



Appeal Decision

Site visit made on 29 June 2015

by W G Fabian BA Hons Dip Arch RIBA IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 July 2015

Appeal Ref: APP/P2935/W/15/3005931

Land west of North Ridge, Netherton Lane, Bedlington, Northumberland

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr C R Fail against the decision of Northumberland County Council.
 - The application Ref 14/01656/FUL, dated 22 May 2014, was refused by notice dated 21 January 2015.
 - The development proposed is 14 dwellings, associated gardens, garages, car parking and access road.
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Decision

1. The appeal is allowed and planning permission is granted for 14 dwellings, associated gardens, garages, car parking and access road at Land west of North Ridge, Netherton Lane, Bedlington, Northumberland in accordance with the terms of the application, Ref 14/01656/FUL, dated 22 May 2014, subject to the conditions set out in the schedule at the end of this decision.

Application for costs

2. An application for costs was made by Mr C R Fail against Northumberland County Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - i) whether the proposal would be consistent with the development plan for the district;
 - ii) whether there is a five year supply of housing land in the district;
 - iii) the effect of the proposal on an identified area of open space; and
 - iv) whether the proposal would deliver the three economic, social and environmental dimensions of sustainable development.

Reasons

4. The appeal site abuts Netherton Lane. It is the roadside part of a large open field, in use for agriculture, and it adjoins a short row immediately adjacent of around six detached and semi-detached dwellings, including bungalows. The proposed development is for a pair of bungalows and semi-detached and

detached houses forming a nominal continuation of this row, which would be progressively set-back and staggered along a curving access road, with an area of public open space between this and the public highway. There would also be a small cluster of three pairs of semi-detached dwellings at right angles to the lane close to the proposed access, opposite a row of three existing pairs of semi-detached houses.

5. The Council has raised no objection to the proposal in terms of character and appearance and I can see none; the street elevation drawing shows that it would blend easily with the varied mix of house types and styles in the immediate vicinity, both opposite and alongside the site. The rear of the proposal would face over the adjacent countryside, in a similar way to the existing dwellings alongside the site.
6. It follows that the proposal would comply with the Wansbeck District Local Plan, 2007, (LP) policies GP30, GP31 and GP32, which seek to prevent visual harm to the environment, and ensure high standards of urban design and landscaping in the public realm.
7. Planning proposals should be considered against the development plan, unless material considerations indicate otherwise. The appeal site lies immediately outside the settlement limits for Bedlington defined by the proposals map in the LP. As such, in terms of the first main issue, the proposal would lie in the open countryside contrary to LP policy GP1. At Part C, this policy resists development on greenfield land outside settlement limits (such as this site) unless it meets various criteria, including that it can be demonstrated that no suitable alternative previously-developed site is available. Little evidence has been put forward as to the availability of suitable alternative previously-developed sites.
8. However, with regard to paragraph 49 of the Government's Framework¹, relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. At paragraph 14 the Framework establishes that where the relevant development plan policies are out-of-date, permission should be granted for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
9. Thus whether or not the Council can demonstrate a five-year supply is crucial in this appeal; it determines whether LP GP1, which is a countryside policy, may be considered up-to-date. The *Northumberland Five Year Supply of Deliverable Sites, 2014 – 2019* confirms that the South East Delivery Area of Northumberland has the equivalent of 3.3 years supply of housing land. This is despite sites with unimplemented extant planning permission within Bedlington for up to 84 units. The Council, thus, attributes the lack of supply to prevailing market conditions rather than a lack of planning permissions and suggests that the appeal proposal would simply add to the quantum of unbuilt residential permissions.
10. Nevertheless, the Council has acknowledged that it cannot currently demonstrate a five-year supply of deliverable housing sites. Accordingly, LP policy GP1 cannot be considered up to date and nor can policy H3, which

