

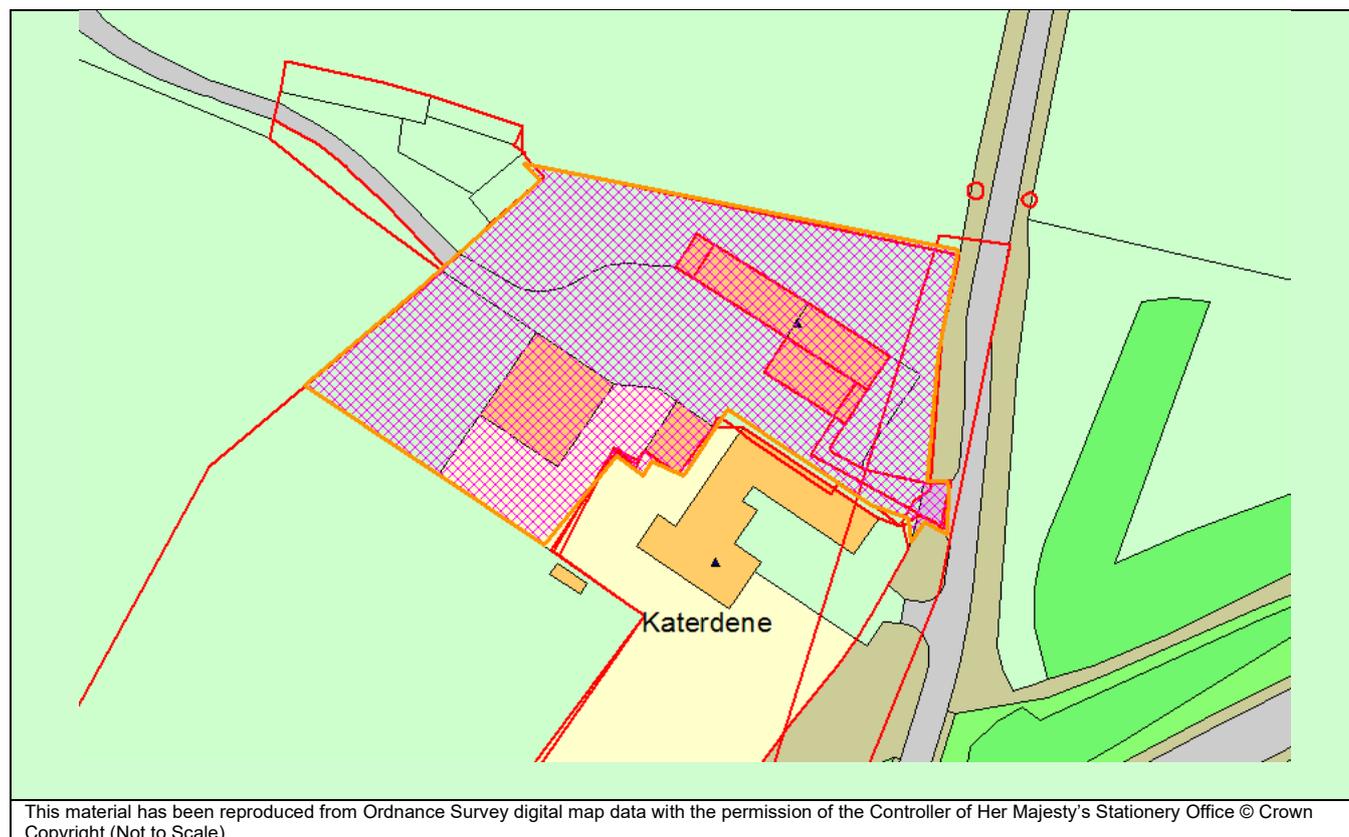


Northumberland County Council

Castle Morpeth Local Area Council Meeting 13th September 2021

Application No:	21/00236/FUL		
Proposal:	Redevelopment of existing land and buildings and the erection of 7No dwellings		
Site Address	Land North Of Katerdene, Fulbeck, Morpeth, Northumberland		
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:	25 January 2021	Expiry Date:	22 March 2021
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 REFUSED permission



1. Introduction

1.1 Under the provisions of the Council's current Scheme of Delegation, this application is being reported to the Castle Morpeth Local Area Council as it raises significant planning issues.

