



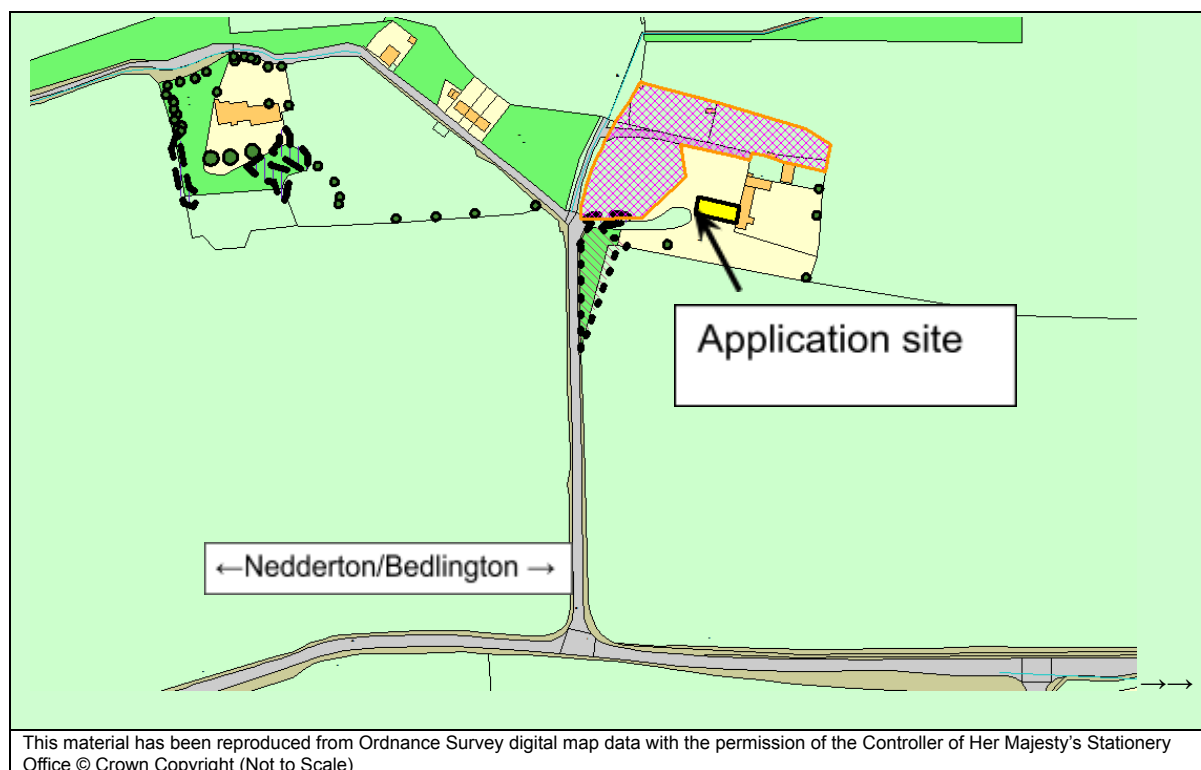
Northumberland

County Council

Cramlington, Bedlington and Seaton Valley Local Area Council 21st November 2018

Application No:	17/04451/OUT		
Proposal:	Outline permission with some matters reserved for the development of 11no. detached 2 storey dwellings with associated access works and removal of trees (as amended 03/05/18)		
Site Address	Land North West Of Blue House Farm, Netherton Colliery, Northumberland,		
Applicant:	Mr Rabinder Bariana Blue House Farm, Netherton Colliery, Bedlington, Northumberland NE22 6BD	Agent:	Mr Robin Wood 1 Meadowfield Court, Meadowfield Industrial Estate, Ponteland, Newcastle Upon Tyne NE20 9SD
Ward	Bedlington West	Parish	West Bedlington
Valid Date:	8 December 2017	Expiry Date:	23 November 2018
Case Officer Details:	Name: Mr Ryan Soulsby Job Title: Planning Officer Tel No: 01670 622627 Email: Ryan.Soulsby@northumberland.gov.uk		

Recommendation: That this application be REFUSED permission.



