

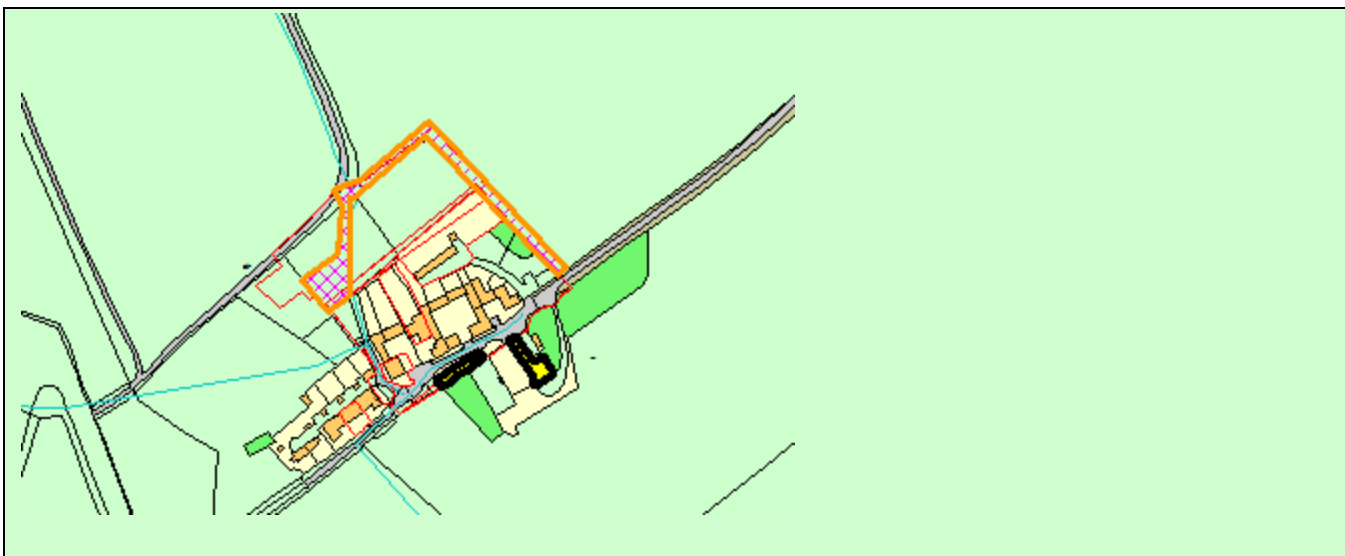


# Northumberland County Council

## North Northumberland Local Area Council 20 February 2020

<b>Application No:</b>	19/04044/FUL		
<b>Proposal:</b>	Construction of 1no. 4 bed dwelling to be used as a primary residence. Unit to be 1.5 storey in height		
<b>Site Address</b>	Land North West Of The Granary Tughall Steads, Chathill, Northumberland,		
<b>Applicant:</b>	Mrs Judy Fortescue Glantlees Farm, Newton On The Moor, Morpeth, Northumberland NE65 9LR	<b>Agent:</b>	Mr Jason Gibbons Unit 17, The Clothworks, industry Road, Newcastle upon Tyne NE6 5XB
<b>Ward</b>	Bamburgh	<b>Parish</b>	Beadnell
<b>Valid Date:</b>	8 October 2019	<b>Expiry Date:</b>	20 January 2020
<b>Case Officer Details:</b>	Name: Mr James Hudson Job Title: Planning Officer Tel No: 01670 622646 Email: James.Hudson@northumberland.gov.uk		

**Recommendation:** That this application be REFUSED permission



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## **1. Introduction**

1.1 This application is to be determined at the North Northumberland Local Area Council in accordance with the Council's Scheme of Delegation. The parish council supports the application, which is contrary to officer recommendation. Therefore the application is being reported to the North Northumberland Local Area Council.

## **2. Description of the Proposals**

2.1 The proposed development is for the construction of 1no. 4 bed dwelling to be used as a primary residence, 1.5 storey in height. The dwelling will be constructed from random rubble sandstone and timber render and the roof will be natural slate.

2.2 Tughall is a former 18th Century farmstead now a hamlet of primary residence dwellings and holiday lets, located north of Alnwick on the Northumberland coast and adjacent to the Northumberland AONB.