¹ National Planning Policy Framework

- requires amongst other things that housing on windfall sites must be within a defined settlement limit. Both policies, therefore, carry little weight in this case. I now turn to the third and fourth main issues.
11. The verge alongside the roadside boundary to the appeal site is at the extreme south end of an area to the north of the site along the roadside, between Bedlington and Nedderton, that is designated as amenity green space, OS115 as shown on the Proposals Map, (the 'Golden Mile' and also referred to as 'Green Letch'). LP REC1 sets out that the sites identified make an important contribution in terms of one or more of several functions; these include the visual character or image of the District or a neighbourhood, nature conservation and green lung or corridor.
 12. The separate proposed vehicular and pedestrian accesses from the public highway into the appeal site would cross the fairly narrow grass verge to this side road and would result in the loss of two relatively small areas of the amenity open space as well as two short sections of well tended native field hedgerow. According to the appellant, the total area that would be lost through the construction of both accesses would amount to some 130m² only from an overall area in OS115 of 24,000m².
 13. I have seen that the major part of this designation to the north is the main wide verge area along the B1331, which is tree lined, and with a paved footway set apart from the road by a grass margin. This larger part of the OS115 amenity green space forms a key part of the character of the neighbourhood and acts as a pleasant pedestrian route between settlements at this point. By contrast, the impact of the proposal on the particular part of the area adjacent to the appeal site would be insignificant in visual terms. No evidence has been put to me to demonstrate that the short lengths of native hedgerow that would be lost would impact to a substantial degree on nature conservation interests.
 14. Policy REC2 states that planning permission for development on open spaces not designated as being of strategic importance will only be granted if there is shown to be a surplus of open space and there will be no significant loss to the community. According to the appellant, the Council's Open Space, Sport and Recreations Assessment (2011) shows that in this south east area provision is 1.40 ha per head of population, well in excess of the average 1.09 ha per head overall requirement standard. No evidence to the contrary on this matter has been provided. The verge is not suitable for play, recreation or community events. In addition, an area of some 640 m² of public open space would be provided within the proposal. As such there would be no significant loss to the community. Consequently, there would be no conflict with either LP policy REC1 or REC2.
 15. I note that, although offered by the appellant, the Council no longer seeks a financial contribution to off-site provision for sport and play facilities in the local area as the number of pooled contributions received to date for this already exceeds the limit of five set by the Community Infrastructure Levy Regulations.
 16. The Framework clarifies that there are three dimensions to sustainable development – the economic, social, and environmental roles and these are not to be undertaken in isolation, as they are mutually dependent.
 17. In economic terms the provision of jobs during construction, and those that would be subsequently derived through local spending by the increased number

- of households are an economic benefit that attracts some moderate weight for the proposal.
18. The provision of 14 new dwellings would assist with the Government objective set out in the Framework to significantly boost the supply of new housing. This social benefit is a material consideration to which I attach great weight.
 19. Turning to the environmental role, the Council's Landscape Character Assessment at Part A examined the landscape sensitivity at settlement edges and does not identify the area of the site as of high landscape sensitivity; it lies between the 'Green Letch' to the north and Westlea to the south. I saw that the site lies slightly below the surrounding road level on mainly flat land. The proposed scheme would be screened to the open field beyond by new native tree planting along this boundary (secured by a condition) and, as set out above, would appear as a natural continuation of existing housing along this side of the lane, such that the gap between Bedlington and Nedderton would not be materially reduced. Any pressure for future development of land beyond the appeal site would be the subject of a future application and would be assessed on its own site specific merits and the planning context at the time. The appeal proposal would accord with the landscape protection aims of LP policy GP5 and the design objectives of the development plan. This lack of environmental harm is a neutral factor in the overall balance.
 20. In terms of the location of the appeal site and its relationship to Bedlington, despite local residents' concerns in this regard there is little to demonstrate that the proposal would be unacceptable. The Council has raised no objection to this location for residential development in principle, in terms of access to facilities and services such as shops, schools and public transport. I note that the Council's planning officer advised that these are all within walking distance of the site. The appellant has supplied evidence to show that these are all available and I have no reason to doubt the suitability of the site for housing in these terms, given the close proximity of the site to this large settlement.
 21. Overall I find that the development would amount to sustainable development, which the Framework advises should be allowed, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
 22. Residents of the six or so semi-detached houses directly opposite the appeal site do not have the benefit of in-curtilage parking and currently park along the roadside immediately outside their homes. This would be prevented by the proposed access. However, there is unrestricted parking along the whole of the road and the adjacent side roads, such that parking would remain available close-by. The additional vehicular comings and goings that would arise from the 14 dwellings proposed would not be so significant in the context of existing highway use as to cause significant harm to highway safety. With regard to concerns over the proposed pedestrian access to the site, I note that this was introduced in response to the Highway Authority's requirement. I also note that the Highway Authority has raised no objection to the proposal and I have little evidence before me to cause me to disagree with their assessment.
 23. My attention has been drawn to local residents' experience of standing water on the appeal site. Little evidence has been provided that suitable sustainable surface water drainage, secured by the suggested condition, could not be