2. Description of the Proposal

2.1 The application seeks planning consent for the redevelopment of existing land and buildings and the erection of 7No dwellings at land north Of Katerdene, Fulbeck, Morpeth.

2.3 Located north of Morpeth and east of Fairmoor, the site falls within the Green Belt. The site is located approximately 450 feet north of the 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 farmhouse known as 'Katerdene' and is bound by agricultural fields with a line of trees to the north. The site appears to comprise of 3 agricultural buildings, hard standing/gravel and greenfield land.

2.4 A long narrow outbuilding is sited to the north of Katerdene which currently has permission for the partial demolition and conversion to 2no. dwellings via the prior approval procedure under Class Q of the Permitted Development Order. This route allows for the conversion of agricultural buildings that are of permanent and substantial construction. This part of the site also has permission under 19/01461/CLEXIS identifies this barn as Sui Generis (D2 and Agricultural). The application proposes to construct 5 dwellings to the north of the site a semi-detached two storey properties and a two storey terrace of 3 dwellings with garaging.

2.5 The two square outbuildings to the south of the site would still fall under agricultural purposes and greenfield land. The application proposes two large tow storey detached dwellings in this location.

3. Planning History

Reference Number: 17/01729/AGTRES

Description: Change of existing agricultural building to residential dwelling house

Status: WDN

Reference Number: 19/05032/AGTRES

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

Status: PERPA

Reference Number: CM/88/D/540

Description: OUTLINE - ERECTION OF ONE BUNGALOW (AS AMENDED BY LETTER RECEIVED 14TH NOVEMBER, 1988)

Status: REF

Reference Number: 20/02980/FUL

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

Status: WDN

Reference Number: 21/03398/MISC

Description: Installation of new telecommunications equipment. New 9m pole at 2 locations.

Status: PCO

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: PER

Reference Number: 19/05032/AGTRES

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

Status: PERPA

Reference Number: CM/04/D/134

Description: Proposed new farm house.

Status: PER

Appeals

Reference Number: 88/00026/REFUSE

Description: OUTLINE ERECTION OF ONE BUNGALOW (AS AMENDED BY LETTER RECEIVED 14TH NOVEMBER 1988)

Status: DISMIS

4. Consultee Responses

Hebron Parish Council	No response received.
Highways	Objection
County Ecologist	Objection
Public Protection	Objection
Northumbrian Water Ltd	No objections subject to conditions
Morpeth Town Council	Objection
Hebron Parish Council	No response received.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	2
Number of Objections	1
Number of Support	48
Number of General Comments	0

Copies of all representations received are available in the Member's Lounge and will also be made available at the meeting of the Committee

Notices

General site notice 25th February 2021
No Press Notice Required.

Summary of Responses:

Morpeth Town Council

“Morpeth Town Council objects to this application because if the principle is agreed then Morpeth Neighbourhood Plan (MNP) Policy Set1 will be severely compromised. We note that the applicant confirms that the site is outside the settlement boundary and in the open countryside. We dispute the arguments put that Policy Set1 does not apply:

(i) The site is within Green Belt designate (pending adoption of the Northumberland Local Plan). Despite the applicants’ suggestion that the site does not cause coalescence, it is in fact about 200m from the Northgate Hospital complex and under 400m from the new St Andrew’s Park estate.

(ii) The applicant tries to justify overriding Policy Set1 on the grounds that although the site is outside the settlement boundary of Morpeth, it is “within the settlement of Morpeth”. Policy Set1 refers to the settlement boundary of Morpeth and does not allow for the concept of “within the settlement”. And – if it were the case – then the argument (i) that development of the site does not cause coalescence does not hold. (iii) The applicant makes the argument that the site is “sustainable” because it is “physically and functionally part of Morpeth”. However, access to the facilities depends fundamentally on car use, and the site does not meet any of the “access to facilities within walking distance” normally used to define sustainability. If this argument is allowed to stand, then any site within a 30min drive from Morpeth could be claimed to be “sustainable”.

We note that rebuilding on the footprint of disused buildings can be permissible within the open countryside, but we would argue that replacing two buildings with seven buildings is inappropriate, and that the site cannot be considered a “windfall” site in this sense.