2.3 The site is located to the north west corner of the hamlet on land which was a former agricultural stack yard demolished in 2004. The site is largely overgrown and surrounded on all sides by open countryside and Tughall to the south. The location of the dwelling will be in the south west corner closest to other dwellings within the hamlet.

2.4 The site will be accessed from an agricultural gate on the north site of the U2035 prior to entering into the hamlet. A new dolomite access track is proposed which will run north along a field margin before turning 90 degrees and long the rear properties of the hamlet to the site.

2.5 An existing Public Right of Way (Footway 205/015) runs through the centre of the development between Tughall and Tughall Grange to the north which shall be retained as part of these proposals.

## **3. Planning History**

**Reference Number:** 18/00726/FUL

**Description:** Proposed development of serviced tourist accommodation and farm facilities, including 1 No. ancillary building, 7 No yurt camping tents and 5 No. camping pitches. The provision of associated amenity space including dome structure, access pathways and new vehicular access

**Status:** WDN

#### 4. Consultee Responses

Beadnell Parish Council	Parish Council	Beadnell Parish Council have considered the above planning application and agreed to support this application. However, Parish Councillors would like to raise the following points: <ul style="list-style-type: none"> <li>• The new dwelling will be overlooking existing properties.</li> <li>• Policy 15 of the North Northumberland Coast NHP needs to be taken in to account when determining this application.</li> <li>• There needs to be a condition regarding the landscaping.</li> <li>• The proposed hedge between the new development and the existing development should be a planning condition.</li> </ul>
North Sunderland And Seahouses PC		No response received.
Highways		No objection, subject to conditions.
Public Protection		No comment.
County Ecologist		No objection, subject to condition.
Countryside/ Rights Of Way		No objection, subject to condition.
Northumbrian Water Ltd		No comment.
County Archaeologist		No objection.
Lead Local Flood Authority (LLFA)		No objection.

#### 5. Public Responses

##### Neighbour Notification

Number of Neighbours Notified	24
Number of Objections	5
Number of Support	0
Number of General Comments	2

##### Notices

Site notice - Public Right of Way, 16 October 2019

Berwick Advertiser

Summary of Responses:

7no neighbour letters have been received in relation to the development. The main points raised are around setting and visual impact of development, residential amenity, overlooking, highway safety and development in open countryside.

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=PYOUFNQSK1T00>

## **6. Planning Policy**

### 6.1 Development Plan Policy

North Northumberland Coast Neighbourhood Plan (NNCNP) - 2018

Policy 1 Sustainable Development

Policy 5 Design in New Development

Policy 9 Sustainable Development Outside the Settlement Boundaries

Policy15 Principle Resident Housing in Hamlets

Berwick upon Tweed Local Plan

F1 Environmental Wealth

F4 Intermediate Areas of Landscape Value

F10 Protected Species

F31 Social and Economic Welfare

M14 Car Parking Standards

### 6.2 National Planning Policy

National Planning Practice Guidance (2019, as updated)

National Planning Policy Framework (2019)

### 6.3 Emerging Plan

Northumberland Local Plan - Draft Plan for Regulation 19 (2019)

STP1 Spatial Strategy  
QOP 1 Design principles  
QOP 2 Good design and amenity  
QOP 5 Sustainable design and construction  
ENV 5 Northumberland Coast Area of Outstanding Natural Beauty

## **7. Appraisal**

7.1 The application has been assessed against national planning policy and guidance, development plan policies, other material planning considerations and the advice of statutory consultees. The main considerations in assessing this proposal are;

- Principle of the Development
- Emerging Policy
- Scale, Design and Visual Impact
- Amenity Impact
- Ecology
- Highway Safety
- Public Right of Way

### Principle of the Development

7.2 The National Planning Policy Framework (NPPF) is a material consideration and states that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the relevant development plan for this application is the North Northumberland Neighbourhood plan (2018) (NNNP) and the Berwick-upon-Tweed Local plan (1999) (BLP) the proposed works shall be considered in the light of the saved policies of these documents.

7.3 Policy 9 of the NNCNP states 'Outside the settlement boundaries as defined on the Policies Map, development will be restricted to appropriate development in the open countryside.

