



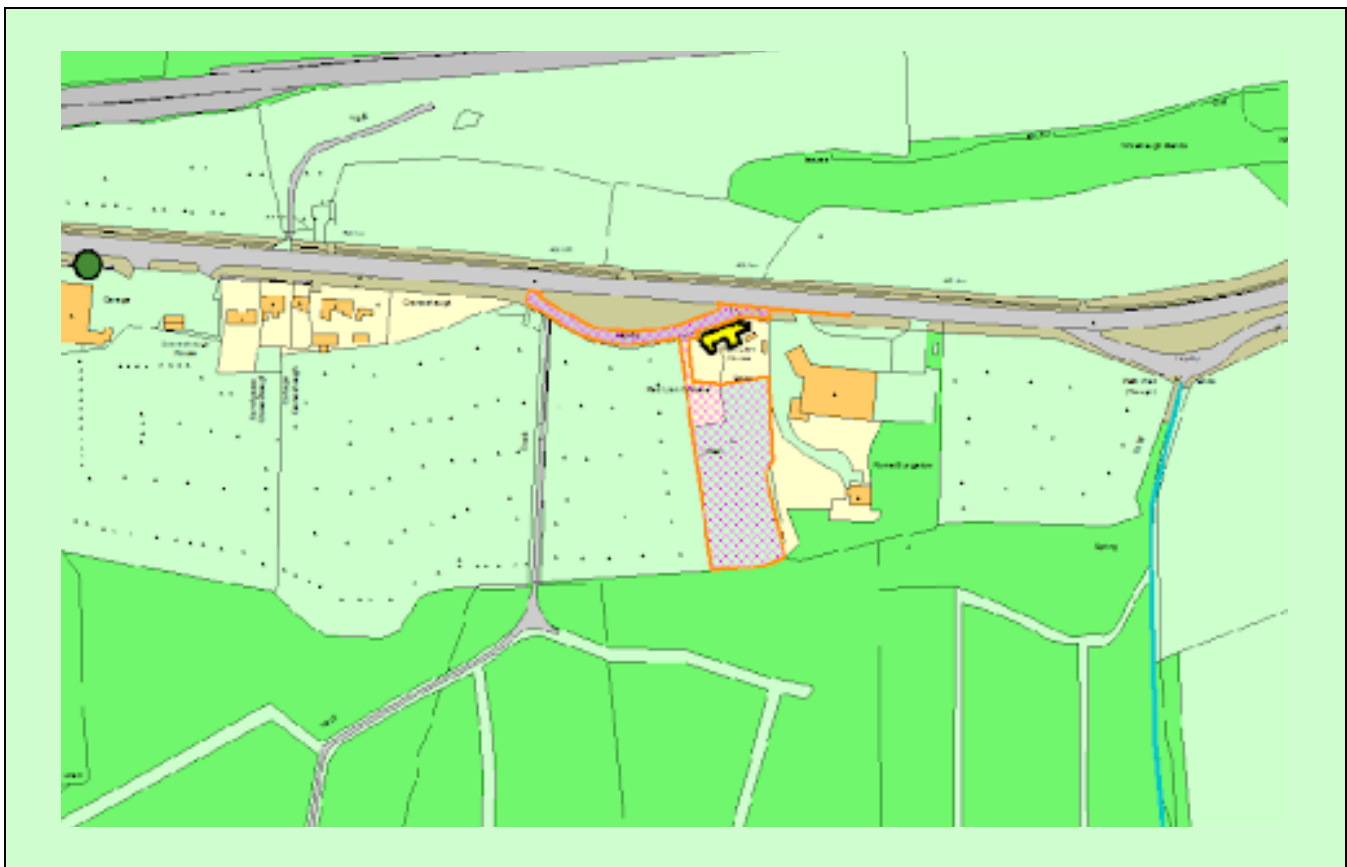
Northumberland

County Council

Tynedale Local Area Council Planning Committee

26 September 2018

Application No:	17/04661/FUL		
Proposal:	Proposed development for eight dwellings, including access, landscaping and parking		
Site Address	Land South Of Red Lion House , Corbridge Road, Hexham, NE46 1UL		
Applicant:	Mr G Currie, C/o Currie & Currie, Suite 2, Beaufront Business Park, Hexham, NE46 4TU	Agent:	None
Ward	Hexham East	Parish	Hexham
Valid Date:	9 January 2018	Expiry Date:	12 September 2018
Case Officer Details:	Name: Mr Daniel Puttick Job Title: Senior Planning Officer Tel No: 01670 622635 Email: daniel.puttick@northumberland.gov.uk		



