

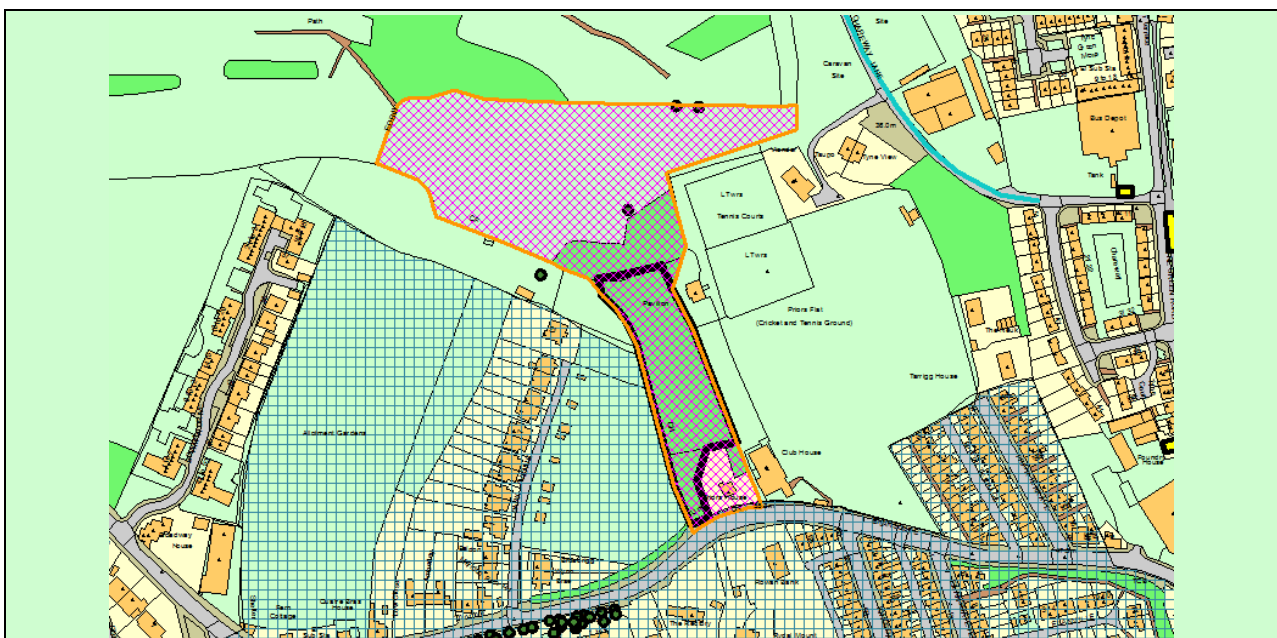


# Northumberland County Council

## Strategic Planning Committee 2nd April 2019

<b>Application No:</b>	14/03776/OUT		
<b>Proposal:</b>	Development for up to 43 residential dwellings (Class C3), demolition, infrastructure, access, open space and landscaping (all matters reserved except for access) (revised site layout plan and responses to Ecology comments received)		
<b>Site Address</b>	Land North Of Eilansgate, Hexham, Northumberland		
<b>Applicant:</b>	Mr Adam Heard Wynyard Golf Club , Wellington Drive , Wynyard, Stockton-on-Tees TS22 5QJ	<b>Agent:</b>	Mr Neil Westwick Generator Studios, Trafalgar Street, Newcastle, Tyne And Wear NE1 2LA
<b>Ward</b>	Hexham Central With Acomb	<b>Parish</b>	Hexham
<b>Valid Date:</b>	12 November 2014	<b>Expiry Date:</b>	11 February 2015
<b>Case Officer Details:</b>	Name: Mr Daniel Puttick Job Title: Senior Planning Officer Tel No: 01670 622635 Email: daniel.puttick@northumberland.gov.uk		

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



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## 1. Introduction

1.1 This application was previously considered by the Strategic Planning Committee on Tuesday 5th January 2016 following a Member site visit. The report for that committee can be found at Appendix 1 of this document, and the minutes of that meeting at Appendix 2.

1.2 Members resolved *'that authority be granted to the Senior Manager - Development and Delivery to GRANT CONDITIONAL OUTLINE PERMISSION subject to completion of a Section 106 agreement to secure the total proceeds of the land sale being split in equal measure between Hexham Golf Club and the Tynedale Athletic Association and to secure affordable housing provision and open space within the site and subject to referral to the National Planning Casework Unit as a departure from Green Belt policy.'*

1.3 The application has not progressed to determination since this time as the applicant was pursuing viability assessments and had not completed the relevant Section 106 agreement as required. The applicant has now signed the Section 106 agreement on the basis that was originally considered by Members but this has not been dated or sealed, awaiting the application being reconsidered by Members.

1.4 Since the January 2016 report there have been a number of changes to factors that are material considerations, which in turn impact directly on the planning balance and the decision that was made. However, Members are advised that they should consider the contents of the previous reports carefully as they provided the basis for the decision on 5th January 2016, which needs to be taken into account in this decision.