Morpeth Town Council has no strong objection to the character of this small-scale development, but if the arguments against the application of MNP Policy Set1 are upheld, then they will set a precedent that will be exploited by large scale developers”.

48 letters of support has been received

- The development will see the removal of existing buildings and provide additional housing in the area.
- The reuse of the site will provide a high quality development, whilst improving the overall appearance.
- This development will bring direct and indirect benefits with additional jobs during construction and additional support for nearby services.
- The development will be viewed as part of a small cluster of buildings and which is characteristic of the area.
- The site is near to Morpeth and I believe it is a sustainable location

1 objection

- Inappropriate development in the Green Belt

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=QNC1DWQSLHQ00>

6. Planning Policy

Saved Policy S5 of the Northumberland County and National Park Joint Structure Plan First Alteration (February 2005)

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

Castle Morpeth District Local Plan (2003)

C1 – Settlement Boundaries

C11 – Protected Species

C15 – Trees in the Countryside and Urban Areas

C16 – Green Belt

RE6 – Service Infrastructure

RE8 – Contaminated Land

RE9 – Ground Stability

H1 – Housing Land Supply

H9 – Affordable Housing in Rural Areas

H15 – New Housing Developments

H16 - Housing in the Countryside

R8 - Public Footpath and Bridleways

6.2 National Planning Policy

National Planning Policy Framework (2021)

National Planning Practice Guidance (2019)

6.3 Emerging Planning Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) and proposed minor modifications (May 2019) (NLPPD)

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 STP7 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 HOU8 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 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 POL 1 Unstable and contaminated land
Policy POL 2 Pollution and air, soil and water quality
Policy INF5 Open Space and facilities for Sport and Recreation

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 comprises policies in the local plans as identified above. The National Planning Policy Framework (NPPF) (February 2019) and Planning Practice Guidance (PPG) are material considerations in determining this application.

Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon three criteria: the stage of preparation of the plan; the extent to which there are unresolved objections to policies within the plan; and the degree of consistency with the NPPF. The Northumberland Local Plan - Publication Draft Plan (Regulation 19) (NLP) was submitted to the Secretary of State for Ministry of Housing, Communities and Local Government on 29 May 2019, and is currently going through the examination process.

On 9 June 2021, the Council published for consultation, a Schedule of proposed Main Modifications to the draft Local Plan which the independent Inspectors examining the plan consider are necessary to make the plan 'sound'. As such the plan is at an advanced stage of preparation, and the policies in the NLP - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021), are considered to be consistent with the NPPF. The NLP is a material consideration in determining this application, with the amount of weight that can be given to specific policies (and parts thereof) is dependent upon whether Main Modifications are proposed, and the extent and significance of unresolved objections.

7. Appraisal

7.1 The relevant planning consideration in the determination of this application are as follows:

- Principle of Development
- Design and Visual Amenity
- Impact on Residential Amenity
- Highway Safety
- Ecology
- Land Contamination
- Drainage

Principle of Development

Housing Land Supply

7.2 Housing land supply position In accordance with the NPPF, the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirement. The five-year housing land supply position, as well as the Housing Delivery Test, is pertinent to proposals for housing in that paragraph 11(d) and corresponding footnote 7 of the NPPF indicates that the presumption in favour of sustainable development applies where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites or where recent housing delivery is below a 75% threshold. This situation is the principal means (albeit not the only way) by which existing policies relevant to housing can be deemed out-of-date. As identified in the Northumberland Strategic Housing Land Availability Assessment (SHLAA, September 2019), the Council can demonstrate a plentiful five-year housing land supply from 'deliverable' sites against the county's minimum Local Housing Need figure. Using the 2014-based household projections for the 2020-2030 period, together with the latest updated 2019 affordability ratio, now gives a minimum Local Housing Need of 651 dwellings per annum. Allowing for the 5% buffer therefore means that the forecast updated 'deliverable' five-year supply for 2020-2025 would equate to a 10.9 years housing land supply. The latest Housing Delivery Test result records that Northumberland achieved 257% delivery against its minimum housing need for the past three monitoring years 2017-20. Therefore, in the context of paragraph 11(d) and Footnote 7 of the NPPF, the presumption in favour of sustainable development does not apply.

Open Countryside

7.3 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).