Particular support will be given to:

a) single dwelling Principal Residences in the hamlets defined in Policy 15;

7.5 Policy 15 is read in conjunction with Policy 9 and supports the provision of single principle residencies in the Hamlets of the Plan Area, including Tughall. Policy 15 goes on to detail;

7.6 Any new dwellings in these hamlets must be well related to existing development and be of a nature and scale that reflects and respects the special character of the area in which it is situated. Any new dwelling in these hamlets will only be supported as a Principal Residence.

7.7. Policy F1 of the BLP gives primary importance to development that sustains and enhances environmental wealth, including its landscape and coast, native biodiversity and human heritage.

7.8 Policy F4 of the BLP is underpinned by F1 as an area based policy that supports development that;

- i) is located within or immediately adjoining an existing settlement;
- ii) accords with its surroundings by virtue of its scale, density, height, massing, layout, materials, hard and soft landscaping including indigenous species, means of enclosure and access;

7.9 Although the settlement boundaries defined within the Berwick Local Plan have not been saved the application site is not within an adjoining a settlement as per Policy F4 of the BLP. Having regard to paragraph 213 of the NPPF it is necessary to consider whether such a policy is consistent with the NPPF. In this case, the policy is more restrictive than rural housing policy outlined in paragraph 79 of the NPPF.

7.10 The Courts have determined what is meant by isolated in respect of paragraph 79 of the NPPF. In this context, it is of note that the proposed dwelling would be positioned next to existing residential dwellings within the Tughall hamlet.

7.11 On this basis, the proposal would not conflict with part i) of Policy F4 of the BLP and would not lead to the provision of an isolated home in the countryside and conflict with paragraph 79 of the NPPF.

7.12 North Northumberland Coast neighbourhood plan was formally 'made' on 10 July 2018 and it is part of the statutory development plan. Consequently, decisions on whether or not to grant planning permission in the North Northumberland Coastal Area neighbourhood area will need to be made in accordance with the plan, unless material considerations indicate otherwise.

7.13 Tughall is identified in Policy 15 as a hamlet where new single dwellings would be supported. Given that this proposal relates to a single dwelling to be used as a principal residence at one of the hamlets identified in Policy 15 of the neighbourhood plan, it is considered that, Policy 9 and Policy 15 support this proposal in principle.

7.14 Policy 15 requires any proposed new dwelling at the hamlet to be "...well related to existing development and be of a nature and scale that reflects and respects the special character of the area in which it is situated". In relation to this it is considered that the

proposed dwelling is of a nature and scale that reflects the character of the area as it relates only to a single dwelling that would be 1.5 storeys in height, which is in keeping with the built character of the dwellings surrounding the application site in Tughall. The dwelling is also proposed to be positioned in a location that is well-related to the existing development on the north side of the unclassified road within Tughall.

7.15 It is proposed to create a new access within an agricultural enclosure to the east of the existing hamlet in order to access the site from the north. A new Type A access will be required on the adopted highway U2035. The access road would be beyond the existing hedgerows and mature trees that are important to the landscape setting of Tughall.

7.16 It is considered that the proposed access road to be in conflict with Policy 9 and 15 in respect that it will not be well related to existing development and be of a nature and scale that reflects and respects the special character of the area in which it is situated. On this basis the development is not acceptable in principle and contrary to policy 15 of the NNCNP. Further consideration of the impact of the proposed access will be given below.

#### Emerging Policy

7.17 Paragraph 48 of the NPPF states that weight may also be given to the policies in emerging plans, depending on the stage of preparation of the plan, the extent to which emerging policy aligns with the NPPF and the extent of unresolved objections to the emerging plan. The emerging Northumberland Local Plan - Publication Draft Plan (Reg 19) (NLP) was published for consultation on 30th Jan 2019. The policies contained within this document carry some weight in the determination of planning applications at this stage.

7.18 Policy STP1 of the emerging NLP sets out a settlement hierarchy however Tughall is not identified within it. Criteria d of the policy states that sustainable development will be supported within the constraints of... settlement boundaries defined on the Local Plan policies map or in neighbourhood plans. As noted above, the site is outwith a settlement, however, it has been identified in the NNCNP that single dwellings can be supported within Tughall and as such criteria g and h of STP1 must be considered, which seek to ensure that development is sensitive to its surroundings, would not have an unacceptable impact upon the local road network and use previously developed land where opportunities exist.