1.5 It is therefore appropriate to bring this application before Committee again for redetermination in light of changes, which include, but are not limited to a revised National Planning Policy Framework, a withdrawn Core Strategy that had included the site as being a Green Belt deletion site, as well as an emerging Local Plan which does not allocate the site for development.

1.6 The application is recommended for refusal because it is determined that the development represents inappropriate development in the Green Belt and causes harm to the Green Belt, and this conflict is not clearly outweighed by other material considerations. As such, the "very special circumstances" necessary to justify planning permission in the Green Belt have not been demonstrated. Furthermore, the development proposed is contrary to the provisions of the development plan including the extant Tynedale District Local Plan, Tynedale Core Strategy, and the provisions of the emerging Northumberland Local Plan.

1.7 It should also be noted that as the application is recommended for refusal it does not need to be referred to the National Planning Casework Unit (NPCU) for consideration on whether the Secretary of State wishes to call in the application for his own determination as this only applies if the Council were minded to approve the application.

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

2.1 Outline planning permission is sought for the construction of up to 43 dwellings on land to the north of Eilansgate in Hexham. The site is roughly T-shaped and measures 1.9 hectares in area. The proposed new access onto Eilansgate is proposed as part of the outline application with all other matters (appearance, landscaping, layout and scale) reserved for future consideration. An existing dwelling, Priors House, would be demolished to accommodate the proposed access.

2.2 To assist with the consideration of the application, illustrative plans have been submitted which show the access road running centrally through the site from Eilansgate then turning westwards and terminating in the northwestern corner of the site. Dwellings would be located to the west of the access road until it turns westwards after which dwellings would be sited on either side of the access road. A range of house types are envisaged from 2 to 6 bedrooms in size, with a mix of detached, semi-detached and apartments. 30% of the units would be affordable, equating to approximately 13 dwellings on the site being affordable.

2.3 The illustrative layout shows 300 square metres of formal play space and 1400 square metres of informal play space within the site. Due to the site bordering with the Hexham Golf Course to the north a Golf Protection Zone and an area of new tree planting is shown along the northern boundary of the site. This would protect future residents in the site from stray golf shots.

2.4 The greenfield site comprises Priors House and its residential curtilage at the southern end of the site followed by mixed coniferous and broadleaf woodland running north from the dwelling. The northern part of the site comprises grassland and scrub with a number of notable mature broadleaf trees. The site rises up from Eilansgate and then drops down towards the adjacent Golf Course. The site is bordered to the north by Hexham Golf Club and to the east by the sports facilities at Tynedale Athletic Association, which include cricket pitches, club house, tennis courts and car parking. To the west of the site are allotments and gardens and residential development on Park Avenue.

2.5 Since the application was submitted a provisional Tree Preservation Order (TPO) was made by the Council on 22 June 2015. This covered the woodland area to the north of Priors House, a distinct group of 7 trees to the north of the woodland and four individual oak trees in the northern part of the site near the golf course. This TPO was confirmed by Members of the Planning and Rights of Way Committee on 8 September 2015, subject to a modification to remove one of the 7 trees in the group from the TPO. As a result of this TPO and comments from the Council's Ecologist the indicative layout of the site has been amended so that, in addition to the loss of the woodland area, only three other trees covered by the TPO would be removed. An appraisal of the trees to be removed and an analysis of the Council's Ecologist's comments have been submitted by the applicant.

2.6 The site lies outside the Hexham Conservation Area but the boundary of the Conservation Area immediately adjoins the site to the south, the boundary following Eilansgate, and running along the western boundary of the site to take in Park Avenue. The site lies within Flood Zone 1. With the exception of Priors House and its curtilage, the southern leg of the T-shaped site is designated as Strategic Green Space as set out in the Tynedale Core Strategy. This part of the site lies within the

built up part of Hexham. The northern half of the site lies within the Green Belt and, whilst immediately adjoining the town, would be considered to fall within the open countryside.

2.7 In addition to the plans, the application has been submitted with the following accompanying documents:

Design and Access Statement  
Community Consultation Statement  
Planning and Economic Statement  
Phase I Habitat Survey and Protected Species Assessment  
Ground Conditions Assessment  
Archaeology Assessment  
Flood Risk Assessment  
Noise Assessment  
Tree Report and Tree Constraints Plan  
Transport Statement  
Planning Application Summary Statement

### 3. Planning History

**Reference Number:** T/20060349

**Description:** Outline: Residential development and demolition of existing house

**Status:** Refused

**Reference Number:** T/93/E/649

**Description:** Erection of 20 feet high black nylon netting fence abutting Spital Terrace and Priors Terrace, and removal of tree at Priors Flat.

