

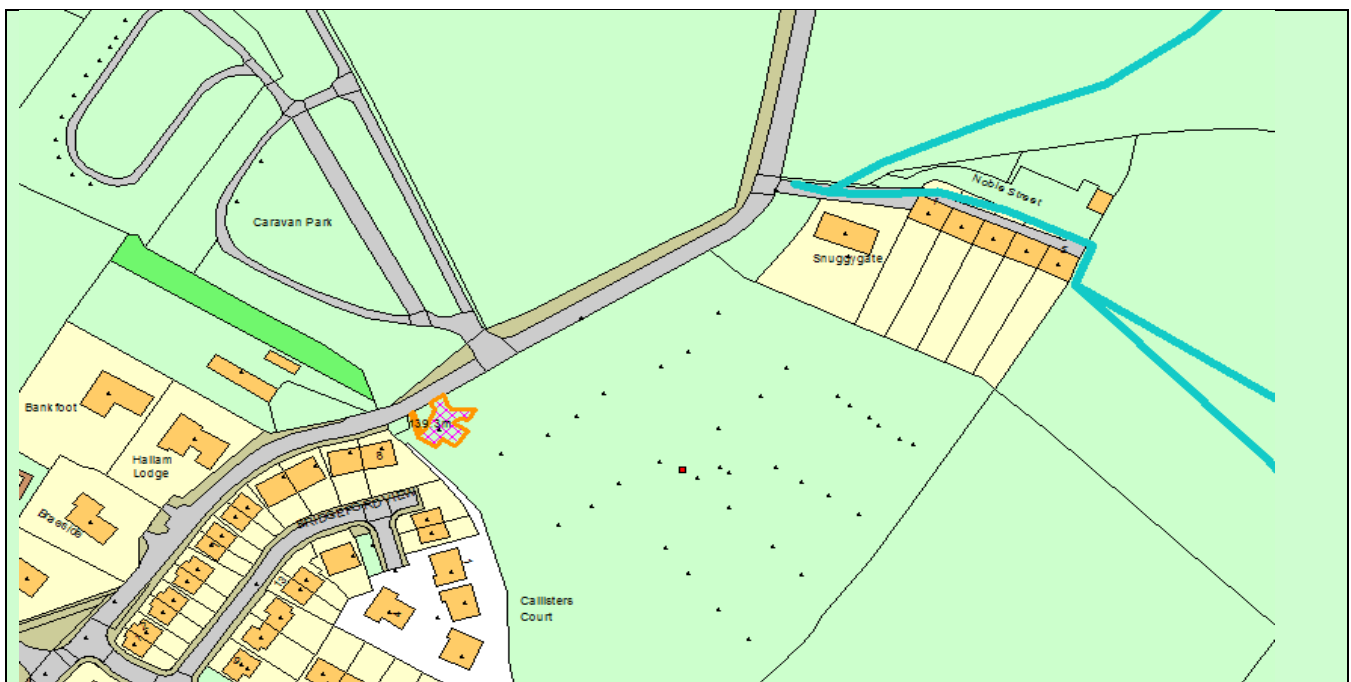


Northumberland County Council

Tynedale Local Area Council Planning Committee 14 September 2021

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| Application No: | 20/04216/FUL | | |
| Proposal: | Installation of 20KV Standard Distribution Sub Station and associated access arrangements in conjunction with existing planning approvals (primarily 16/04680/OUT and 19/02033/REM), to allow removal of current poles and overhead power lines | | |
| Site Address | Land North East of 8 Bridgeford View, Bellingham, Northumberland | | |
| Applicant: | Mr Robert Murphy, Ascent Homes, Wansbeck Workspace, Rotary Parkway, Ashington | Agent: | None |
| Ward | Bellingham | Parish | Bellingham |
| Valid Date: | 10 December 2020 | Expiry Date: | 16 April 2021 |
| Case Officer Details: | Name: Mrs Haley Marron Job Title: Principal Planning Officer Tel No: 01670 625547 Email: haley.marron@northumberland.gov.uk | | |

Recommendation: That this application be GRANTED permission



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1. Introduction

1.1 The applicant is Ascent Homes. As such, the application has been referred to the Director of Planning and Chair/s of Planning Committee for their consideration as to whether the application should be determined by Committee. It has been decided the application should be determined by the Planning Committee.

2. Description of the Proposals

2.1 The application seeks full planning permission for the installation of a 20KV Standard Distribution Sub Station and associated access arrangements in conjunction with existing planning approvals for the development of the site for housing, in order to allow the removal of existing poles and overhead power lines. Outline and reserved matters applications for housing on the site have previously been granted under applications 16/04680/OUT and 19/02033/REM.