7.4 Paragraph 80 of the NPPF relates to homes in isolated areas, which it can be argued this site is not being in proximity of other conerted dwelli. It sets out circumstances in which isolated homes are acceptable, none of which the proposed development would appear to meet.

7.5 The site is agricultural that lies within the open countryside and is detached from a village or large settlement. It is accepted however, that - as it is situated to the west of a small hamlet of 5 dwellings - it cannot be considered as an 'isolated' location and is therefore not required to fall within any of the exceptions within paragraph 79 of the NPPF. In the context of paragraph 78 however, the site is located within a small cluster of properties and not in a 'village'. Neither are there services in a village nearby that the additional housing would help support.

7.6 The proposal indicates paragraph 79 of the NPPF is relevant:

'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.'

7.7 Paragraph 79 relates to supporting villages rather than settlements as large as Morpeth, although it could be argued that the proposed development would support services within Morpeth.

7.8 Policy C1 of the Castle Morpeth District Local Plan defines settlement boundaries around towns and villages, it identifies the proposed site as falling within open countryside. Although limited weight can be attached, emerging Policy STP 1 similarly does not identify the site as located within a settlement boundary and places the site in open countryside. In accordance with Policy C1 of the Castle Morpeth District Local Plan, housing should not be permitted in the open countryside unless it is essential to the needs of agriculture or forestry or it is permitted by other policies, including Policy H16. The 7 dwellings are not proposed to meet the needs of rural workers as per Policy H16 and it does not meet any of the other listed policy exceptions. The development is therefore not in a suitable location in accordance with Policies C1 and H16 of the development plan. Although only limited weight can be given, the proposed site does not conform to the criteria for development in the open countryside under policy STP 1.

7.9 The proposal states the site should be considered part of Morpeth, and therefore suitable for housing development. Although in close proximity, the site would not be viewed as an accessible location. The site is cut off by the Morpeth bypass. Although the site is connected by a road that passes over the bypass, there is no pedestrian access and the site is not close to public transport links. The development in proximity to nearby Fairmoor is not accessible from the site as it is physically divided by a field, brook and a line of trees.

7.10 Overall, the proposal would be unjustified development within the open countryside and would be contrary to MNP Policies Sus 1, Set 1 and the NPPF. In addition the proposal would be contrary to Local Plan Policy C1 as the proposal cannot be justified as being essential to the needs of agriculture or forestry. It is not permitted by the relevant policies in the development plan including Policy H16 as this only allows new housing in the open countryside where it is required in connection with the day-to-day operation of an agricultural enterprise and where the proposal accords with other criteria. The site is also not a sustainable location in terms of being wholly reliant on private car use due to lack of sustainable transport access to local facilities and services.

Green Belt

7.11 The Castle Morpeth District Local Plan identifies the proposed site as falling within open countryside however an extension to the Green Belt has been subsequently adopted in the Northumberland County and National Park Joint Structure Plan.

7.12 Saved policy S5 of the Structure Plan sets out the 'general extent' of the Green Belt extension, the extent of this part of the Green Belt is described in words with the detailed boundaries to be defined in Local Plans. The proposed site falls within the described Green Belt extension.

7.13 Emerging Green Belt Policy (STP 7) defines the proposed Green Belt boundaries around Morpeth, the site is located within the Green Belt in close proximity to the inset boundary.

7.14 The draft boundaries support the position that the site should be regarded as Green Belt; however the emerging plan can only be given limited weight at this time. As saved Policy S5 only describes the general extent of the Green Belt and the emerging plan is at still examination stage, further consideration will need to be given as to whether Green Belt policies should apply to the site.

7.15 Recent case law has established that unless a policy clearly designates all land within the general extent of the Green Belt, the decision-maker should apply a planning judgement to determine whether to apply Green Belt policy to a site. A recent appeal asserts that a lack of defined boundary is insufficient justification to arbitrarily exclude any site contained within the general extent of the Green Belt. The Secretary of State took a precautionary approach to land in the general extent at York, stating that Green Belt policies should be applied unless there is a 'good reason not to'. Appeals APP/P2935/W/17/3167263 and APP/P2935/W/17/3167852 both involve the general extent of the Green Belt in Northumberland and use the approach taken at Avon Drive, York. In both cases the inspectors test the sites against the purposes of the Green Belt to determine if Green Belt policies should be applied.