**Status:** Permitted

**Reference Number:** T/20040621

**Description:** Erection of four 8 metre high poles with floodlight attached for court 8

**Status:** Permitted

**Reference Number:** T/970351

**Description:** TREE NOTICE: Proposed pollarding of 1 willow tree

**Status:** No objection

**Reference Number:** T/20020694

**Description:** Re-roofing of tennis pavillion at

**Status:** Permitted

### 4. Consultee Responses

(From original consultations prior to consideration at planning committee in 2016)

<b>Hexham Town Council</b>	Hexham Town Council regrets it has to object to this application as it is pleased to see the inclusion of a significant proportion of affordable housing within the application but objects as it is of the opinion that the land is designated part
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	<p>greenbelt and part strategic green space. The developer has not demonstrated exceptional circumstances which would justify development in the greenbelt particularly given the amount of brownfield sites in Hexham in equal proximity to the town centre.</p> <p>The Council is concerned about access from Eilansgate from increased traffic flow - this is not safe or adequate and there will also be a detrimental impact on parking.</p> <p>The Council is also concerned about the removal of established trees and the selective thinning. It cannot condone the felling of trees for this development.</p> <p>Hexham Town Council formally request that this application is considered by Committee.</p>
<b>Highways</b>	<b>Comments:</b> No objection subject to conditions. The development would not have an adverse impact on the highway network or on highway safety.
<b>Building Conservation</b>	<b>Comments:</b> No objection.
<b>County Ecologist</b>	<p><b>Comments:</b> Object. There are a number of important trees on site, some of which are aged and two are near veteran, and these receive strong protection in national and local policy because of their biodiversity and amenity value. The trees also provide important commuting routes and foraging areas for bats. As the proposed development would result in the loss of most of the important trees when an alternative solution is available through a revised scheme then the Ecologist is unable to support the current scheme.</p> <p>Further comments on additional supporting documentation submitted by the applicant in relation to trees and biodiversity are awaited.</p>
<b>Open Spaces - Neighbourhood Services</b>	No response received.
<b>Tree and Woodlands Officer West</b>	<p><b>Comments:</b> Object. The loss of the trees on the site would be detrimental to the amenity of the area. The group of semi-mature and mature oak and ash within the site are particularly important. A number of individual trees and groups of trees merit Tree Preservation Orders.</p> <p>Further comments on additional supporting documentation submitted by the applicant in relation to trees.</p>

<b>Housing Department</b>	<b>Comments:</b> Support the application as it would provide 30% of affordable housing on site. The affordable units should be a mix of property types relevant to the housing need in this area.
<b>Public Protection</b>	<b>Comments:</b> No objection subject to conditions, including ones covering noise mitigation measures and flying cricket/golf balls mitigation measures.
<b>Waste Management</b>	No response received.
<b>Sustainable Drainage Officer</b>	<b>Comments:</b> No objection subject to condition regarding surface water disposal scheme.
<b>Archaeology</b>	No objection
<b>Environment Agency</b>	<b>Comments:</b> No objection.
<b>Natural England</b>	<b>Comments:</b> No objection.
<b>Northumbrian Water Ltd</b>	<b>Comments:</b> No objection subject to condition regarding management of surface and foul water from the development.
<b>Sport England</b>	<b>Comments:</b> No objection.

### **Update: Consultation carried out with Housing Department 17th January 2019**

Confirms that on development sites in Hexham there is currently a requirement for 30% AH. This is the only area in Northumberland which is not 17% and is due to current AH ask being based on housing needs evidence.

For the rest of Northumberland this is the 2018 SHMA update which indicates 17% county wide, however for Hexham the 2016 Hexham Housing Needs Assessment (HHNA) indicates there is a higher housing need . The 30% requirement is echoed in the emerging Hexham Neighbourhood Plan.

## **5. Public Responses**

**(From original consultations prior to consideration at planning committee in 2016)**

### Neighbour Notification

Number of Neighbours Notified	95
Number of Objections	37
Number of Support	26
Number of General Comments	4

## Notices

Site Notice – major development and departure from development plan: posted 3 December 2014 – expired 24 December 2014.

Press notice – major development and departure from development plan: published Hexham Courant 28 November 2014 – expired 19 December 2014.

## Summary of Responses:

26 letters in support of the application have been received. They comment that:

- The development would tidy up the site which has been allowed to grow wild;
- It would provide much needed housing for Hexham, and;
- It would provide much needed funds for the Hexham Golf Club and Hexham Cricket Club.

37 letters of objection to the application, including one from Hexham Civic Society, have been received. The concerns raised include the following:

- Too many dwellings are proposed on the site which would lead to the loss of trees and other wildlife habitat;
- The site is greenfield and partly in the Green Belt. Development should not take place until other brownfield sites in the town have been considered;
- Loss of parking on Eilansgate due to the proposed access, particularly during match days;
- Access would be dangerous, the development would increase congestion on Eilansgate and would endanger pedestrian safety;
- Land instability issues;
- Risk from flying golf balls;
- Lack of detail in the Tree Survey and an area of established woodland would need to be clear felled to accommodate the development, and;
- Further affordable housing should be provided.