3. Planning History

Reference Number: 16/04680/OUT

Description: Residential development of up to 36no. dwellings, with all matters reserved apart from access (Revised Description).

Status: Permitted

Reference Number: 19/02033/REM

Description: Reserved matters application for appearance, landscaping, layout and scale) on approved planning application 16/04680/OUT (amended plans received 09.10.2019).

Status: Permitted

Reference Number: 20/00701/VARYCO

Description: Variation of condition 4 (the approved plans and documents list) to incorporate the updated Great Crested Newt Mitigation Strategy (February 2020) as an approved document. Also variation of condition 13 relating to the Great Crested Newt Mitigation pursuant to planning permission 16/04680/OUT.

Status: Permitted

Reference Number: 20/01482/NONMAT

Description: Non-material amendment to application 19/02033/REM - To seek approval for updated layout which, if approved, will see replacement of currently approved layout (ref: SD-10.02 Rev C) with new layout (ref: SD-10.02 Rev E) and change to wording of Condition 1 of approved reserved matters application

Status: Permitted

Reference Number: 20/03785/DISCON

Description: Discharge of conditions 6 (site levels), 7 (boundary treatment), 10 (gas protective measures), 17 (ecology), 19 (external lighting), 20 (trenches), 22 (engineering works), 23 (highway works), 24 (cycle parking), 25 (construction method statement), 26 (refuse storage), 27 (surface water), 28 (surface water), 29 (SuDS), 30 (foul water) and 31 (ecology) of application 16/04680/OUT

Status: Pending

Reference Number: 20/03786/DISCON

Description: Discharge of conditions 4 (basin maintenance access track), 5 (SuDS), 6 (boundary treatment), 9 (highways), 10 (estate street phasing), 11 (engineering works), 13 (surface water drainage) and 14 (construction method statement) of application 19/02033/REM.

Status: Pending

Reference Number: 21/01341/NONMAT

Description: Non-material amendment (Non-material amendment to application 19/02033/REM - To seek approval for updated house types which, if approved, will change the wording of Condition 1 of approved reserved matters application (note - Condition 1 amended previously via 20/01482/NONMAT)) on approved application 19/02033/REM

Status: Refused

Reference Number: 21/01341/NONMAT

Description: Non-material amendment (Non-material amendment to application 19/02033/REM - To seek approval for updated house types which, if approved, will change the wording of Condition 1 of approved reserved matters application (note - Condition 1 amended previously via 20/01482/NONMAT)) on approved application 19/02033/REM

Status: Refused

Reference Number: T/20090335

Description: Replacement of electrical conductors with aerial bunched conductors

Status: No objection

4. Consultee Responses

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| Bellingham Parish Council | <p>The proposed application states that access to the sub station is from Bridgeford View. This is not accurate as this would involve the main access being through nearby residents' gardens.</p> <p>Any new access would presumably have to be from the main road and this would need to be investigated with Highways given the speed of traffic on this road and the difficulty in seeing oncoming traffic.</p> <p>Given the issues with water-logging and poor drainage on the site, the parish council has serious concerns about the ground stability and the potential for flooding for an electricity sub station on this site.</p> <p>The parish council also notes that there is no information on environmental impact of this new structure - given previous concerns over wildlife and GCNs, they feel that more work would need to be done to ensure there is no detrimental impact on the local environment.</p> |
| NCC Highways | No objections subject to conditions and informatives. |
| NCC LLFA | No objections subject to conditions. |

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|-----------------------|--|
| NCC Public Protection | Advised they have no objections to the application having regards to matters of pollution and public protection. |
| County Ecologist | <p>An updated mitigation strategy has recently been agreed for the site (20/00701/VARYCO) and landscaping will be addressed through the discharge of condition 16 of the outline planning application for the site (16/04680/OUT), which can include any changes to landscaping caused by the new substation. I have no additional comments on landscaping at this stage.</p> <p>I therefore have no objection with the following condition:</p> <p>The development hereby permitted shall be carried out in accordance with the details contained in the updated 'Great Crested Newt Mitigation Strategy' produced by E3 Ecology Ltd and dated February 2020.</p> <p>Reason: To conserve and enhance the population of status of a protected species.</p> |

5. Public Responses

Neighbour Notification

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|-------------------------------|---|
| Number of Neighbours Notified | 3 |
| Number of Objections | 6 |
| Number of Support | 0 |
| Number of General Comments | 0 |

Notices

General Site Notice: 18th February 2021

Summary of Responses:

Six letters of objection have been received. The material considerations cited in the objections can be summarised as follows:-