7.16 Paragraph 138 of the NPPF sets out the purposes of the Green Belt:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

7.17 Policy Set1 of the Morpeth Neighbourhood Plan defines the settlement boundary for Morpeth; divided by the Morpeth Northern Bypass the site is located outside of the boundary. Policy Set1 states areas outside settlement boundaries will be treated as open countryside. Extant Policy C1 of the Castle Morpeth District Local Plan also identifies the site as being located in the open countryside. In assessing the site against the purposes of the Green Belt, it is considered the site would check the unrestricted sprawl of Morpeth.

7.18 Although identified as previously developed land, parts of the site are not built upon and are used for agricultural purposes. Therefore parts of the site would assist in safeguarding the countryside from encroachment. For these reasons it is viewed that Green Belt policy should be applied to this site. Saved Policy S5 does not provide any development management policy requirements so national Green Belt policies set out in the NPPF will be applied.

7.19 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 145 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’.

7.20 The proposed development is not considered to be an infill site as defined in the Castle Morpeth District Local Plan as it is not developing a small gap within an existing main frontage. The proposal does not indicate that the development will be contributing to meeting an identified affordable housing need of the area. The application is proposing the complete re-development of the site for 7 dwellings. The NPPF allows for the redevelopment of previously developed land that would not have a greater impact on the openness of the Green Belt.

7.21 The supporting statement asserts the site should be considered as previously developed land; however, the entire site would not fall under the NPPF definition of previously developed land which excludes land that is or was last occupied by agricultural or forestry infrastructure. Currently the site comprises a collection of agricultural buildings, undeveloped greenfield and an area of hardstanding/gravel.

7.22 The previous permission under 19/01461/CLEXIS identifies the barn in the north of the site as Sui Generis (D2 and Agricultural). 19/05032/AGTRES that permitted the change of use of building 1 to 2 dwellings via the prior approval route. Land parcel A is identified as D2, this section of land is adjacent to the site. The buildings in the south of the site (buildings 2 & 3) would fall under agricultural purposes and greenfield land.

7.23 Should the site even be regarded as brownfield land by association with the neighbouring use, the proposed development should still not have a greater impact on the openness than the existing buildings on site. 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 With regards to openness, it should also be considered if the proposal would urbanise or intensify the use of land, or facilitate the introduction of domestic paraphernalia and vehicles.

7.25 The application acknowledges that the site is located in the Green Belt and its impact on the openness of the Green Belt should be assessed. The submitted statement indicates the new development will re-use the existing volume on site however, the proposed development will add to this volume in terms of scale and additional building on greenfield land. The proposed site plan demonstrates that more space on the ground will be developed than what is currently located on site and subsequently leading to a greater volume and impact to openness.

7.26 According to the NPPF, previously developed land includes curtilages although it should not be assumed that the whole curtilage should be developed. As some of

the site is not built upon this suggests the addition of development in these areas would have a greater impact on the openness of the Green Belt. Therefore the proposal should be considered inappropriate. There is a presumption against inappropriate development in the Green Belt, however, the NPPF makes provision for inappropriate development where very special circumstances exist. Very special circumstances “will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”. Whether very special circumstances exist should be addressed as part of the planning balancing exercise.

Benridge Moor - Appeal Ref: APP/P2935/W/20/3253946 Benridge Moor Farm, Morpeth NE61 3SD

7.16 Whilst each applicant must be assessed on its own merits it is worth highlighting the application at Benridge Moor that was refused and dismissed at appeal by the planning inspectorate in September 2020. The site is located within a small hamlet approximately 650m to the north east of Pigdon. Benridge Moor comprises 5 dwellings and agricultural buildings that lie within the Open Countryside. Heighley Gate Garden site is located approximately 900m to the north west with access via a public footpath.

7.17 The application was to replace 3 agricultural buildings with 3 new dwellings on the edge of a small hamlet and shares similarities with the current application in terms of its location in the Open Countryside, Green Belt and developing upon greenfield land in an unsuitable location. The decision reinforces the judgement that the dwellings in a similar proposal were considered to be inappropriate development in the Green Belt; conflicted with Policies Sus1 and Set 1 of the Morpeth Neighbourhood Plan regarding open countryside principles; unsustainable location due to the reliance on the private car and a significant impact to the character and appearance of the open countryside due to the suburban encroachment.

