

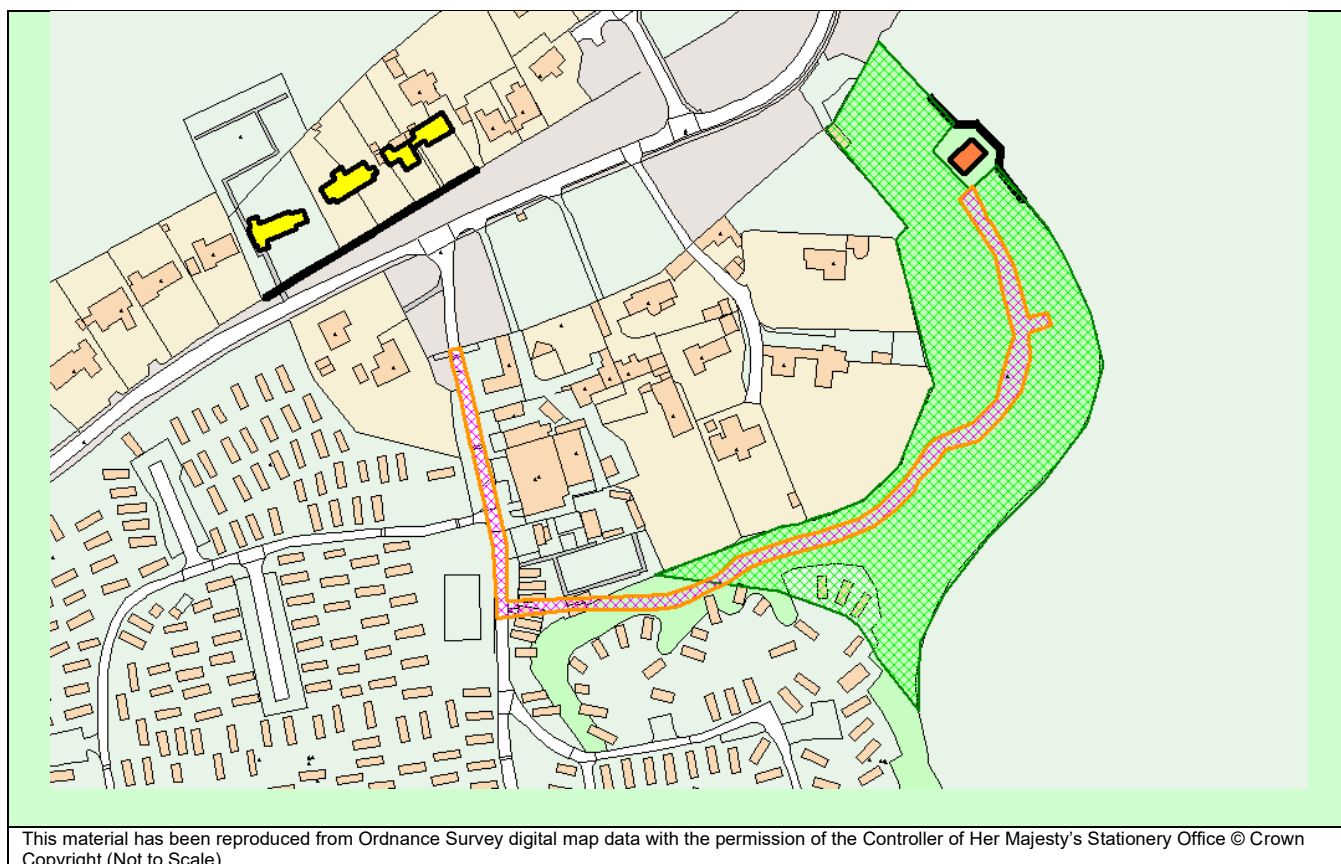


# Northumberland County Council

## Castle Morpeth Local Area Council Committee, Monday 12<sup>th</sup> June 2023

<b>Application No:</b>	23/00433/FUL		
<b>Proposal:</b>	Proposal for widening and surfacing of access track		
<b>Site Address</b>	Land East Of The Retreat, Cresswell, Northumberland,		
<b>Applicant:</b>	Park Resorts Limited 2nd Floor, One Gosforth Park Way, Gosforth Business Park, Newcastle Upon Tyne, NE12 8ET	<b>Agent:</b>	Mr James Wells 65 Gresham Street, London, EC2V 7NQ
<b>Ward</b>	Druridge Bay	<b>Parish</b>	Cresswell
<b>Valid Date:</b>	8 February 2023	<b>Expiry Date:</b>	13 June 2023
<b>Case Officer Details:</b>	Name: Mr Ryan Soulsby Job Title: Senior Planning Officer Email: Ryan.Soulsby@northumberland.gov.uk		