1. Introduction

- 1.1 Whilst there has been an objection received from West Bedlington Town Council in relation to this application, the recommendation of the planning officer complies with their objection and therefore, the application would usually be decided under delegated powers. Despite this, the application site has a significant site history and it is recommended by the head of service and chair of the Local Area Council (LAC) that this application be decided at the Cramlington, Bedlington and Seaton Valley LAC.

2. Description of the Proposals

- 2.1 Outline permission is sought for a residential development of 11no dwellings and associated works. Some matters are reserved with approval being sought for the access and layout of the site.
- 2.2 The site is located to the North West of Blue House Farm, approximately 1.2 miles from the centre of the nearest main town, Bedlington. The site is bounded by mature trees to the North and South (trees to the East and South protected under a TPO), with a neighbouring dwelling to the East (Grade II Listed Building) and open space to the West beyond the existing highway track.
- 2.3 The application site measures approximately 6,363sqm and lies outwith of the settlement boundary for Bedlington, as shown on the Proposals Map of the Wansbeck Local Plan.
- 2.4 A pre application for the application site was submitted to the local planning authority last year under planning reference no. 16/00385/PREAPP with a response provided on in April 2017 mostly supportive of the principle of development on this site at a time when the Local Planning Authority could not demonstrate a 5 year housing land supply.

3. Planning History

N/A

4. Consultee Responses

The Coal Authority	No objections.
SE Tree And Woodland Officer	No response received.
West Bedlington Parish Council	The Council wishes to OBJECT to the development on the grounds that the proposed development is outside of the settlement boundary.
Northumbrian Water Ltd	Inclusion of condition upon any approval relating to foul and surface water drainage.
County Ecologist	No objection providing inclusion of conditions and coastal mitigation contributions agreement.
County Archaeologist	No objections.
Waste Management - South East	No response received.
Lead Local Flood Authority (LLFA)	No objection providing inclusion of recommended conditions and informative.

Countryside/ Rights Of Way	No objection providing public bridleway is protected throughout the development.
Building Conservation	Object due to substantial harm to neighbouring Grade II listed building.
Planning Strategy	Object to the proposal due to conflict with local plan policies re; settlement boundaries.
Housing Department	Support this application providing delivery of 2 units of affordable housing as an off-site sum.
Active Northumberland	No response received.
Education - Schools	No education contribution required.
Highways	Object to the proposal due to concerns regarding impact upon highways safety and parking provisions.
Health Care CG	No health contribution required.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	5
Number of Objections	1
Number of Support	1
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

SN - Major, affecting LB & PROW 19th December 2017

News Post Leader 21st December 2017

Summary of Responses:

One objection was received from a neighbouring resident to the South East of the application site raising concerns regarding overlooking and also construction traffic during the build phase if approved. Residential amenity considerations have been detailed within the below appraisal with construction traffic and impacts to be assessed by the local authority's highways team.

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=P0LATEQSL1Y00>

6. Planning Policy

6.1 Development Plan Policy

Wansbeck District Local Plan (adopted 2007)

GP1 - Location of development

GP4 - Accessibility

GP5 - Landscape character

GP6 - Trees and hedgerows
GP12 - Protection of species
GP13 - Biodiversity and wildlife networks
GP16 - Listed buildings
GP20 - Archaeology
GP22 - Flood risk and erosion
GP30 - Visual impact
GP31 - Urban design
GP32 - Landscaping and the Public Realm
H1 - New housing requirements
H5 - The design and density of new housing developments
H7 - Affordable housing
T3 - Provision for cyclists
T4 - Provision for walking
T6 - Traffic implications of new development
T7 - Parking provision in new development

6.2 National Planning Policy

National Planning Policy Framework (2018)
National Planning Policy Practice Guidance (2018)

6.3 Other Documents/Strategies

Wansbeck Residential Development Guidance (July 2007)
Wansbeck Design Guide Supplementary Planning Document (July 2007)

7. Appraisal

7.1 In determining this application, the main planning issues to be considered are set out below:

- Principle of development
- Housing supply
- Affordable housing
- Visual amenity and character
- Impacts on residential amenity
- Impact upon listed building
- Highway matters
- Drainage and surface water
- Ecology
- Trees
- Archaeology
- Other matters

Principle of development

7.2 Policy GP1(A) of the Wansbeck District Local Plan stipulates that development should be located within defined settlement boundaries as shown on the proposals map that accompanies the Local Plan. It is recognised that the application site is located outwith of the settlement

boundaries for both Bedlington to the East and Nedderton to the West and therefore lies within open countryside land.