Conclusion

7.18 The principle of development is not supported by the policies in the development plan and material considerations. The proposed site is located within the general extent of the Green Belt extension around Morpeth as per saved Policy S5. Part of the site does not fall under the NPPF definition of previously developed land.

7.19 Although the resubmission of this application has sought to reduce the area of development, it is still viewed that it would have a greater impact on the openness of the Green Belt. The submitted plans demonstrate an increase in use of ground space and upon undeveloped land. Therefore, in accordance with paragraph 147 of the NPPF, the proposed development cannot be considered acceptable unless very special circumstances can be established as part of the planning balancing exercise. There has been no very special circumstances identified in the application.

7.20 In order for very special circumstances to exist, material considerations in favour of the development would need to clearly outweigh the harm to the Green Belt and any other harm resulting from the development. The application does consider that the site is in a suitable location for housing and should be considered part of Morpeth. The development plan and the emerging Local Plan identify the site as open countryside. Although close in proximity, the site is not viewed to be in an accessible location and therefore future occupants would require the reliance of the car to access services .

The proposed development would not be supported by policies C1 and H16 of the Castle Morpeth District Local Plan.

Design and Visual Amenity

7.21 Policy Des1 of the MNP sets design principles for new development which in summary includes:

- Ensuring that the design and layout of the development achieves a sense of place by protecting and enhancing the 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 development safeguards, respects and enhances the natural environment, the biodiversity, landscape and wildlife corridors and the countryside;
- Incorporating, where appropriate, biodiversity, landscaping and public and private open spaces which meet the County Council's open space standards and supports the creation of wildlife corridors;
- Ensuring that the layout and design take account of the potential users of the development to provide safe, convenient and attractive links within the development and to existing networks for people with disabilities and restricted mobility, pedestrians, cyclists and public transport users;
- Providing vehicular access and parking suitable for the development's use and location.

7.22 Policy H15 of the CMDLP states the design criteria for housing development and the NPPF states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

7.23 The proposal would increase the site from one farmhouse with an additional 7 with a mix of detached, semi-detached and terraced properties and the siting of the new dwellings would expand into the open countryside rather than be contained within the cluster of existing dwelling. In terms of style and materials, the new housing may seek to correspond with the adjacent farmhouse however, the proposed scale, layout, density and house types would result in a suburban encroachment that would be to the detriment of the appearance of the area and not create a cohesive form of development. Despite the use of part of the site, the outbuildings in their current state are common features in the open countryside with previous and existing agricultural use.

7.24 The development would expand into the open countryside and erode the rural character of the area. On this basis, the design and layout of the development would not protect or enhance the distinctiveness and character of the settlement or respect the site and its surroundings. The application would not be in accordance with Policies Des 1 of the Morpeth Neighbourhood Plan, Policy H15 of CMDLP and NPPF. Whilst limited weight can be given to the NLP the proposal would also be contrary to NLP Policy QOP1.

Residential Amenity

7.24 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. As was appraised in the extant Class Q conversion application, 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.

7.25 The Public Protection Team were consulted and identified that there are concerns with noise impacts to the future occupants. The noise assessment which has been submitted is the same report which was submitted with 19/05032/AGTRES application on site and therefore is not comprehensive enough to establish the risk of this very different proposal. Key concerns include:

7.26 The proposed conversion under 19/05032/AGTRES was deemed to be acceptable with regards to road traffic noise, this is partially attributed to the screening effect of Kater Dene Farmhouse and buildings 2 and 3 as defined within 19/01461/CLEXIS. The Proposed plan shows that Plots 01 & 02 would not benefit from this screening effect due to their orientation and exposure to the Northern Morpeth Bypass. Habitable rooms including bedrooms are located on the façade facing the bypass which could lead to sleep disturbance for potential residents. Agricultural activity and noise from the expanded Northgate hospital may also be of relevance.

7.27 A noise impact assessment from a qualified acoustician must be produced and submitted as part of the application. An acceptable glazing / ventilation strategy should be put forward if mitigation is assessed as feasible.

7.28 In addition, the risk to the proposal from odour must be established, sources of odour may include agricultural sources and the sewage works to the North West.