**Recommendation:** That this application be GRANTED permission



## 1. Introduction

- 1.1 Following the receipt of an objection from Cresswell Parish Council and 12no objections from neighbours and members of the public, the file was referred to the director of planning and the chairs of the Local Area Council committee. It was confirmed within their response that the application should be determined at Local Area Council committee by members.

## 2. Description of the Proposals

- 2.1 Planning permission is sought for the widening and surfacing of an access track located on land east of The Retreat, Cresswell.
- 2.2 The application site consists of a narrow, unmade track which measures approximately 1.7 metres in width. The track is bounded by dense woodland and allows access between Pele Tower and the existing holiday park. The proposal seeks to widen the track to 3.7 metres, forming a new surface using a Golpla heavy duty system which shall be filled with brown gravel.
- 2.3 A small number of trees within the woodland are proposed for removal however, this is not to facilitate the proposed development. New buffer planting is proposed upon the eastern and western boundaries of the site.
- 2.4 The adjacent Cresswell Pele Tower is recognised as Grade II\* listed as well as being a scheduled ancient monument. The Tower is enclosed by substantial masonry walls with the section of boundary walls to the east of the Tower having an 18th century pedimented entrance door with lugged architrave. The east section of the walls is Grade II listed with the remaining walls, attached bothy to the south and west and substantial walled garden to the west of the Tower identified as curtilage listed structures.

## 3. Planning History

**Reference Number:** CM/02/D/22

**Description:** PROVISION OF CAR PARKING AND WIDENING OF EXISTING ROADS

**Status:** Refused

**Reference Number:** 18/03856/FUL

**Description:** Construction of new access roads, hard standing and parking

**Status:** Withdrawn

**Reference Number:** 20/03269/FUL

**Description:** Improved access road and creation of 15no. parking spaces

**Status:** Withdrawn

**Reference Number:** CM/80/D/57

**Description:** Extension to caravan park to site 158 caravans

**Status:** Refused

**Reference Number:** CM/02/D/22

**Description:** PROVISION OF CAR PARKING AND WIDENING OF EXISTING ROADS

**Status:** Refused

**4. Consultee Responses**

Cresswell Parish Council	<p>Object. The application relates to a proposal for widening and surfacing of an access track. It purports to be aimed at achieving improved vehicular access for emergency vehicles to the Pele Tower. This is completely disingenuous. There is more than adequate access to the Pele Tower from the village green. The proposed road will in fact allow the applicant access to sites for further caravan pitches within an ancient woodland.</p> <p>The application indicates that any trees damaged as the track/road is worked on will be replaced. This is historical woodland and replacement trees will take years to grow ! The longer term implications of the new caravan sites in the woodland, which the road will allow access to, with the destruction of extensive tracts of ancient woodland and wildlife habitat, has not been addressed. In addition the road will destroy the existing heritage site of the 18th Century carriageway road which is still visible and of significant value to the story of the Pele Tower and Mansion house site. Protecting our local heritage is a matter which is addressed in the Northumberland local plan.</p> <p>As a council which has pledged to address climate change, is committed to achieving carbon neutrality ,as well as preserving local heritage unless there is a very compelling reason otherwise, passing this planning application would be totally contradictory to those pledges.</p>
Highways	No objection.
County Ecologist	No objection subject to recommended conditions.
County Archaeologist	No objection subject to recommended conditions.
The Coal Authority	No objection.
Building Conservation	It is considered that the application fails to preserve the setting and significance of the identified listed buildings and that the ability to appreciate and understand their setting would be harmed by the proposals. In the context of NPPF, the degree of harm is 'less than substantial'. We therefore refer the decision maker to NPPF, Paragraph 202 which requires the identified harm to be weighed against the public benefits of the proposal.
Historic England	No objection.

