



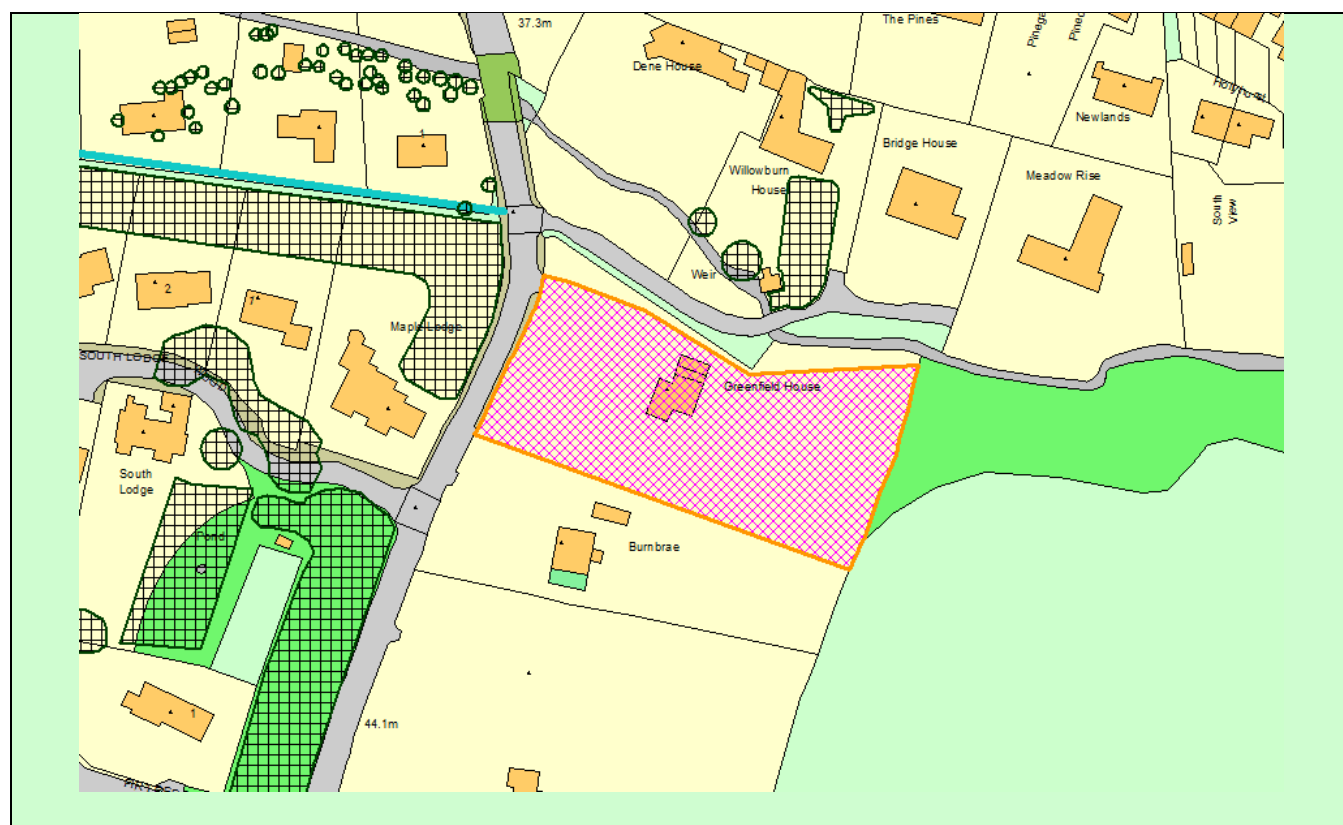
# Northumberland

## County Council

### Castle Morpeth Local Area Council Committee Monday 8<sup>th</sup> November 2021

<b>Application No:</b>	21/01703/FUL		
<b>Proposal:</b>	Retrospective works to dwelling including removal of car port and garage, alterations to roof, windows and door openings and construction of outbuilding		
<b>Site Address</b>	Greenfield House, Hepscott, Morpeth, Northumberland, NE61 6LH		
<b>Applicant:</b>	Mr A Warnes C/O Agent	<b>Agent:</b>	Miss Hannah Wafer 4-6 Market Street, Alnwick, NE66 1TL,
<b>Ward</b>	Longhorsley	<b>Parish</b>	Hepscott
<b>Valid Date:</b>	4 June 2021	<b>Expiry Date:</b>	09 November 2021
<b>Case Officer Details:</b>	Name: Mr Ryan Soulsby Job Title: Planning Officer Tel No: 01670 622627 Email: Ryan.Soulsby@northumberland.gov.uk		

**Recommendation:** That Members GRANT planning permission for the proposed development, subject to recommended conditions.



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## 1. Introduction

- 1.1 Under the Council's current Scheme of Delegation, as an objection was received by Hepscott Parish Council, the application was referred to the Director of Planning and chairs of the Castle Morpeth Local Area Council for determination as to how the application should be decided. It was confirmed the application shall be determined at Local Area Council committee.