7.29 The Public Protection Team has also confirmed that the application must confirm the source of fresh drinking water which would supply the proposed dwellings. If the properties are to be supplied by a Private Water Source i.e. a source which is not provided by Northumbrian Water then further details including borehole location, supply history and a recent pump test must be submitted.

7.30 Paragraph 185 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

7.31 In terms of impact on residential amenity, it is considered the proposals would be in accordance with Policy H15 of the CMDLP and the NPPF in terms of impact on privacy, outlook and loss of light however, insufficient information has been submitted in relation to the impact from noise sources, odour and details of water supply. This

would cause concerns to the amenity of future occupants and pollution on health and living conditions. As such the application would not accord with the NPPF.

Highways

7.32 The proposed application is a resubmission of a previous application which was withdrawn referenced 20/02980/FUL, which was a scheme for 7no dwellings also. Highways Development Management raised objections on the previous application with regards to connectivity for pedestrians amongst other details that could have been submitted (refuse storage/collection; visitor parking; garage sizes etc.)

7.33 Upon revision with the current application, an additional main concern with this development is the location and possible impact on pedestrian/cycle connectivity along with intensification of use of the existing vehicular access for this site without proper consideration of visibility splays for a 60mph road (2.4m x 215m) and the provision of detailed vehicle speeds along this road currently.

7.34 The applicant has now shown a small pedestrian connection from the site access up to the Morpeth Northern Bypass Bridge. After consideration, this provision would not be considered sufficient as pedestrians (who require access to Morpeth Town Centre) would likely continue to walk down Fulbeck Lane (which has no pedestrian provision) instead of using the connectivity along the Bypass. This creates a further highway safety issue and evidentially demonstrates that the site is in an unsustainable location and would require substantial connectivity works to be considered acceptable.

7.35 This means that the development would be wholly reliant on private car use due to lack of sustainable transport access to local facilities and services and therefore cannot be determined as sustainable development.

7.36 Furthermore, the lack of details with regards to visibility splay lines and ATC data presents concern with regards to the safety of vehicles waiting to exit the vehicular access. As details have not been submitted, it is deemed insufficient details have been presented with regards to this matter and as such, the vehicular access has not been shown to be suitable in this location for a development of residential dwellings.

7.37 On the basis of the above, no further assessment of the layout has been made in relation to the details submitted. Should the Planning Authority determine the principle of the development be acceptable then we would wish to provide additional comments on the layout through a formal re-consultation.

7.38 When assessing this application, the Highway Authority checks that the proposal will not result in an adverse impact on the safety of all users of the highway, the highway network or highway assets.

7.39 The information submitted has been checked against the context outlined above; it is our consideration that they the proposed development of 7no dwellings in this area is deemed unsustainable, only accessible by private car and hazardous in terms of highway safety as visibility splays have not been detailed and Automatic Traffic Counters have not been installed to gather data on vehicles speeds on this road.

7.40 The proposed scheme for 7no dwellings would lead to intensification of use of the existing vehicular access point that has been put forward as main use for this scheme.

7.41 On all of the basis detailed above, the development does not conform with NPPF Paragraph 108a (appropriate opportunities to promote sustainable transport modes), 108b (Safe and Secure Access), 109 (Overall Highway Safety), 110a (give priority first

to pedestrian and cycle movements) & 110b (address the needs of people with disabilities and reduced mobility).

Ecology

7.42 Any potential impacts on protected habitats/species that may be present will need to be accounted for by way of appropriate avoidance, mitigation and/or enhancement strategies to ensure that favourable conservation status of the population/habitat is at least maintained and to ensure that individual animals are not harmed. Paragraph 179 of the NPPF seeks to promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

7.43 Paragraph 99 of the ODPM circular states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

7.44 This report looks at two buildings that form the northern part of the site and states it is for the assessment of the site in relation to the construction of 1no. dwelling. It does not cover all buildings that are to be affected by the proposals, nor the land on which the proposals seek to construct 7no. dwellings. An Ecological Impact Assessment report assessing the impacts of the proposals in full is required before comments can be made. Due to the presence of trees on site that will be impacted by the proposals it is also recommended that an arboricultural assessment is undertaken.

7.45 The County Ecologist has objected on the grounds of insufficient information and therefore is not in accordance with the NPPF.