**5. Public Responses**

Neighbour Notification

Number of Neighbours Notified	4
Number of Objections	12
Number of Support	0

## Notices

Affecting Listed Building site notice, 17th February 2023

Northumberland Gazette press notice, 16th February 2023

## Summary of Responses:

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

- Impacts on visual character;
- Vandalism, litter, antisocial behaviour;
- Biodiversity impacts;
- 'Trojan horse' element of an application, will facilitate further development;
- Breach of planning conditions;
- Loss of trees;
- Light pollution;
- Adverse effect on protected species;
- Increased traffic and highway safety concerns;
- Noise and amenity concerns.

Material planning considerations, including those raised within submitted objections, shall 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=RPIF3VQSMZH00>

## **6. Planning Policy**

### 6.1 Development Plan Policy

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

Policy STP 1 - Spatial strategy (strategic policy)

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

Policy STP 3 - Sustainable development (strategic policy)

Policy STP 4 - Climate change mitigation and adaption (strategic policy)

Policy STP 5 - Health and wellbeing (strategic policy)

Policy QOP 1 - Design principles (strategic policy)

Policy QOP 2 - Good design and amenity

Policy QOP 4 - Landscaping and trees

Policy TRA 1 - Promoting sustainable connections (strategic policy)

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

Policy ENV 7 – Historic environment and heritage assets

Policy WAT 3 - Flooding

### 6.2 National Planning Policy

## 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;
- Design and visual character;
- Heritage assets;
- Residential amenity;
- Highway safety;
- Ecological impacts;
- Archaeological impacts.

### Principle of development

7.2 Policy STP 1 of the NLP, read in conjunction with the Policies Map which accompanies the Plan, identifies main towns, service centres, service villages and small villages across the county where sustainable development can be located. Cresswell is recognised as a small village where a proportionate level of development will be supported, subject to accordance with other relevant policies.

7.3 The application site is located out with the settlement boundary for Cresswell and is therefore recognised as being located within open countryside land. Nevertheless, the site is located within the identifiable curtilage of the holiday park and would not contribute towards any encroachment into undeveloped open countryside land. The principle of a track within this area has previously been established, albeit recognising the track at present is not manmade, and it is not considered that the proposed development would be harmful to the immediate or wider area. The principle of development is therefore recognised as being acceptable in accordance with both local and national planning policy.

### Design and visual character

7.4 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 with paragraph 130 noting developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

- 7.5 As part of the application assessment, a site visit was undertaken by the planning officer to assess the application site and surrounding land. The proposed track is enclosed within an existing woodland and is not readily visible outside of the holiday park curtilage due to the dense woodland and planting that currently exists within this area. Whilst a small number of trees are proposed to be removed from the woodland, this removal is not to facilitate the proposed development and relates to the poor condition of existing trees.
- 7.6 The proposed development would not be harmful to the visual character of the site or the settlement of Cresswell. The use of brown gravel within a Golpla heavy duty flooring system would retain the rural, woodland character and would not create an urbanising impact in a way which a tarmac surface could. The introduction of additional buffer planting upon the shared boundaries of the site would provide further screening of the track whilst the woodland management plan would secure ongoing maintenance of the woodland. Precise details of the gravel and flooring system have been provided and the LPA are satisfied that the proposals accord with relevant local and national planning policy in relation to good design.