7.19 On the basis of the above it is considered that development in this location would not be acceptable and therefore not in accordance with policies of the Emerging Plan, however little weight can currently be applied to this policy.

#### Scale, Design and Visual Impact

7.20 Policy 5 NNCNP states that all new development in the plan area, including extensions and conversions, should incorporate high quality design and demonstrate how local context and character is respected in terms of scale, density, height, massing, layout, materials, hard and soft landscaping, means of enclosure and access; and features including windows, doors, roof lights, chimneys, flues, roofs, and boundary treatments have regard to surrounding character and materials.

7.21 Policy F4 of the BLP is underpinned by F1 as an area based policy that supports development that;

ii) it accords with its surroundings by virtue of its scale, density, height, massing, layout, materials, hard and soft landscaping including indigenous species, means of enclosure and access;

7.22 Paragraph 124 of the NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.23 It is considered that the proposed dwelling is of a nature and scale that reflects the character of the area. The new proposal for the dwelling is traditional in form and would utilise natural materials that are in keeping with the surrounding buildings. Walls are formed from random rubble sandstone and the roof will be natural slate. There will be a contemporary feel to the buildings with elevations having larger glazed screen areas and smaller panels of timber and render to the facades. The dwelling is in a location on the south west corner of the site that is well-related to the existing hamlet.

7.24 In regards to the proposed vehicular access route, the development would take a newly formed access route before even entering Tughall off the U2035, which has to take a route outside of the field boundary hedgerows, to enable access. NCC highways team have also advised that the access will require a 'Type A' access with visibility splays. It is considered that the new track and 'Type A' access will create an urbanising effect to the rural setting of the Tughall hamlet. The design of the access therefore fails demonstrate how the local context and character of Tughall is respected with regard to Policy 5 of the NNNP and F4 of the BLP

#### Amenity Impact

7.25 Policy 5 of the NNCNP states all development should;

f) in terms of the massing, height, scale and proximity, of the proposed development does not result in an unacceptable loss of light or overshadowing, or other adverse amenity impacts on existing or future residents.

7.26 Paragraph 127 of the NPPF seeks to ensure that developments will create places with a high standard of amenity for existing and future users.



7.27 Given the separation of the proposed building to neighbouring properties circa 30m to the southeast at Tughall Steads, the potential for the proposed new dwelling to cause adverse impacts on amenity through massing and privacy issues is considered to not be substantive in this application.

7.28 Impact upon residential amenity was noted as a concern raised within several public objections received during the consultation period, which will be detailed later in the report.

7.29 Policy QOP2 of the emerging NLP seeks to ensure that development would not result in unacceptable adverse impacts on the amenity of neighbouring land uses. It is considered that the proposal is in general accordance with this policy.

### Ecology

7.30 Policy F1 of the BLP stipulates that all development proposals will be considered against the need for sustaining and enhancing the Borough's environmental wealth, including its landscape and coast, its native biodiversity and its human heritage.

7.31 Paragraph 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity based on detailed principles.

7.32 The site is within the buffer zone for recreational disturbance impacts on the interest features of a number of designated sites along the Northumberland coast including the Northumberland Shore SSSI, Lindisfarne Special Protection Area (SPA) and Northumbria Coast SPA. As a result, any net increase in dwellings requires mitigation via Northumberland County Councils Coastal Mitigation Service

7.33 The council's ecology team have no objections to the proposals on ecological grounds on condition that the avoidance, mitigation and enhancement measures detailed in the ecology report are carried out in full and a developer contribution to the Coastal Mitigation Service to be secured by means of a Section 106 agreement. It is therefore considered that subject to the completion of a S106, the development would be in accordance with the development plan and NPPF. However, there is not currently a S106 in place.