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=NEVR69QSFJM00>

## **6. Planning Policy**

### 6.1 Development Plan Policy

*Tynedale Local Development Framework: Core Strategy (adopted 2007)*

GD1 General location of development  
GD2 Prioritising sites for development  
GD4 Principles for transport and accessibility  
GD5 Minimising flood risk  
GD6 Planning obligations  
NE1 Principles for the natural environment

NE2 Strategic green spaces  
BE1 Principles for the built environment  
H1 Principles for housing  
H2 Housing provision and management of supply  
H3 The location of new housing  
H4 Housing on greenfield land  
H5 Housing density  
H7 Meeting affordable housing needs  
H8 Affordable housing on market housing sites  
EN3 Energy conservation and production in major new developments  
CS1 Principles for community services and facilities

*Tynedale District Local Plan (adopted 2000, saved 2007)*

GD2 General design criteria  
GD4 Range of transport provision for all development  
GD7 Car parking standards within the built up areas of Hexham, Haltwhistle, Prudhoe and Corbridge  
NE7 New buildings in the Green Belt  
NE8 New dwellings in the Green Belt  
NE26 Protection of habitats of special importance to wildlife  
NE27 Protection of protected species  
NE33 Protection of trees, woodlands and hedgerows  
NE34 Tree felling  
NE35 Tree Preservation Orders  
NE37 Landscaping in developments  
BE18 Development affecting the character and setting of a Conservation Area  
BE28 Archaeological assessment  
H32 Residential design criteria  
LR11 Outdoor sport facilities for new residential development  
LR15 Play areas in new residential development  
CS21 Location of noise sensitive uses  
CS23 Development on contaminated land  
CS27 Sewerage

6.2 National Planning Policy

*National Planning Policy Framework (NPPF) (2019)*  
*National Planning Practice Guidance (NPPG) (2018, as updated)*

6.3 Other Documents/Strategies

*Northumberland Local Plan (Publication Draft Plan) (Regulation 19) (January 2019)*

Policy ENV 7 Historic Environment and Heritage Assets  
Policy ENV 9 Conservation Areas  
Policy HOU 2 Provision of New Residential Development (Strategic Policy)  
Policy HOU 9 Residential Development Management  
Policy QOP 1 Design Principles (Strategic Policy)  
Policy QOP 2 Good Design and Amenity  
Policy QOP 4 Landscaping and Trees  
Policy QOP 6 Delivering Well-Designed Places



Policy STP 1 Spatial Strategy (Strategic Policy)  
Policy STP 2 Presumption in Favour of Sustainable Development (Strategic Policy)  
Policy STP 3 Principles of Sustainable Development (Strategic Policy)  
Policy TRA 1 Promoting Sustainable Connections (Strategic Policy)  
Policy TRA 2 The effects of Development on the Transport Network  
Policy TRA 4 Parking Provision in New Development  
Policy WAT 2 Water Supply and Sewerage

Hexham Neighbourhood Plan Pre-submission Draft

Hexham Parish is a designated Neighbourhood Area. A Neighbourhood Plan has been prepared and consultation has been undertaken on that Plan in accordance with statutory requirements. The draft Neighbourhood Plan is therefore a material consideration in the determination of this planning application, although it may be afforded little weight at this stage.

## **7. Appraisal**

7.1 The main issues to be considered in this application are:

*Principle of development*

*Affordable housing*

*Density, scale and layout*

*Impact on trees and ecology*

*Impact on setting of designated heritage assets*

*Impact on residential amenity and adjoining land uses*

*Access and parking*

*Flood risk and drainage*

*Contamination and land stability*

*Archaeology*

*Play provision on-site and off-site sports provision*

Principle of development

7.2 As set out in the NPPF, planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.3 Proposed development that accords with an up-to-date Development Plan must be approved, and proposed development that conflicts will be refused, unless material considerations indicate otherwise. However, the NPPF advises that in the circumstances of the saved policies of the Local Plan, these are to be afforded due weight according to their consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

7.4 Members will note that the 2015 report made reference to the withdrawn Core Strategy throughout, and also advised on the weight to be given to this. Given the withdrawal of the Core Strategy, no weight can now be given to this document in the determination of the application and this has affected the way that the Planning Balance is addressed.

7.5 The Northumberland Local Plan Draft Plan Regulation 19 Consultation Draft was published on January 30th 2019. Having regard to the above and paragraph 48 of the NPPF, some weight can be applied to the emerging Local Plan at this stage.

### *Green Belt*

7.6 The the Northumberland Local Plan Green Belt Review Technical Paper (July 2018) sets out that the Local Plan evidence base illustrates that there is capacity to deliver housing requirements, in accordance with the spatial strategy, outwith the Green Belt. There are therefore no exceptional circumstances established to identify land in the Green Belt to be released for future housing development through the Local Plan process.

7.7 In providing the starting point for the assessment of this application, the Tynedale Core Strategy shows the northern part of the site designated as Green Belt. This designation represents 1.3 hectares out of the total 1.9 hectares site area. Within Green Belts very special circumstances are required to overcome harm by reason of inappropriateness, and any other harm, a stance endorsed by Local Plan Policies NE7 and NE8 and Policy GD3 of the Core Strategy.

7.8 In considering whether the principle of developing the Green Belt land for housing is acceptable an assessment must be made as to the contribution that the part of the application site lying within the Green Belt currently makes to the wider Green Belt and the purposes of including the land within it. The NPPF indicates that an essential characteristic of a Green Belt is its openness and that its key purposes include assisting in safeguarding the countryside from encroachment, preventing neighbouring towns merging and preserving the setting and special character of historic towns.