### **Heritage assets**

- 7.7 Policy ENV 7 of the NLP states that *“Development proposals will be assessed and decisions made that ensure the conservation and enhancement of the significance, quality and integrity of Northumberland’s heritage assets and their settings”*. Paragraph 195 of the NPPF states *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise”*.
- 7.8 Located to the north of the application site, within the curtilage of the holiday park, is the grade II\* listed and scheduled ancient monument, Cresswell Pele Tower. The Tower is enclosed by substantial masonry walls with the section of boundary walls to the east of the Tower having an 18th century pedimented entrance door with lugged architrave. The east section of the walls is Grade II listed with the remaining walls, attached both to the south and west and substantial walled garden to the west of the Tower identified as curtilage listed structures.
- 7.9 Consultation was undertaken with the local authority’s Building Conservation team who assessed the application proposals, stating that the development fails to preserve the setting and significance of the identified listed buildings and that the ability to appreciate and understand their setting would be harmed by the works. The harm identified by the works is recognised as less than substantial and the decision maker is therefore referred to paragraph 202 of the NPPF which states the harm of the development needs to be weighed against the public benefits that may arise from the proposals.
- 7.10 The overriding public benefit of the application proposals is the biodiversity improvements that shall arise, secured through the woodland management plan submitted as part of the application documents. The application site is recognised as a habitat of principal importance deciduous woodland which is

currently recognised as being in poor condition. The woodland management plan provides adequate mitigation and compensation for the development and allows a level of management for the woodland that appears to have been previously neglected. Additional planting along the shared boundaries is also welcomed, presenting biodiversity improvements as well as improving the appearance of the site boundaries.

- 7.11 The applicant has also presented a public benefit relating to historic work to heritage assets located within the site, however, this would not be a direct public benefit relevant to the application proposals. Nevertheless, the LPA consider the significant biodiversity improvements at the site demonstrate a public benefit that overcomes the less than substantial harm identified by the Building Conservation team within their consultation comments. The proposals are therefore considered to accord with policy ENV 7 of the NLP and the NPPF.

### **Residential amenity**

- 7.12 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”*.
- 7.13 The application site is bounded by existing residential development located to the north and west of the application site. The LPA recognise the existing track is used by users of the holiday park and residents and whilst the proposed widening of the track may intensify the use of this area, it is not considered that this would adversely impact the amenity of nearby properties. Concerns in relation to litter, vandalism and anti-social behaviour are not material planning considerations and the LPA cannot consider future development that may arise in this area in the future as part of this submission. The LPA consider the proposals accord with policy QOP 2 of the NLP and the NPPF in relation to residential amenity.

### **Highway safety**

- 7.14 Policy TRA 2 of the NLP states that developments will be expected *“provide effective and safe access and egress to the existing transport network”* and *“include appropriate measures to avoid, mitigate and manage any significant impacts on highway capacity, congestion or highway safety”*. Policy TRA 4 is also relevant within this assessment and states that *“an appropriate amount of off-street vehicle parking to serve new development shall be made available in safe, accessible and convenient locations”*.
- 7.15 Paragraph 111 of the NPPF states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.

- 7.16 Consultation was undertaken with highways development management (HDM) who raised no objection to the application proposals. The track connects Pele Tower to the existing private caravan site where the highways authority have no jurisdiction.

### **Ecological impacts**

- 7.17 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.
- 7.18 Consultation was undertaken with the local authority's ecologist who raised no objection to the application proposals, subject to recommended conditions. The submitted documents confirm appropriate maintenance and biodiversity net gain within the woodland and allow a level of control of the woodland moving forward. Conditions have also been recommended in relation to the felling of trees identified for removal to ensure protected species are not adversely impacted upon during the works, thus addressing concerns raised within objection comments. The LPA are therefore satisfied that the proposed development accords with policy ENV 7 of the NLP and the NPPF in relation to biodiversity and protected species.

### **Archaeological impacts**

- 7.19 Policy ENV7, part 3) of the NLP details that *“Development proposals, which will affect a site of archaeological interest, or a site which has the potential to be of archaeological interest, will require an appropriate desk-based assessment and, where necessary, a field evaluation”*.
- 7.20 Consultation was undertaken with the local authority's archaeologist who raised no objection to the application proposals, subject to recommended conditions in relation to archaeological monitoring. The site has significant archaeological potential and any risk to archaeological remains can be addressed through appropriate on-site monitoring. Subject to these recommended conditions, the LPA consider the development to accord with policy ENV 7 of the NLP and the NPPF.

### **Equality Duty**

- 7.21 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**

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



## **Human Rights Act Implications**

- 7.23 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.
- 7.24 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.
- 7.25 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 represents an acceptable form of development that accords with both local and national planning policy. Whilst concerns have been raised by residents in relation to future development at the site, this is not a material planning consideration as part of this assessment.
- 8.2 The application is therefore recommended for approval subject to recommended conditions.

