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. The written method statement must be written by a 'competent person'*. No building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out. [Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition]. *

"Competent Person" has the same definition as defined within the National Planning Policy Framework (NPPF) ISBN 978-1-5286-1033-9.

Reason: To ensure that risks from land contamination are minimised.

13. No foundation works shall be commenced until a report detailing the proposed protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%) to the standard required in BS8485:2015+A1:2019 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), or to a Characteristic Situation 2 level of protection, whichever is the highest, has been submitted to and approved in writing by the Local Planning Authority.

The report shall also specify to the Local Planning Authority's satisfaction how the annulus of service ducts will be sealed to prevent gas ingress into the living space of the dwelling.

The report shall also contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases)

Reason: In order to prevent any accumulation of ground gas, which may be prejudicial to the health & amenity.

14. No building shall be brought into use or occupied until the applicant has submitted a validation and verification report to the approved methodology in Condition 13 which has been approved in writing by the LPA.

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the health & amenity

15. Notwithstanding any description of the materials in the application, no development shall be commenced until precise details of the types and colours of materials to be used on the external walls of the building have been submitted to and approved in

writing by, the Local Planning Authority. All external facing materials used in the construction of the development shall conform to the materials thereby approved.

Reason: To retain control over the external appearance of the development in the interests of amenity and in accordance with the provisions of Policy QOP 1, ENV9, PNP2 and PNP5 and the NPPF.

16. Notwithstanding the details submitted with the application, prior to the construction of any building above damp proof course level, a scheme to demonstrate how the development will minimise resource use, mitigate climate change and ensure proposals are adaptable to a changing climate to achieve sustainable design and construction in the design of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme and measures shall be implemented in full prior to first occupation and retained thereafter.

Reason: To achieve a sustainable form of development, and in the interests of the satisfactory appearance of the development upon completion, the character and appearance of the site and surrounding environment and the amenity of surrounding residents, in accordance with Policy QOP 5 of the Northumberland Local Plan and the National Planning Policy Framework.

Informatives

Alterations to vehicle crossing point (S184)

You should note that alterations to the existing vehicle crossing point(s) are required. These works should be carried out before first use of the development. To arrange alterations to the existing vehicle crossing point(s) (and to make good any damage or other works to the existing footpath or verge) you should contact the Highways Area Office at: centralareahighways@northumberland.gov.uk. I

Highway condition survey

You should note that a highway condition survey should be carried out before the commencement of demolition and construction vehicle movements from this site. To arrange a survey contact Highway Development Management at highwaysplanning@northumberland.gov.uk.

Reminder to not store building material or equipment on the highway

Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.

Reminder to not deposit mud/ debris/rubbish on the highway

In accordance with the Highways Act 1980 mud, debris or rubbish shall not be deposited on the highway.

Street Naming

You are advised that to ensure that all new properties and streets are registered with the emergency services, Land Registry, National Street Gazetteer and National Land and Property Gazetteer to enable them to be serviced and allow the occupants access to amenities including but not limited to; listing on the Electoral Register, delivery services, and a registered address on utility companies databases, details of the name and numbering of any new house(s) and/or flats/flat conversion(s) on existing and/or newly constructed streets must be submitted to the Highway Authority.

Any new street(s) and property naming/numbering must be agreed in accordance with the Councils Street Naming and Property Numbering Policy and all address allocations can only be issued under the Town Improvement Clauses Act 1847 (Section 64 & 65) and the Public Health Act 1925 (Section 17, 18 & 19).

Background Papers: Planning application file(s) 22/00369/FUL