delivered by the proposed development and the Local Water Authority has made no comment on this matter.

24. Dwellings opposite the appeal site would lose views to open fields and beyond as a result of the appeal proposal, but views from private property are rarely a material planning consideration. There would be sufficient separation distance between adjacent dwellings and the proposed dwellings to safeguard privacy and prevent any undue overshadowing. Although the proposed bungalow would be close to No 18, the distribution of windows and the stagger in the building line would ensure no undue loss of privacy here too.
25. I have assessed the economic benefits in terms of employment and spending as moderate. I have given great weight to the housing benefit. All in all I can only attach a small degree of weight to the local community's concerns with regard to the cumulative impacts on parking, traffic and local services. In my judgement, this harm is insufficient to significantly and demonstrably outweigh the acknowledged benefits of this sustainable development. The proposal would comply with the development plan and with the Framework as set out above, with the exception of those LP policies that are out of date with respect to the supply of housing.

Conclusion

26. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Conditions

27. Of the suggested conditions, ones are necessary and in accordance with the Framework for the following reasons.
28. Compliance with the submitted plans, in for the avoidance of doubt and in the interests of proper planning. Contamination and land stability surveys as well as gas protection measures, given the coal mining history of the site. In such close proximity to adjacent dwelling dust mitigation is required and a construction method statement with operatives' parking and materials storage. To ensure continuity with the built surroundings, further details of materials and boundary enclosures. To safeguard the character and appearance of the adjacent countryside, a scheme of landscape planting.
29. The provision of sustainable energy measures accord with Government objectives to reduce carbon emissions. Ones to secure adequate foul sewerage connection and sustainable surface water drainage. To ensure highway safety, further details for and the provision of the pedestrian and vehicular accesses and to secure the provision of parking. To safeguard wildlife interests, ones to secure the provision of bird nesting and bat roost boxes, safeguard entrapment in open excavations and further approval of detailed schemes submission of temporary and permanent external lighting on site. A management plan to ensure the long term use of the public open space on site.

Wenda Fabian

Inspector

Schedule of Conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans Dwg Nos: 999/005 rev F; Type A 2B/3P Bungalow; Type B 3B/5P House; Type C 4B/7P House; Type D semi-detached pair 2B/3P House; Proposed Garages.
- 3) No development shall take place until a scheme of site investigation to assess the nature and extent of contamination, including the coal mining legacy (with regard to contamination and land stability) has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. The scheme shall include all of the following measures:
 - a) A desk-top study carried out to identify and evaluate all potential sources of contamination and the impacts on land and /or controlled water, relevant to the site. The study shall establish a conceptual model and identify all plausible pollutant linkages. The assessment shall set objectives for intrusive site investigation works/quantative risk assessment (or state if not required). A copy of the desk-top study and a non-technical summary shall be submitted to the local planning authority on completion.
 - b) If identified as being required following completion of the desk-top study, a site investigation shall be carried out to fully characterise the nature and extent of any land contamination and / or pollution of controlled water. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the site's existing status and proposed new use. Two copies of the investigation and findings shall be submitted to the local planning authority on completion.
 - c) Thereafter, a written method statement detailing the remediation requirements for the contamination and/or pollution of controlled waters affecting the site be submitted to and approved in writing by the local planning authority, and all requirements shall be implemented and completed as approved.
 - d) If during the development contamination not previously identified if found the local planning authority shall be notified immediately and no further development carried out until a method statement detailing further investigation and remediation submitted to and approved by the local planning authority, and all requirements shall be implemented and completed as approved.