## 2. Description of the Proposals

- 2.1 Planning permission is sought for works to the existing dwelling, recognised as Greenfield House, consisting of removal of the existing car port and garage, an increased ridge height and alterations to openings.
- 2.2 The application also seeks consent for the construction of a detached outbuilding to the rear of the site constructed in timber weatherboarding with a tiled roof. An external staircase upon the West facing elevation would provide access to the first floor of the outbuilding.
- 2.3 The application form states that work commenced on site on 1st December 2020 therefore the application is seeking retrospective planning permission. A site visit was undertaken by the Planning Officer which showed the work being completed to the dwelling and the outbuilding.
- 2.4 Consent was granted by the LPA under application ref no. 20/00385/OUT for the provision of additional dwellings on the wider site. Application ref no. 20/03423/REM was granted permission by the LPA for an additional 2no dwellings on the land.

## 3. Planning History

**Reference Number:** 19/02197/OUT

**Description:** Demolition of 1No dwelling and replacement with 3No dwellings including access

**Status:** Withdrawn

**Reference Number:** 20/00385/OUT

**Description:** Outline permission for demolition of 1No dwelling and replacement with 3No dwellings including access.

**Status:** Permitted

**Reference Number:** 20/03423/REM

**Description:** Reserved Matters application for appearance, scale, layout and landscaping for 2no. dwellings on approved planning application 20/00385/OUT

**Status:** Permitted

## 4. Consultee Responses

Hepscott Parish Council	Object on grounds of previous impacts upon protected species, lack of supporting information, residential amenity impacts, removal of trees, construction of fencing, external lighting, flooding and drainage concerns, impacts on visual amenity.
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Morpeth Town Council	No response received.
County Ecologist	No objection subject to planning condition.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	6
Number of Objections	2
Number of Support	0
Number of General Comments	0

### Notices

No Site Notice Required.

No Press Notice Required.

### Summary of Responses:

2no objections were received against the application from neighbouring residents. Concerns were raised regarding:

- Overlooking/residential amenity concerns;
- Use of the outbuilding structure;
- Lack of regard to planning process;
- Impact on protected species;
- Scale/massing concerns.

Material planning considerations will be assessed as part of the below application submission. It should be noted that the removal of trees and construction of boundary fencing, providing of a certain height, can be undertaken by the applicant without the need for formal planning permission from the LPA.

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=QS5SZEQSFZP00>

## 6. Planning Policy

### 6.1 Development Plan Policy

Morpeth Neighbourhood Plan (Made version 2016) (MNP)

Policy Sus1 - Sustainable development principles

Policy Des1 - Design principles

Policy Set1 - Settlement boundaries

Castle Morpeth District Local Plan (2003) (Saved Policies 2007) (CMDLP)

Policy C1 - Settlement Boundaries

Policy C11 – Protected species

## Policy H14 - Improvements to Existing Housing

### 6.2 National Planning Policy

National Planning Policy Framework (2021) (NPPF)  
National Planning Practice Guidance (2020) (NPPG)

### 6.3 Emerging Planning Policy

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

Policy STP 1 - Spatial strategy  
Policy STP 2 - Presumption in favour of sustainable development  
Policy STP 3 - Sustainable development  
Policy STP 5 - Health and wellbeing  
Policy HOU 9 - Residential development management  
Policy QOP 1 - Design principles  
Policy QOP 2 - Good design and amenity

## **7. Appraisal**

7.1 In assessing the acceptability of any proposal, regard must be given to policies contained within the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration and states that the starting point for determining applications remains with the development plan, which in this case contains policies from the Castle Morpeth District Local Plan (2003, saved policies 2007). The main considerations in the assessment of this application are:

- Principle of the development;
- Design and visual character;
- Impact on residential amenity;
- Ecological impacts;
- Flooding and drainage.

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.

### **Principle of the development**

- 7.2 The application proposes works within the existing residential curtilage of a dwellinghouse. The principle of development is acceptable in accordance with policy C1 of the CMDLP and the NPPF.

### **Design and visual character**

- 7.3 Policy Des1 of the MNP states that development proposals should respect or enhance the character of a site and its surroundings in terms of its proportion, form, massing, density, height, size, scale, materials and detailed design features. Policy H14 of the CMDLP more generally states that developments should ensure no adverse impact upon the appearance of a property or the street scene.
- 7.4 The works would not adversely impact upon the visual character of the application property or the surrounding area. Whilst the ridge height of the property has been raised, existing dwellings within Hepscott have varying ridge lines with it noted the 2no dwellings which have extant planning permission on site would be taller than the application property. Alterations to openings upon all elevations would not adversely impact the appearance of the dwelling.
- 7.5 Whilst it is noted that the proposed outbuilding to the rear does have a significant footprint, this does not cause harm to the visual character of the area nor is it readily visible within the street scene, screened by the existing dwelling and boundary treatments. The provision of 2no additional dwellings on site would provide further screening to this addition.
- 7.6 The alterations therefore accord with both local and national planning policy and represent good design.