7.9 The part of the site that falls within the Green Belt is bound to the north by the Hexham Golf Club, to the east by sports facilities at the Tynedale Athletic Association and to the west by allotments and gardens associated with the residential properties on Park Avenue. The previous officer report stated that these adjoining uses meant that the part of the site in the Green Belt is well contained and its development would not lead to sprawl into the countryside with the Golf Club land to the north providing a robust boundary to the application site and that the development of the site could be viewed as infill given the existence of urban-associated land uses to the west, south and east of the site, meaning that the nearby countryside would be safeguarded. However, upon consideration of the application it is officer view that given the open nature of the golf course and land surrounding the site, the proposed development would have a detrimental impact on the setting of Hexham and it could not be stated that the surrounding land uses would safeguard the development from further sprawl. The contribution that the northern part of the site makes to the purposes of including the land within the Green Belt is considered to be significant in this part of the open countryside surrounding the town of Hexham. The introduction of 43 houses in an area which is currently unoccupied by built development would inevitably have a detrimental impact upon openness by virtue of introducing built form into a currently undeveloped area, the overall integrity of the Green Belt would be irretrievably harmed by the development.

7.10 The previous report also took the then emerging Northumberland Local Plan Core Strategy document into consideration and gave it some weight in the assessment of the application. The now withdrawn Core Strategy identified a number of sites around the periphery of Hexham that would be removed from the Green Belt and allocated for housing in order to meet the housing development needs of the town within the plan period, which were set at a much higher level than the current emerging Local Plan. These included the part of the application site that lies within the Green Belt. The removal of this land from the Green Belt in the then emerging Core Strategy no longer represents a material consideration that must be given some weight in assessing the application.

7.11 Very special circumstances would therefore need to be demonstrated to overcome harm caused to the Green Belt by virtue of the inappropriateness of the proposed residential development. The applicant has set out the very special circumstances they consider exist that would overcome the harm. These are examined below;

- Housing requirement and supply

7.12 The applicant argued that there is a significant shortfall of deliverable housing land. It was also argued that due to the scale of the shortfall coupled with persistent under delivery of housing since 2008 then the applicant considers that very special circumstances do exist.

7.13 Since the application was last considered in 2015, there have been significant changes to the housing land supply statistics for Northumberland. In accordance with the NPPF, the Council is required to identify and update annually a supply of specific deliverable sites sufficient to provide five year's worth of housing against their housing requirement. The five year housing land supply position is pertinent to proposals for housing in that paragraph 11 (d) and corresponding footnote 7 of the NPPF indicates that the presumption in favour of sustainable development applies where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.

7.14 As set out in paragraph 73 of the NPPF, where the 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 Northumberland clearly has more than a 5-year housing land supply.

7.15 This supply position updates that presented in the Council's 'Position statement following withdrawal of the draft Core Strategy (Nov 2017), and in the Five Year Supply of Deliverable Sites 2017 to 2022 report (Nov 2017) which used an Objectively Assessed Need of 944 dwellings per annum, informed by superseded evidence.

7.16 In relation to the above, it is clear that Housing Land Supply cannot be used as a factor to contribute to the applicant's argument for Very Special Circumstances which would outweigh any harm to the Green Belt.

- Proposed economic benefits

7.17 The applicant also argues that there are proposed economic benefits to the joint owners of the site, Tynedale Athletic Association and Hexham Golf Club, which the development of the site would bring in terms of investment. The applicant argues that funding from the sale of the site would be directly invested into the two organisations' sporting and recreational facilities which are well-used and valued by the community. It is acknowledged that the site is surplus to the requirements of both sporting organisations and that investment by them to improve recreational facilities would generally be supported.

7.18 However, there is no mechanism in place to secure any monies which would be made from the development of the land to ensure that this is directly used to improve facilities at the clubs. At the time of the application being originally considered by Members, no financial information had been supplied to demonstrate that the cited improvements to the clubs could only be carried out should they secure investment from the development of the application site and that without this, the future of the clubs would be uncertain. Prior to the application coming back before Members in 2019 some information has been supplied by the applicants, which has been considered by officers. The information supplied actually demonstrates that the clubs are marginally profitable with a reserve cash flow and does not support the applicant's argument that the clubs can only continue with investment which can only come from the development of the application site.

7.19 It is therefore not considered that the proposed investment for the clubs would be Very Special Circumstances which would outweigh the harm to the Green Belt.

- Affordable housing contribution

7.20 The illustrative Masterplan submitted with the application shows that 13 or 30% of the 43 residential units would be affordable. At the time of the application being previously considered by Members, weight was also given to the fact that the then emerging Northumberland Local Plan Core Strategy did, however, set a lower target of 15% affordable units on market housing sites and therefore the applicants were proposing to provide double the target amount.

7.21 The current stance is that on development sites in Hexham there is currently a requirement for 30% AH. This is the only area in Northumberland which is not 17% and is due to current AH ask being based on housing needs evidence. For the rest of Northumberland this is the 2018 SHMA update which indicates 17% county wide, however for Hexham the 2016 Hexham Housing Needs Assessment (HHNA) indicates there is a higher housing need. The 30% requirement is echoed in the emerging Hexham Neighbourhood Plan.