7.3 Part (C) of Policy GP1 thus outlines the provisions for development within open countryside land stating that development would only be permitted if:

- a) the nature of the use requires a countryside location;
- b) the development involves the re-use of an existing building;
- c) the development involves an extension to a property within an existing curtilage
- d) in the case of greenfield development, it can be demonstrated that no suitable previously-developed site is available.

7.4 The proposed scheme does not comply with any of the regulations above and therefore does not accord with policy GP1(C) of the Wansbeck District Local Plan.

7.5 The NPPF also forms a material consideration which needs to be taken into account when assessing the principle of development. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise); approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

7.6 Whilst consideration can still be given to the NPPF in the assessment of this planning application, as the council can now demonstrate a five year housing land supply, and notwithstanding the presumption for sustainable development within the NPPF, in this context, the presumption in favour of sustainable development does not apply. Consultation was undertaken with the local authority's Planning Policy team in regards to the proposal at pre application stage and also upon this application with consultation responses confirming that the site would not be viewed as a sustainable location due to there being no safe walking distance to access day to day services with the nearest main town being located approximately 1.2 miles from the development site.

7.7 Considering the above, the proposed scheme conflicts with policies within the Wansbeck District Local Plan whilst not being viewed as a sustainable location for development. It is therefore officer opinion that the principle of development at the site is considered unacceptable and does not accord with the relevant parts of policy GP1 of the Wansbeck District Local Plan.

Housing supply

7.8 As set out in paragraph 73 of the NPPF, where strategic policies are more than 5 years old, local planning authorities should measure their housing land

supply against their local housing need. In accordance with the standard methodology, Northumberland's local housing need figure is currently 717 dwellings per annum. Against this requirement, and taking into account the supply identified in the Council's latest Five Year Supply of Deliverable Sites 2017 to 2022 report, the Council can demonstrate a 12.1 years supply of housing land. Therefore and notwithstanding the presumption for sustainable development within the NPPF, Northumberland clearly has more than a 5-year housing land supply, and as such, in this context, the presumption in favour of sustainable development does not apply.

Affordable housing

- 7.9 Consultation was undertaken with the local authority's housing department in regards to the scheme with the proposal recognised as falling within the major development category. Through assessment of the application and relevant calculations, the housing team have requested a contribution of 2no units. Due to the practicalities of delivering just 2 units and the location of the site set away from public transport routes, it is requested that these 2 units are delivered as an Off Site Affordable Housing Contribution. The applicant has confirmed to the officer that they would be willing to contribute to such requirements.

Visual amenity and character

- 7.10 The NPPF seeks to conserve and enhance the historic environment stating that new development should make a positive contribution to local character and distinctiveness. This is echoed by Policy GP30 of Wansbeck's Local Plan which clearly sets out that all proposed development will be assessed in terms of its visual impact. Developments which in visual terms would cause significant harm to the character or quality of the surrounding environment will be refused. The NPPF also requires good design and states that securing high quality and inclusive design is important and proposals should function well to the overall quality of an area for the lifetime of the development. In support of this, Policy GP31 states that proposed developments should promote character, encourage accessibility and establish local amenity.
- 7.11 The application site is located approximately 300 metres from the B1331 public highway to the South, accessed via a wide road that currently provides access to the small number of dwellings that are located within the immediate vicinity. Due to the location of the site, it is primarily situated outside of the public domain and would only be fully visible to those existing neighbouring residents. Mature trees are located around the site that partially screen the development further with open fields located to the North of the application site. It is considered that the scale of the site, measuring at approximately 6,363sqm could accommodate 11no dwelling without considered as being an overdevelopment of the site with a proposed site plan included within the submitted details of the application.
- 7.12 This proposed site plan shows the layout of the site primarily as a 'L' shape with a newly created road providing sufficient access to the 11no properties at the site. The overall layout provides each dwelling with a sufficient footprint and also acceptable amenity space in garden areas with the scale of the

development not considered to cause an adverse impact upon the 'countryside feel' of such a location. It is recognised by the officer that details of the design of the properties would be assessed at a later date with appearance forming part of one of the reserved matters under this application. Considering the above, it is therefore considered the proposed scheme would accord with local plan policies GP30 and GP31.