### **Residential amenity**

- 7.7 Policy Des1 of the MNP also seeks to ensure that development proposals do 'not cause an unacceptable adverse impact on the amenities of occupiers of existing or proposed nearby properties'. These provisions are mirrored within policy H14 of the CMDLP and also more generally within the NPPF.
- 7.8 The alterations to the application property are acceptable and would not contribute to any greater overlooking or overbearing impacts due to the considerable separation distances that exist between the dwelling and existing properties, including those previously approved by the LPA on site.
- 7.9 The outbuilding located to the rear would be situated in proximity to the shared boundary with the residential property recognised as Burnbrae however, a separation distance of approximately 20 metres would be retained between the rear elevation of Burnbrae and the outbuilding. A condition can

be included upon any approval securing the use of the outbuilding for ancillary purposes to Greenfield House.

### **Ecological impacts**

- 7.10 Policy C11 of the CMDLP outlines that 'the council will not permit development which would adversely affect protected species or their habitats unless it can be demonstrated that the reasons for the proposed development outweigh any adverse affect on the species or their habitat'.
- 7.11 This application is supported by an ecology report, 'Bat Survey' by OS Ecology dated October 2020. Bat surveys undertaken in 2018 and 2019 by E3 Ecology Ltd confirmed the presence of a bat roost in the building. The roost was characterised as a late maternity/mating roost for soprano pipistrelle and common pipistrelle and a summer day roost for low numbers of soprano pipistrelle and common pipistrelle. Unfortunately, the works have been undertaken without any mitigation or a European Protected Species Licence from Natural England and has resulted in the destruction of the roost.
- 7.12 All species of bat and their roosts (whether occupied or not) are strictly protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). Damage, destruction and obstruction of roosts, and the disturbance of bats are criminal offences and a police matter. Protected species legislation operates independently of the planning system, and the destruction of this roost was reported to the police in 2020 when it was first brought to the attention of the LPA.
- 7.13 In light of the loss of a maternity roost, the ecological report recommends the use of bat boxes on site to replace the loss of roosting habitat. It also recommends 10 bird boxes should be erected on site to mitigate for the loss of nesting habitat. A plan has been provided identifying where these shall be installed on site. Ecology therefore raise no objection to the application, subject to a condition securing the installation of these bat and bird boxes on site within 6 months of planning permission being granted.

### **Flooding and drainage impacts**

- 7.14 The Northern boundary of the application site is located within a floodzone 2 area however, the dwellinghouse and location of the outbuilding to the rear are not located within this floodzone and therefore protective flooding measures are not required within the development although the applicant can implement them if they choose to do so.

### **Equality Duty**

- 7.15 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**

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

### **Human Rights Act Implications**

- 7.17 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.
- 7.18 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.
- 7.19 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 indicates an acceptable form of development to an existing residential property. It is therefore recommended for approval subject to recommended conditions.

## **9. Recommendation**

That Members GRANT planning permission for the proposed development, subject to the below conditions:

Conditions/Reason

01. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:-
1. Location plan drawing no. 01 Rev. B (received 26th April 2021)
  2. Proposed West and North elevations drawing no. (00)205 A1 (received 26th April 2021)
  3. Proposed South and East elevations drawing no. (00)206 A1 (received 26th April 2021)
  4. Proposed site plan drawing no. (SP)004 A1 (received 26th April 2021)
  5. Proposed GF plan drawing no. (00)202 A1 (received 26th April 2021)
  6. Proposed FF plan drawing no. (00)212 A1 (received 26th April 2021)
  7. Proposed roof plans drawing no. (00)301 A1 (received 26th April 2021)
  8. Proposed outbuilding plans drawing no. (00)401 Rev. A1 (received 13th September 2021)
  9. Proposed outbuilding elevations drawing no. (00)402 A1 (received 13th September 2021)
  10. Bat and bird box plan OS ecology (received 20th September 2021)

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

02. The outbuilding hereby approved shall not be used other than for purposes ancillary to the existing dwellinghouse of Greenfield House and shall not be occupied, sold or let as a separate building, or used as separate primary residential accommodation.

Reason: To protect the amenities of nearby residents and in accordance with policy Des 1 of the Morpeth Neighbourhood Plan and policy H14 of the Castle Morpeth District Local Plan.

03. Within 6 months from the date of the planning consent, a monitoring report shall be submitted to the local planning authority that demonstrates through clear photographic evidence and a site visit by a suitably qualified ecologist that all mitigation shown in the 'Bat and Bird Box Plan' by OS Ecology Ltd and dated September 2021 has been implemented as designed.'

Reason: To maintain the favourable conservation status of soprano and common pipistrelle bats; a protected species and material planning consideration.

**Date of Report:** 21<sup>st</sup> October 2021

**Background Papers:** Planning application file(s) 21/01703/FUL