- Summary

7.20 The previous recommendation of approval was based on the consideration that factors including a proposed deletion of the site from the Green Belt in the now withdrawn Northumberland Local Plan Core Strategy, the proposed contribution to the sports clubs, the lack of a five year housing land supply in Northumberland and the 'high' contribution to the affordable housing combined together led to Very

Special Circumstances existing which outweighed the harm that would be caused by inappropriate development in the Green Belt.

7.21 As set out in the paragraphs above, it is the view of officers that all of those factors which contributed to the applicant's argument for 'VSC' have now fallen away and that the proposals would be inappropriate development in the Green Belt, contrary to the NPPF, saved Local Plan policies and the emerging Northumberland Local Plan.

### *Strategic Green Space*

7.22 The southern part of the site immediately to the north of Eilansgate is designated as Strategic Green Space in the Tynedale Core Strategy and is protected under Core Strategy Policy NE2. This designation applies to land deemed important in terms of biodiversity, visual amenity, recreation and health and wellbeing of the community. The part of the application site falling within the designation forms part of a 3 hectare area that extends to the east of the site incorporating the sports pitches of the Tynedale Athletic Association. The development of the site would lead to the loss of approximately one quarter of this particular area of Strategic Green Space. Whilst the applicant argues that the development can be undertaken without significant impact on the local landscape and wildlife, it has to be accepted that the loss of the majority of the woodland within the site would have some detrimental upon visual amenity and biodiversity. Such impacts are assessed later on in the report.

7.23 The site, taken as a whole, including that within the Green Belt, lies within the built up part of Hexham, being 0.7 km from the town centre and within 2.0 km of a wide range of local services and facilities, including primary and secondary schools, public transport links, hospital, supermarkets and a leisure centre. This means that it would constitute a sustainable location for new housing development in accordance with the overarching aims for the planning system set out in the NPPF. By virtue of the site's location close to the town centre the development would also meet with the pattern of development encouraged in Core Strategy Policy GD2 which, in seeking to focus new development within and adjoining built up areas, reflects the advice of the NPPF by aiming to prioritise development on sites accessible to services and facilities by all modes of transport, particularly public transport.

7.24 In accepting that the scheme represents sustainable development then the presumption in favour of development applies and permission should be granted unless specific policies of protection (such as those relating to Green Belt and Strategic Green Space) indicate otherwise. As set above, the proposals are unacceptable in terms of the impact on Green Belt and Strategic Open Space.

### Density, scale and layout

7.25 All matters, with the exception of access, are reserved for subsequent approval. The applicant has, however, provided an illustrative Masterplan showing how the site could be laid out to include the 43 units proposed, the position of the access road within the site and the provision of play and open space. This shows the road running along the eastern boundary of the site bounded to the west by semi-detached dwellings and a small apartment block. The road would then swing

north westwards ending as a cul-de-sac with detached dwellings fronting onto the road. A play area and area of informal open space along the northern boundary of the site would be created.

7.26 The Design and Access Statement submitted with the application describes that the dwellings would front onto the road and would provide continuity with the form and layout of existing properties on Park Avenue that lies to the west of the site. The dwellings would be predominantly two storey with some in the centre of the site offering accommodation within the roofspace. Such a scale and mix of development would be in character with this part of the town, although given the change in levels across the site careful consideration would need to be given at the reserved matters application stage on finished floor levels and overall massing. Adequate private amenity space, privacy and outlook for each dwelling could be achieved in accordance with the requirements of Local Plan Policy H32 and the NPPF. A density of 22 dwellings to the hectare would be achieved, which would be in keeping with that in the surrounding residential areas.

7.27 Details of the appearance of the dwellings are reserved for the next application stage. The NPPF stresses the importance that the Government attaches to the design of the built environment, with good design being a key aspect of sustainable development. The Design and Access Statement describes that the development would respond to its surroundings in terms of the appearance of the dwellings and their design, including proposed street scene drawings, would be subject to scrutiny and assessment in accordance with national and local planning policy at the next application stage.

#### Impact on trees and ecology

7.28 The application comprises a mix of plantation woodland, mature scattered trees, semi-improved grassland and scrub. In addition to these habitats the site also provides a commuting route, feeding resource and roosting opportunities for bats. The site is, therefore, considered to be important in the context of local biodiversity. In support of the application, a Phase I Habitat Survey and Protected Species Assessment and Tree Report were originally submitted. As a result of concerns raised by the Council's Ecologist and Tree and Woodlands Officer over the loss of a number of mature trees within the site and the lack of a bat roost assessment of the trees further protected species and tree surveys were undertaken.

7.29 Following a survey of the trees on site by the Council's Tree and Woodlands Officer a Tree Preservation Order (TPO) covering the woodland area to the north of Priors House, a distinct group of 6 trees to the north of the woodland and four individual oak trees in the northern part of the site near the golf course was confirmed in September 2015.