Impacts on residential amenity

- 7.13 Whilst further consideration in regards to residential amenity would be given at design stage due to the siting of fenestration and scale of the dwellings, separation distances and layout can be noted from the proposed site plan included within the submitted details. A separation distance of at least 20 metres would be sought between any primary facing elevations to protect the privacy of the occupiers of the dwellings with the site plan appearing to indicate that this could be achieved at the site. The submitted drawing appears to indicate adequate amenity space for all plots within the application site
- 7.14 It is noted by the officer that an objection was received from the neighbouring dwelling to the South East of the application site in regards to potential overlooking, specifically from dwelling 8 as shown on the proposed site plan. A separation distance of approximately 15 metres would be retained from the front elevation of this dwelling and the neighbouring property recognised as 'The Mill' and whilst there would be potential for slight overlooking into the rear garden area, a distance of 15 metres would be considered adequate to ensure no significant impacts on privacy. Due to the orientation, there would be no primary facing elevations within this part of the site.
- 7.15 Although it was identified by the officer on assessment of the layout that separation distances between dwellings indicated as 1, 2 and 3 against dwellings 10 and 11 measure between 14-16 metres, these elevations appear to be primary to gable and therefore represent an adequate separation if this is to be the case. As appearance forms one of the reserved matters that would be decided at a later date if the local authority was looking to approve this application, a further assessment in terms of residential amenity would be undertaken at the reserved matters application stage. Considering the above, the scheme is considered to be in accordance with policy H5 of the Wansbeck District Local Plan in that 'residents will enjoy reasonable standards of privacy, outlook and daylight'.

Impact upon listed building

- 7.16 Consultation was undertaken with the local authority's building conservation team due to the proximity of the Grade II listed building recognised as Netherton Blue House Farmhouse to the application site. This building was first listed on 12th January 1976 and is recognised under list entry number: 1041420.
- 7.17 Part 16 of the NPPF recognises the importance of heritage assets recognising them as an irreplaceable resource. Paragraph 193-195 detail the importance in regards to the assessment of harm upon such heritage assets with

paragraph 195 stating that where development would lead to 'substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss'.

- 7.18 The response provided by Building Conservation on 6th June 2018 details that it is considered that the proposed scheme, by virtue of the number and size of the proposed dwellings, would cause substantial harm to the setting of the adjacent grade II listed building in accordance with the advice given in paragraph 193 of the 2018 NPPF which notes great weight should be given to the asset's conservation. It is also considered that the development would also be contrary to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as it would not preserve or enhance the listed building or its setting. Considering the above, Building Conservation are unwilling to support the proposal within its current format with no clear and convincing justification provided by the applicant as to why the number and size of the proposed dwellings should be situated in proximity to the listed building.

Highway matters

- 7.19 Consultation was undertaken with the local authority's highways development management team in regards to the proposal and any potential adverse impacts upon highways safety that may arise from the granting of such permission. Policy T6 of the Wansbeck District Local Plan details that any proposed traffic implications caused by development must not result in a detrimental impact to the existing highway network and that sufficient access and egress arrangements should be made at the site to allow for the safe and efficient movement of vehicles. Policy T7 is also given consideration within this assessment, outlining that appropriate parking provisions should be incorporated within all development and that any proposals should be accessible by public transport, on foot and by cycle.
- 7.20 Within their consultation response provided on 5th January 2018, the highways authority raised concerns in regards to the scheme recognising that despite the application being at outline, access and layout are to be considered as part of the proposal. Further comments then followed on 17th May 2018 following the submission of further plans that looked to address original concerns raised by highways. Despite the submission of these further plans, the proposed scheme and site layout at present requires a revised junction to the existing highway with a minimum entry of 6m x 6m radii along with various works in regards to visibility splays, turning areas, manoeuvring areas from driveways and improvements to the existing, immediate road network. Such amendments have not been formally addressed in regards to the application however, it is recognised that the agent of the application has had correspondence with the highways team following the publication of these further comments.
- 7.21 Discussions between the planning officer and highways team following this correspondence with the agent detailed that issues raised within their consultation response had still not been addressed by the agent and therefore