- object to the proposed planning permission on the basis of safety in relation to access from Pennine Way.
- Consideration should be given to substation access from an existing street in the estate to minimise the number of turnings onto Pennine Way
- The Sub Station should be moved to an internal estate road
- loss of landscaping
- Disturbance of wildlife through corridor by the presence of this substation
- Risk of flooding of substation site
- The publicity of the application is inadequate
- The applicant is a subsidiary of the Council and the application should be determined by the Committee

The above are only a summary of representations received. Full copies of all representations can be viewed on the Council's website line using this link:

6. Planning Policy

6.1 National Planning Policy

National Planning Policy Framework (2021)
National Planning Practice Guidance (2018, as updated)
National Design Guide (2019)

6.2 Development Plan Policy

Tynedale Core Strategy (adopted October 2007) (TCS)

GD1 Locational policy setting out settlement hierarchy
GD4 Principles for transport and accessibility to increase sustainable access and minimise the need for journeys
GD5 Minimising flood risk
GD6 Planning obligations
BE1 Principles for the built environment
NE1 Principles for the natural environment

Tynedale Local Plan (adopted 2000, saved Policies 2007) (TLP)

GD2 Design criteria for development, including extensions and alterations
GD4 Access arrangements
GD6 Car parking standards outside the main towns
NE37 Landscaping in developments

6.3 Emerging Planning Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021)

Policy STP 1 - Spatial strategy
Policy STP 2 - Presumption in favour of sustainable development
Policy STP 3 - Principles of sustainable development
Policy QOP 2 - Good design and amenity
Policy TRA 1- Promoting sustainable connections
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

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 the Tynedale Core Strategy and the Tynedale Local Plan (2007). The National Planning Policy Framework (NPPF) (July 2021) and Planning

Practice Guidance (PPG) are material considerations in determining this application.

7.2 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.

7.3 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.

7.4 The key planning issues raised by the proposal include:

- Principle of development
- Impact on character of the area
- Ecology
- Highways, access and car parking
- Drainage

Principle of development

7.5 The application site is a greenfield site in the village of Bellingham. Policy GD1 of the Tynedale Core Strategy sets out the principles for the location of new development with the main focus for development being main towns, local centres and smaller villages with adequate services.

7.6 The application seeks full planning permission for the installation of a Sub Station and associated access arrangements to allow removal of current poles and overhead power lines on the site. This proposal is to facilitate the housing of development already approved at the site (primarily 16/04680/OUT and 19/02033/REM). The principle of housing on the site is firmly established and is therefore acceptable on principle. The principle of a substation in connection with that housing development, as ancillary equipment to the development is also acceptable in principle in accordance with Core Strategy GD1 and the NPPF.

Impact on character of the area

7.7 The NPPF seeks to conserve and enhance the natural environment by protecting and enhancing valued landscapes. The Tynedale Core Strategy Policy BE1 and Local Plan Policy GD2 in the main seek provide good quality design which is in keeping with the surrounding area.

7.8 The applicant proposes a Sub Station to the front of the approved housing development off Pennine Way. It is to be sited adjacent to existing housing at No.8

Bridgeford View and plot 07. The Sub Station consists of a standard prefabricated design measuring 3.9m by 2.8m and 2.4m to eaves with sloping roof. The Sub Station will be set back from Pennine Way to allow for vehicular access to the site.

7.10 The Sub Station is of standard and functional design. Although located to the front of the site it is not considered to have significant adverse impact on the street scene due to the relatively small scale nature of the building and the fact it will be set back from the highway and will be viewed in the context of the wider housing development. Furthermore, a condition is imposed to secure a satisfactory colour specification for the Sub Station.

7.11 In the context of the above the proposals are considered acceptable having regard to impacts on the character of the area.

Ecological Impact

7.12 The NPPF sets out that planning decisions should contribute to and enhance the local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

7.13 The Tynedale Local Plan Policy NE27 seeks to ensure Protected Species are protected. This policy is consistent with the NPPF and is therefore relevant to the assessment of this application.

7.14 The concerns raised by the Parish Council and local residents regarding impact of the Sub Station on Protected Species and wildlife links are noted.

7.15 The County Ecologist has considered the application and raises no objections. This is because the proposal is outside the proposed landscaping belt secured as ecological mitigation for the housing development to the south west boundary; additional landscaping can be secured to offset the loss of the additional tree and because there is a mitigation strategy already in place to protect Protected Species across the site. A condition is imposed to ensure the developer complies with the updated 'Great Crested Newt Mitigation Strategy' produced by E3 Ecology Ltd and dated February 2020.

7.16 Having regards to the above the development is acceptable in ecological terms and complies with existing and emerging policy and the NPPF.