### Highway Safety

7.34 Policy M14 of the BLP sets out parking standards for new development.

7.35 Paragraph 109 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.36 The Local Highways team have assessed the proposal based on the information submitted and have raised no objections, subject to the imposition of conditions in respect of the proposed site access, car parking, boundary treatment, surface water drainage, refuse storage and construction method statement,

7.37 Policy TRA2 of the emerging NLP seeks to ensure that all development will minimise any adverse impacts upon the highways network. The proposal is considered to be in accordance with this, however little weight can currently be given to this policy. On this basis it is considered that the proposal is acceptable in Highway Policy terms and is in accordance with the BLP, the emerging NLP and the NPPF in this respect.

#### Public Rights of Way

7.38 Paragraph 98 of the NPPF seeks to ensure that planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

7.39 Parish of Beadnell Public Footpath No.15 passes through the proposed site, as shown on the site layout plan.

7.40 NCC Public Rights of Way team have no objections to the proposed development subject to a condition that Public Footpath No.15 is protected throughout and advised the following "I draw your attention to the alignment of the public footpath in relation to the proposed new access track, the developer would need to provide suitable provision for the route of the public footpath where it crossed the proposed new access track. On this basis it is considered that the proposal is acceptable and is in accordance with the NPPF in this respect.

#### Other Matters

7.41 It was noted that the access road to the dwelling may pose an impact on the setting of the AONB. Having assessed the road in the context of the AONB it is considered that this aspect of the development would not have a significant impact on the setting of the AONB. However as highlighted in the appraisal, the access would have an impact on the setting of Tughall.

7.42 It was noted that the access road could impact upon trees and no arboriculture report has been submitted. The NCC ecology team have assessed the impact on local species within their remit and not objected to the development subject to conditions.

7.43 In respect to the comment in regards to the lack of access rights through Tughall, it is considered that this is not a material planning consideration when determining this application.

7.44 With regards to the lack of information in relation to non mains drainage, the applicant has identified that they proposed to use a package treatment plant and have submitted a foul drainage assessment form. It is considered that they have identified an acceptable means of non-mains drainage for the development.

7.45 With regards to the highway safety aspect of the road, in particular passing points and the width of the road, this has been assessed by the highways team and they have recommended conditions to secure the safety of the access road.

7.46 With regards to comments made in relation to overlooking, the dwelling introduces prime habitable room windows within its south elevation. However it is located in excess of 30m from the closest facing habitable room windows within dwellings to the south. In this respect, the separation exceeds that which may normally be expected to be delivered between facing habitable room windows.

7.47 With regard to refuse, no plans have been submitted to demonstrate how refuse would be managed. In particular how lorries would be able to serve the site and whether the access road could accommodate these vehicles.

#### Equality Duty

7.48 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

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

#### Human Rights Act Implications

7.50 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.

7.51 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.

7.52 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

## **8. Conclusion**

8.1 The main planning considerations in determining this application have been set out and considered above and it is considered that the principle of development is not acceptable and not in accordance with Policies 9 and 15 of the North Northumberland Coastal Neighbourhood plan and Policy F4 of the BLP. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF).

8.2 While the principle of the development for the principle residence dwelling in Tughall is considered to be in accordance with policy 15 and 9 of the NNNP, there are other material considerations which indicate that the current form of development is not acceptable.

8.3 With the above considered this proposal is recommended for refusal.

## **9. Recommendation**

That this application be REFUSED permission subject to the following:

### Reason

1. The proposed development would provide an unacceptable layout which would have a harmful impact upon the character and rural setting of Tughall. The new track and 'Type A' access would create an urbanising effect to the rural setting of the Tughall hamlet. The proposed development is considered to be contrary to Policies 5, 9 and 15 of the North Northumberland Neighbourhood Plan, F4 of the Berwick Local Plan and would conflict with the aims of the National Planning

Policy Framework which seeks to provide good standards of amenity in new development.

2. This development falls within the 'zone of influence' for coastal sites designated at a national and international level as Sites of Special Scientific Interest and Special Protection Areas/ Special Areas of Conservation/ Ramsar sites and, as such, coastal mitigation measures are required. Under Reg 63 (5) of the Habitats Regs 2017 the proposed development has failed to incorporate coastal mitigation measures or secure a financial contribution towards such measures. The development would therefore have an adverse effect on the site integrity and to grant planning permission for the development would be unlawful.

**Background Papers:** Planning application file(s) 19/04044/FUL