- e) Two copies of a full closure report shall be submitted to and approved by the local planning authority. The report shall provide verification that the required contamination remediation works have been carried out in accordance with the approved Method Statement. Post remediation sampling and monitoring results shall be included in the closure report to demonstrate this.
- 4) No development shall take place until details of protective measures (including a heavy membrane to be incorporated in the development hereby permitted or a site evaluation and analysis to demonstrate that a membrane is not necessary) have been submitted to and approved in writing by the local planning authority. The development shall be carried out as approved.
- 5) No development shall take place until a dust action plan to mitigate the effect of any dust created during the construction phase on the neighboring dwellings (including provision of emergency contact details in the event of dust complaints) has been submitted to and approved in writing by the local planning authority. The approved details shall be implemented during construction.
- 6) No development shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No development shall take place until a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development from decentralised and renewable or low carbon energy sources shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented and retained as operational thereafter.
- 8) No development shall take place until a scheme and details of the foul water drainage provision to serve the development has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the foul water drainage works have been completed in accordance with the approved details.
- 9) No development shall take place until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by

any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

- 10) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide details of: the parking of site operatives' and visitors' vehicles; storage of construction plant and materials; wheel washing and/or road cleaning provisions.
- 11) During construction any open excavations left overnight shall have a ramp at 45 degrees provided to provide escape for wildlife.
- 12) No dwelling shall be occupied until a scheme for any temporary and permanent external lighting has been submitted to and approved in writing by the local planning authority. The scheme shall be designed so that lighting levels are minimised in accordance with the guidance 'Bats and lighting in the UK', BCT and ILE, 2009. Development shall be carried out in accordance with the approved details prior to occupation of any dwelling.
- 13) No dwelling shall be occupied until a scheme has been submitted for the provision of sections of footway linking the development site to existing footways on the east side of Netherton Lane, together with associated dropped kerbs and tactile surfaces at crossing points at each side of the road, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
- 14) No dwelling shall be occupied until a fully dimensioned layout plan and longitudinal section with details of construction for the access road, footways and parking and turning provisions incorporating road drainage and street lighting, has been submitted to and approved in writing by the local planning authority. The access road, footways and parking and turning spaces shall be constructed so as to ensure that each dwelling is served by a properly consolidated and surfaced carriageway and footway to at least binder course level, with operational street lighting between the dwelling and the existing highway, prior to occupation. All manhole covers and gulley frames shall be set to the level of the temporary running surface until immediately prior to the final wearing course is laid. The development shall be implemented as approved.
- 15) No dwelling shall be occupied until the parking spaces, including any garage to serve that dwelling, have been provided in accordance with the approved details.
- 16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the approved garages shall not be converted for any purpose other than the accommodation of motor vehicles.
- 17) No dwelling shall be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include: planting plans and written specifications (including cultivation and other operations associated with plant and

grass establishment); implementation programme; schedules of trees, hedgerows and shrubs, with only native Northumberland species, plant sizes and proposed numbers/densities where appropriate; means of boundary enclosure (with gaps of minimum 150 x 150mm at the bottom of dividing fences to allow hedgehog movement); the integrated provision of bird and bat boxes, with details of location, height orientation, numbers and specification; and hard surfacing materials.

- 18) No dwelling shall be occupied, a management plan for the public open space shown on Dwg No 999/005 rev F, shall submitted to and approved in writing by the local planning authority. Thereafter the management plan shall be implemented as approved.

Richborough Estates