Land Contamination

7.46 Paragraph 183 of the NPPF states that planning policies and decisions should ensure that: a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation); b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

7.47 The Council's Public Protection Team has objected to the application. The application is supported by the same Land Contamination Phase I report which was submitted with extant 19/05032/AGTRES application for the barn conversion to the north of site. The information does not relate to the remaining part of the site under the current application. The assessment submitted is insufficient in its area of investigation and potential source-pathway-receptor linkages which could be detrimental to human health may not be identified.

7.48 A Phase I report must be submitted as part of the application which assesses the red line boundary area, this will include a site walkover to establish any sources of contamination by visual / olfactory means.

7.49 At this stage, the LPA cannot be satisfied that the development is appropriate in principle and Paragraph: 009 Reference ID: 33-009-20190722 of the Planning Practice Guidance is therefore pertinent.

7.50 The applicant is not in accordance with the NPPF due to insufficient information on land contamination.

Drainage

7.51 Northumbrian Water has been consulted and consider that the planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess their capacity to treat the flows from the development. Although the planning application form indicates that surface water will be managed via a sustainable drainage system there is no submitted Flood Risk Assessment or drainage strategy to demonstrate this. This can be secured however, by condition and as such there are no objections to the application.

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 main planning considerations in determining this application have been set out and considered above and assessed against the relevant Development Plan Policies and the National Planning Policy Framework (NPPF). It is considered that the application proposes an inappropriate form of development in the Open Countryside and Green Belt.

8.2 There are also outstanding technical issues which form refusal reasons in relation to highway safety and lack of information relating to ecology and environmental health issues.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

01. The proposal would represent unnecessary and unjustified development in the open countryside outside any defined settlement boundary, contrary to Morpeth Neighbourhood Plan Policies Sus1 and Set1, and Policies C1 and H16 of the CMDLP and paragraph 79 of the NPPF.

02. The application site lies in an unsustainable location with no services or facilities and is some distance from local facilities, where access to and from the site would be reliant on the private car. As such it is not considered to be in a location where it could also support services in a village 'nearby' using sustainable transport methods. The principle of the residential development in such an unsustainable location would be contrary to the general provisions of the NPPF and Policy Sus1 of the Morpeth Neighbourhood Plan as it would not promote a sustainable form of development in a rural area.

03. The development represents an inappropriate form of development in the Green Belt and harmful as such. It would also be contrary to the purposes of the Green Belt (by virtue of encroachment into it and failure to assist urban regeneration), harmful to its openness, and cause 'other harm'. The potential harm to the Green Belt and other harm are not clearly outweighed by other considerations such that 'very special circumstances' have been demonstrated to outweigh the harm to the Green Belt. The development is therefore contrary to the NPPF and Saved Policy S5 of the Northumberland County and National Park Joint Structure Plan.

04. The siting and layout of the development would not protect or enhance the distinctiveness and character of the settlement or respect the character of the site and its rural surroundings. The application would not be in accordance with Policies Des 1 of the Morpeth Neighbourhood Plan and Policy H15 of CMDLP and the NPPF.

05. The proposal would cause an unacceptable adverse impact on the amenity of future occupants by virtue of insufficient information to address potential noise and odour impacts and water quality. The application therefore conflicts with Policy Des1, EMP2 of the Morpeth Neighbourhood Plan and the NPPF that ensures development should take into account pollution on health and living conditions.

06. The proposed scheme has failed to address highway safety matters in relation to safe site access and pedestrian and cycle connectivity. The application therefore does not accord with Policy Des 1 of the Morpeth Neighbourhood Plan, Policy H15 of the Castle Morpeth District Local Plan and the NPPF.

07. There is the potential for protected species to be present on site however, no Ecological Surveys have been submitted in support of the application. It has therefore not been demonstrated that there would be no risk to any protected species, and as such the development would be contrary to the provisions of the NPPF and Local Plan Policy C11.

08. The proposed development would replace a disused agricultural site and insufficient information has been submitted to assess the risk from contaminated land. In the absence of any such site investigations within the application following a request from the Local Planning Authority, it has not been demonstrated that land contamination would not pose a risk to future occupants. As such, the proposal would be contrary to the provisions of Policy RE8 and the NPPF.

Date of Report: 26.08.2021

Authorised by:

Date:

Background Papers: Planning application file(s) 21/00236/FUL