at present, highways DM would be unable to support the application until the requested further information had been provided, assessed and confirmed as acceptable. Considering the above, it is therefore officer opinion that the proposed scheme does not accord with relevant policies T6 and T7 of the Wansbeck District Local Plan in regards to highways safety and parking provisions nor the NPPF.

Drainage and surface water

- 7.22 Policy CF6 of the Wansbeck District Local Plan seeks to protect areas from adverse water supply and potential surface water drainage impacts. This policy notes that 'sustainable drainage systems to control and manage surface water run-off should be incorporated into new development schemes'.
- 7.23 Consultation was undertaken with the local authority's flooding team in regards to this proposal who initially objected to the scheme. Following the submission of a drainage strategy for the site and further consultation, this objection has since been removed and the LLFA now raise no objections to the scheme providing the inclusion of relevant conditions and an informative. Considering this, it is therefore officer opinion that the scheme would accord with policy CF6 of the Wansbeck District Local Plan.

Ecology

- 7.24 Consultation was undertaken with the local authority's ecologist who in principle, raised no objections to the scheme providing the inclusion of relevant conditions upon any approval to ensure no adverse impacts on potential habitats at the application site whilst also ensuring control over landscaping at the site due to noted removal of trees, addressed later within the appraisal. As the application site is located within a coastal mitigation zone, contributions would be sought at a cost of £600 per dwelling secured through a unilateral undertaking between the applicant and the local authority with the applicant confirming acceptance of these contributions.

Trees

- 7.25 The submitted details indicate the removal of 10no trees to the North of the site with these trees situated outside of the Tree Preservation Order that is located to the South and East of the application site. Correspondence between the planning officer and the local authority's tree and woodlands officer confirmed that there would be no objection to the removal of these 10no trees providing replacement planting was included within any future landscaping proposal for the site.

Archaeology

- 7.26 As part of the consultation process, the local authority's archaeologist was consulted as part of the scheme. Whilst initially objecting to the proposal, further details in the form of an archaeological evaluation summary were submitted by the agent confirming that no significant archaeological features were present at the site. This then allowed archaeology to raise no objection to the scheme with no further archaeological work required.

Equality Duty

- 7.27 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

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

Human Rights Act Implications

- 7.29 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.
- 7.30 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.
- 7.31 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 Considering the above, it is therefore officer opinion that whilst aspects of the scheme are considered acceptable, the overall principle of the development is not and conflicts with policies within the Wansbeck District Local Plan. Due to

non accordance with these policies, the application is therefore recommended for refusal.

9. Recommendation

That this application be REFUSED permission subject to the following:

Conditions/Reason

- 1) The application site is located outwith any defined settlement boundary and is therefore considered open countryside land. As a 5 year housing land supply can be demonstrated by the local planning authority this means that the requirement for new homes does not become the dominating factor in the decision-making process. As the site is recognised as open countryside land, and not situated within a sustainable location, the proposal is therefore considered to be unacceptable and thus not in accordance with policies GP1, GP4 and T4 of the Wansbeck District Local Plan.
- 2) The proposal, by virtue of the number and size of the proposed dwellings, would cause substantial harm to the setting of the adjacent grade II listed building in accordance with advice given in paragraph 194 of the NPPF. The proposal is therefore considered to conflict with local plan policy GP16 as well as national planning policy.
- 3) The proposed scheme has failed to address concerns in regards to highways safety and parking provision at the site and therefore does not comply with the provisions of policy T6 and T7 of the Wansbeck District Local Plan.

Date of Report: 2nd November 2018

Background Papers: Planning application file(s) 17/04451/OUT