7.30 In response to the TPO and further concerns raised by the Council's Ecologist the illustrative site layout has been amended so as to reduce the number of trees to be removed as part of the development proposals. In addition to the removal of the woodland covered by the TPO three of the ten individual protected trees in the northern part of the site would be removed together with two oak trees not covered by the TPO and which are deemed unsuitable for retention. 16 individual trees would be retained.

7.31 Both national and local planning policy seek to minimise the impact of development on biodiversity and, where possible, to provide enhancement of such resources. Policy NE2 of the Tynedale Core Strategy and Policies NE27, NE33 and NE37 all seek to protect important habitats and species, including existing trees and woodlands. The NPPF deals specifically with irreplaceable habitats such as ancient woodland stating that: *Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.*'

7.32 In order to accommodate the development the woodland plantation that forms the southern half of the site would need to be completely felled. This woodland is protected under the TPO, the Council's Tree and Woodlands Officer deeming it to have a good mix of species and important both in terms of its visual amenity and its role as a wildlife corridor. In response the applicant argues that this plantation has been unmanaged, resulting in many of the coniferous trees being in poor condition and the broadleaved specimens small and multi-stemmed making them unsuitable candidates for a Tree Preservation Order. As the principle of development is not considered acceptable in this location, there are no benefits that would outweigh the harm caused by the removal of these trees, which is considered to be contrary to the NPPF and Policy NE2 of the Tynedale Core Strategy and Policies NE27, NE33 and NE37.

7.33 By amending the proposed layout, it is acknowledged that the applicant has sought to reduce the number of significant trees within the site that would need to be felled and has also put forward a raft of mitigation measures in order to compensate for the loss of biodiversity that would result from the development. These include the use of felled trunks within the site to provide habitat, planting of native street trees and more extensive planting in the areas of open space in the north part of the site. Of the five mature trees (3 oak and 2 ash) to be felled outside of the woodland, three are covered by the TPO but all have been classified by the applicant's consultant as unsuitable for retention on grounds of them having significant defects making their removal necessary on grounds of safety. It is accepted that the argument for their retention would be stronger from an amenity and biodiversity point of view whilst the site is undeveloped.

#### Impact on setting of designated heritage assets

7.34 The application site itself does not contain any designated heritage assets and Priors House dating from the mid-20th century and which would be demolished, is of little or no heritage merit. The nearest listed buildings are located within the residential areas to the south of the site and at the Golf Club to the north. Given the distance from these buildings to the site and the presence of intervening land uses then the proposals would not impact upon the significance of these heritage assets' settings.

7.35 The boundary of the Hexham Conservation Area, a designated heritage asset, does, however, run to the south of the site along Eilansgate and to the west taking in Park Avenue. Given the proximity of the site to the Conservation Area then the impact of the proposal upon its setting must be assessed. The NPPF requires local planning authorities to assess the particular significance of any heritage asset that

may be affected by a proposal (including by development affecting the setting of a heritage asset). At the present time the site makes a positive contribution to the setting of the Conservation Area by virtue of its topography and its tree cover. The loss of the woodland and some of the other larger trees within the site would inevitably have some impact but, due to some tree cover being retained and the linear form of development reflecting that seen in nearby streets then overall it would not cause harm to the intrinsic character or setting of the Conservation Area.

#### Impact on residential amenity and adjoining land uses

7.36 Due to the intervening land uses, namely allotments, gardens and sports fields, between the site and the nearest residential properties, the development would not raise any amenity issues in terms of overshadowing or loss of privacy for local residents. The illustrative layout shows that adequate outlook, privacy and private amenity space would be provided for the site's future occupants. A number of noise mitigation measures are outlined in the Noise Assessment Report submitted with the application and these would be secured by way of condition. In these respects the development would accord with the NPPF and with the requirements of Local Plan Policies GD2 and H32.

7.37 A buffer zone along the northern boundary of the site where it adjoins the Golf Course should ensure that no conflicts arise between future householders and golfers. Public Protection have, however, recommended a condition requiring an assessment of flying cricket and golf balls from the respective sports grounds to be carried out and, should any safety mitigation works be identified (such as fencing) then these should be implemented prior to the occupation of the first dwelling.

#### Access and parking

7.38 Details of the access to the site form part of the outline application. A Transport Statement (TS) has been submitted with the application which examines the impact of the proposal and concludes that the development would not have an adverse impact on highway safety or on the highway network in the area. The application proposes the construction of a new access point onto Eilansgate immediately to the west of the Athletics Association's clubhouse. This access road would be 5.5 metres wide with a 2.0 metre wide footway on each side. The Highway Authority has confirmed that this access arrangement is adequate to serve a development of this size. In this respect the development would accord with Local Plan Policy GD4. The development itself would produce an insignificant increase in the amount of traffic already present on Eilansgate meaning that it would not have an adverse impact on the highway network in the vicinity of the site. A condition would ensure that adequate in-curtilage parking is provided for each of the dwellings and the illustrative layout drawings indicates that such parking provision within the site could be achieved in accordance with the requirements of Policy GD7 and Appendix 1 of the Local Plan.