Highways

7.17 The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.18 The Sub Station is to be located on the road frontage of Pennine Way, set back from the highway to allow for vehicular access and parking.

7.19 The objections from the Parish Council and local residents regarding the impact of the proposal on highway safety are noted.

7.20 The Council as Highway Authority have been consulted on this application. Having considered all aspects of the application and following the submission of

amended plans to demonstrate connection to the highway; satisfactory visibility splays and sufficient manoeuvring space within the site, they do not object to the application.

7.21 The development is considered acceptable in highway terms. The development complies with the NPPF and local planning policy in this regard.

Flood risk and drainage

7.22 NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. The Tynedale Core Strategy Policy GD5 aims to minimise flooding.

7.23 The objections from the Parish Council and local residents regarding drainage and flood risk arising from the development are noted.

7.24 Matters of flood risk and drainage were considered in full when the housing development was granted planning permission. It is proposed that the Sub Station will be drained via that wider drainage system.

7.25 The applicant has updated the drainage proposals for the entire site to include the Sub Station hardstanding in original drainage calculations. Consultation has taken place with the Council as Lead Local Flood Authority (LLFA).

7.26 The Council as Lead Local Flood Authority raise no objections to the application. They do however make a procedural point that the drainage conditions on the housing development approvals will need to be re discharged given the updates to the drainage proposal to include the Sub Station (16/04680/OUT and 19/02033/REM).

7.27 Therefore, for the reasons above the development is acceptable in planning terms having regards to water management issues.

Other Matters

Equality Duty

7.28 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

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

Human Rights Act Implications

7.30 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.

7.31 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.

8. Conclusion

8.1 The proposed Sub Station is acceptable in principle and is required to facilitate the housing development approved at the site. The development is acceptable in planning terms having regards to all technical matters and all material considerations. The representations received in response to the publicity of the application have been taken into account. The proposal complies with the existing and emerging development plan and the NPPF.

9. Recommendation

That this application be GRANTED permission subject to the planning conditions below:

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 plans and documents. The approved plans and documents are:-

P00.01B Location Plan

Proposed Site Plan P10.01 Rev C

Proposed Wider Site Plan P10.02

Swept Path Analysis DWG 15 Rev B

Drawing No 151 'Proposed Catchment Plan' Rev A

Drawing No 121 'Detention Basin Cross Section' Issue B

Drawing No 01 'Proposed Drainage Layout' Issue B

C991549 Rev C 20kV Standard Sub Station Prefabricated drawing - floor plan and elevations

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

03. The access shall not be brought into use until such time that visibility splays in accordance with plan 1102-ADV - P10.02 have been established with a 2.4m setback for a distance in 43m in both directions from a drivers height of 1.05m to a height 0.45m above carriageway level where a splay first intersects with the carriageway and any further intersections.

Reason: In the interest of highway safety, in accordance with Policy GD4 of the Tynedale Local Plan and the National Planning Policy Framework.

04. The development shall not be brought into use until the car parking area and manoeuvring space 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 Policies GD4 and GD6 of the Tynedale Local Plan and the National Planning Policy Framework.

05. The development shall not be brought into use 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 Policy GD4 of the Tynedale Local Plan and the National Planning Policy Framework.

06. The development hereby permitted shall be carried out in accordance with the details contained in the updated 'Great Crested Newt Mitigation Strategy' produced by E3 Ecology Ltd and dated February 2020.

Reason: To conserve and enhance the population of status of a protected species, in accordance with Policy NE27 of the Tynedale Local Plan, Policy NE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

07. Notwithstanding the plans approved and prior to development commencing, a colour specification of the prefabricated Sub Station shall be submitted to and agreed by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the details agreed.

Reason: In the interests of visual amenity and impact on the street scene, in accordance with Policy GD2 of the Tynedale Local Plan, Policy BE1 of the Tynedale Core Strategy and the National Planning Policy Framework.

Informatives

01. You should note that under the Highways Act 1980 a vehicle crossing point is required. These works should be carried out before first use of the development. To arrange the installation of a vehicle crossing point (and to make good any damage or other works to the existing footpath or verge) you should contact the Highways Area Office at:westernareahighways@northumberland.gov.uk.

02. 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.

03. The effectiveness of the development's design in ensuring that a nuisance is not created, is the responsibility of the applicant/developer and their professional advisors/consultants. Applicants/Developers should, therefore, fully appreciate the importance of obtaining competent professional advice. In all cases, the Council retains its rights under the Section 79 of the Environment Protection Act 1990, in respect of the enforcement of Statutory Nuisance.

Background Papers: Planning application file(s) 20/04216/FUL