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1. Introduction

- 1.1 Under the Council's current Scheme of Delegation where, in the opinion of Officers, the application raises significant planning issues it can be presented to the relevant Local Area Committee for determination. In this instance, the Head of Service has considered the proposed development and find that significant planning issues are raised which justify consideration by Members of the Tynedale Local Area Committee.

2. Description of the Proposals

- 2.1 Planning permission is sought for the construction of eight dwellings on land to the south of Red Lion House, a Grade II listed former coaching inn which has been divided into two properties; Red Lion House and Red Lion Cottage. The proposed development would result in the construction of eight dwellings of four house types; The Linnel, The Dipton, The Dilston and The Duke. The Dipton is proposed as a five bedroom property, of which there would be two dwellings, with the remaining six dwellings having four bedrooms. Each dwelling would be constructed of stone, with cast stone, timber and brick detailing, slated roofs, zinc clad dormer windows. Windows are proposed to be in light grey powder coated aluminium, with black UPVC rainwater goods.
- 2.2 The site plan indicates that parking would be provided within the curtilage of each dwelling, with a mix of driveway and garage spaces. The garage to plot 1 has been removed, allowing for three parking spaces within the driveway without affecting an existing borehole for neighbouring dwellings. Two visitor parking bays are proposed within the site, accessed from the road into the development which is to be privately maintained and would not be adopted by the Council.
- 2.3 Access would be taken from the A695, through an existing grassed island adjacent to Red Lion House. The existing section of highway immediately adjacent to Red Lion House, between the property and the A695, would be upgraded to allow for pedestrian access, with appropriate surface upgrades. Pavement connection would be provided to the east and west, in order that a footpath links toward the existing bus stop near Mole Country Stores, and provides a footpath link to the traffic island crossing to the west on the A695, allowing for pedestrian connectivity with the footpath network towards the town centre.
- 2.4 Drainage is proposed to be diverted from the site in an open gully on the western side, which would divert underground to connect with the wider network. The existing watercourse on the eastern side of the site would be retained, with a dry stone wall proposed to exclude this from private residential gardens.
- 2.5 The application site is an existing field located within the built up area of Hexham towards its eastern edge. The site forms part of the Parkwell housing allocation as set out in Tynedale Local Plan Policy H6, and as shown on the proposals map for the Tynedale Local Plan.

3. Planning History

Reference Number: 15/00073/OUT

Description: Outline: Construction of 5no. dwellings.

Status: Withdrawn

Reference Number: T/20021116

Description: Construction of three terraced dwellings and construction of detached garage unit on land south of red Lion House, Corbridge Road

Status: Refused – Dismissed on Appeal

4. Consultee Responses

Building Conservation	Building Conservation welcomes the interesting and well-designed high quality housing scheme, and do not consider that the development would be harmful to the setting of the listed buildings. Conditions regarding external materials, boundary treatments and hard and soft landscaping are recommended.
County Archaeologist	No objections are raised and no further archaeological work is required.
Lead Local Flood Authority (LLFA)	The proposed development is under 0.5ha and under 10 dwellings and so the LLFA are not statutory consultees. They have, however, provided some comments on the proposed development due to the ordinary watercourse running through the development site. Additional information has been provided as part of the process and further consultation has been carried out with the LLFA. At the time of writing, the local planning authority are awaiting final comments on the amended drainage strategy from the LLFA.
Public Protection	No objections have been raised to the application, however the Council's Public Protection Team have highlighted the potential implications with regard to private water supply with the bore hole for neighbouring properties located within the application site. At the time of writing, the local planning authority are awaiting final comments on the amended proposals from the Public Protection Team.
Hexham Town Council	Hexham Town Council originally objected to the proposed development on the basis that it was contrary to the Hexham Neighbourhood Plan. On review of this they expanded upon their objection, raising concerns about the impact on the amenity of neighbouring residents, a lack of clarity on access and the potential negative effect on wildlife corridors and nature conservation. Following