## **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 and documents. The approved plans and documents for this development are:-

- 1) Location plan drawing no. 3932-100 rev. F
- 2) Proposed block plan drawing no. 3932-203 rev. L
- 3) Woodland Management Proposals for the Creswell Towers Woodland (B.J. Unwin Forestry Consultancy Ltd, March 2023)
- 4) Creswell Towers EclA Access Track 2023 (BSG Ecology)
- 5) BS5837 Tree Constraints, Tree Impacts and Tree Protection Method Statement for upgraded and widened track and Woodland Management Proposals for the Creswell Towers Woodland

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

03. No development will take place unless in accordance with the recommendations of the reports:

- Creswell Towers EclA Access Track 2023 (BSG Ecology)
- BS5837 Tree Constraints, Tree Impacts and Tree Protection Method Statement for upgraded and widened track and Woodland Management Proposals for the Creswell Towers Woodland (B.J. Unwin Forestry Consultancy Ltd, January 2023).
- Woodland Management Proposals for the Creswell Towers Woodland (B.J. Unwin Forestry Consultancy Ltd, March 2023).

Reason: To avoid harm to protected species and habitats and maintain and enhance the biodiversity value of the site in accordance with Policy ENV 2 of the Northumberland Local Plan and the National Planning Policy Framework.

04. No felling of trees shall be undertaken unless a suitably qualified ecologist has first confirmed that they contain no active dreys. If dreys are found present no work to the trees shall proceed without a method statement submitted to and agreed in writing by the local planning authority.

Reason: To avoid harm to Red Squirrels, which are protected by law in accordance with Policy ENV2 of the Northumberland Local Plan and the National Planning Policy Framework.

05. No demolition, development, tree felling or vegetation clearance shall be undertaken between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no bird's nests that are being built or are in use, eggs or dependent young will be damaged or destroyed.

Please note that some birds will nest outside of this period depending on species and temperatures and as such care should be taken to assess the site for nesting birds and stop work if any active nests are found. Netting of hedgerows, trees or buildings is only permitted in exceptional circumstances in accordance with Chartered Institute of Ecology and Environmental Management/Royal Society for the Protection of Birds advice. A methodology

and management plan for the installation and maintenance of the netting will be agreed in writing with the Local Planning Authority prior to installation.

Reason: To protect nesting birds, all species of which are protected by law in accordance with Policy ENV 7 of the Northumberland Local Plan and the National Planning Policy Framework.

06. Prior to work commencing on widening of the trackway, the appointed contractor should submit a Method Statement to the LPA for review and approval. The Method Statement should include details of the depth and extent of any groundworks required below the level of the existing ground surface, including temporary groundworks. It will be appropriate for the Method Statement to make reference or include the manufacturers 'generic' product description, but the Method Statement should rely on a 'generic' document only.

Reason: To inform the detail and scope of an archaeological mitigation response in accordance with Policy ENV 7 of the Northumberland Local Plan and the National Planning Policy Framework.

07. A programme of archaeological work is required in accordance with NCC Conservation Team (NCCCT) Standards for Archaeological Mitigation and Site-Specific Requirements document (dated 27/03/23). The archaeological scheme shall comprise three stages of work. Each stage shall be completed and approved in writing by the Local Planning Authority before it can be discharged.

a) No development or archaeological mitigation shall commence on site until a written scheme of investigation based on NCCCT Standards and Site-Specific Requirements documents has been submitted to and approved in writing by the Local Planning Authority.

b) The archaeological recording scheme required by NCCCT Standards and Site-Specific Requirements documents must be completed in accordance with the approved written scheme of investigation.

c) The programme of analysis, reporting, publication and archiving if required by NCCCT Standards and Site-Specific Requirements documents must be completed in accordance with the approved written scheme of investigation.

Reason: To ensure archaeological impacts are appropriately addressed in accordance with Policy ENV 7 of the Northumberland Local Plan and the National Planning Policy Framework.

### **Informatives**

- 1) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**Date of Report:** 9<sup>th</sup> May 2023

**Background Papers:** Planning application file(s) 23/00433/FUL