7.39 A number of local residents have objected to the application on the basis of the loss of on-street parking spaces on Eilansgate that would be caused by the proposed new access and its visibility splays where parking restrictions would be in force. According to the residents, parking along Eilansgate is in particular demand during the operating hours of the Tynedale Athletic Association (TAA). The Highway Authority has not objected to the application on this basis as the spaces are currently



unmarked and are not, therefore, seen as contributing towards Hexham's formal parking capacity. Notwithstanding this, the applicant undertook a survey of parking capacity of surrounding streets during two busy periods at the TAA grounds. This survey showed that there was significant local parking capacity to accommodate any increased parking demands that would result from the proposed new access serving the proposed development.

7.40 The NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. As the Highway Authority is satisfied that the development would not increase demand for on-street parking and would not lead to the creation of significant additional trips on the local road network then the impact of the development would not be severe. A refusal on the grounds of highway impacts could not, therefore, be substantiated in this case.

#### Flood risk and drainage

7.41 The site lies within Flood Zone 1 and so is at the lowest risk of flooding. Due, however, to the size of the site a Flood Risk Assessment has been submitted with the application. This considers all sources of flood risk and concludes that the risks are low. Both the Environment Agency and the Council, as Lead Local Flood Authority, are satisfied that, subject to conditions, the development would not itself be at risk of flooding and would not increase the risk of flooding elsewhere. In these respects the development would accord with Core Strategy Policy GD5 and with the NPPF.

7.42 In terms of drainage Northumbrian Water Ltd have raised no objection to the application subject to a condition requiring a detailed scheme of the disposal of foul and surface water drainage from the development to be agreed and implemented.

#### Contamination and land stability

7.43 A Desk Top Study covering contamination has been submitted with the application. This has been scrutinised by the Council's Public Protection team who have confirmed that they concur with its findings that there is no obvious evidence of any potentially significant historical contamination on the site. Subject to a condition controlling contamination not previously discovered on the site then the development would accord with the NPPF and with Local Plan Policy CS23.

7.44 The site lies within a low risk area with regard to previous mining activity and so, in terms of land stability, standing advice from the Coal Authority applies in accordance with the NPPF.

#### Archaeology

7.45 A desk based archaeological assessment has been submitted with the application. This confirms that no archaeological features have been identified on the site and there is no objection from the County Archaeologist.

#### Play provision on-site and off-site sports provision

7.40 The illustrative layout plan shows that a play area measuring 450 square metres and informal open space measuring 1400 square metres would be provided within

the site. This level of provision would accord with Local Plan Policy LR15 and the SPD. The provision and maintenance of these areas of open space could be secured through the Section 106 agreement along with a condition specifying the timing of the construction of the play area.

#### Other matters

7.41 The NPPF states that existing sports and recreational buildings and land, including playing fields should not be built on (except in certain cases). Sport England have been consulted on the application and they have raised no objection as the development only affects land incapable of forming part of a playing pitch and would not lead to the loss of ability to the use or size of the playing pitch.

#### Equality Duty

7.42 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

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

#### Human Rights Act Implications

7.44 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.

7.45 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.

7.46 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 It is clear that the application site is located in the Green Belt in open countryside where national and existing development plan policy seeks to resist new development except in certain circumstances, none of which apply to the application. Therefore the proposed development is considered to be inappropriate development in the Green Belt which, by definition, is harmful, thus requiring very special circumstances to be demonstrated to clearly outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm identified. It is considered that the case put forward by the applicant as part of a very special circumstances case are insufficient to clearly outweigh the harm identified and that substantial weight must be attached to the harm caused to the Green Belt.

8.2 In looking at the matter of harm to the Green Belt caused by inappropriate development it is necessary to look both at the purposes of including land in the Green Belt and the purposes of the Green Belt and assessing as relevant harm to each of these matters. In attaching great importance to the Green Belt the government state in Paragraph 133 of the NPPF that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and goes on to say that the essential characteristics of Green Belts are their openness and permanence. The development proposal is fundamentally not in line with the aim of preventing urban sprawl by keeping land permanently open nor would the proposal result in openness. The harm caused by the development can be summarised as introducing built form which could be viewed as urban sprawl into an area that was previously open in nature.

8.3 In light of the changes which have taken place since the application was last considered by members, it is now the opinion of officers that the harm identified to the Green Belt by way of inappropriateness is not clearly outweighed by the benefits and as such very special circumstances have not been demonstrated.

## **9. Recommendation**

That this application be REFUSED permission for the following:

### Reason

1. The development proposal represents inappropriate development in the Green Belt and 'Very Special Circumstances' have not been demonstrated to clearly outweigh the harm to the Green Belt in accordance with the National Planning Policy Framework and the Planning Practice Guidance.
2. As the principle of development is not considered acceptable in this location, there are no benefits that would outweigh the harm caused by the removal of trees at the site, which is considered to be contrary to the NPPF and Policy NE2 of the Tynedale Core Strategy and Policies NE27, NE33 and NE37.

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3. The development would lead to a loss of Strategic Green Space as identified in the Tynedale Core Strategy, and would have a detrimental impact on the landscape of the site and surrounding area, introducing urban form to a previously undeveloped site, contrary to Core Strategy Policy NE2 and the NPPF.