	further consultation on amended plans, Hexham Town Council responded with no objections or comments.
Highways	No response received.
Waste Management	No response received.
Environment Agency	No response received.
Northumbrian Water Ltd	Northumbrian Water recommend a condition be imposed to secure details for a scheme for the disposal of foul and surface water from the development.
Hexham Business Improvement District	No response received.
County Ecologist	The Council's Ecologists have highlighted discrepancies with the proposed plans and have sought amendments to the landscaping proposals in order to secure indigenous species within the replanting schedule, and to ensure biodiversity mitigation or compensation are provided to account for the impact on the biodiversity value of the site. The applicant has submitted a revised landscaping plan detailing the use of native species and incorporating dry stone wall to prevent the watercourse from being maintained as private garden. At the time of writing the local planning authority have not received final comments from the Council's Ecologists.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	4
Number of Objections	5
Number of Support	0
Number of General Comments	0

Notices

Site Notice - Affecting Listed Building, displayed on 1st February 2018

Press Notice – Published in the Hexham Courant on 26th January 2018

Summary of Responses:

Objections have been received from five local residents, including from or on behalf of occupants of Red Lion House and Red Lion Cottage. The following is a summary of the concerns raised:

- the proposals would be harmful to the setting of the listed building
- there are no mains services on the site
- no ecology mitigation has been proposed and the development would impact on biodiversity value of the site

- the design of the new dwellings is of a poor quality, is not in keeping with the area and is gimmicky in nature
- development would affect an existing borehole providing private water supply
- the site has issues with flooding
- there are discrepancies with the proposed plans, which raise land ownership issues
- the proposals would be harmful to the amenity of neighbouring residents

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=P1DE1PQSLDC00>

6. Planning Policy

6.1 Development Plan Policy

Tynedale LDF Core Strategy (2007)

GD1 Locational policy setting out settlement hierarchy
 BE1 Principles for the built environment
 NE1 Principles for the natural environment
 H1 Principles for housing
 H2 Provision of housing and the management of supply
 H3 Location of new housing and the definition of sustainable settlement
 H4 Maximising housing development on Previously Developed Land
 H5 housing density for new dwellings

Tynedale Local Plan (2000, Policies Saved 2007)

GD2 Design Criteria for development, including extensions and alterations
 GD4 Range of transport provision for all development
 GD7 Car parking standards within the built up areas
 BE22 The setting of Listed Buildings
 NE27 Protection of Protected Species
 NE33 Protection of Trees, Woodlands and Hedgerows
 NE34 Tree felling
 NE37 Landscaping in developments
 H6 Land safeguarded to meet possible future housing needs of Hexham
 H32 Residential design criteria
 CS23 Development on contaminated land
 CS27 Sewerage

6.2 National Planning Policy

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

6.3 Other Documents/Strategies

Northumberland Five Year Supply of Deliverable Sites (2017-2022)

7. Appraisal

7.1 The main issues for consideration in the determination of this application include:

- principle of the development
- design
- residential amenity
- heritage impact
- highways safety
- ecology and landscaping
- drainage and sewerage
- archaeology

Principle of the Development

7.2 The NPPF maintains that the starting point for the determination of planning applications remains with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in decision making and holds a presumption in favour of sustainable development, stating that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

7.3 For decision making, NPPF sets out at Paragraph 11 that the presumption in favour of sustainable development means

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining applications are out-of-date, granting permission unless:
 - i. the application of Policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

7.4 Paragraph 213 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. It states that due weight should be given to

them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

- 7.5 Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage and preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 7.6 In the above context, regard is had to the policies in the Tynedale Core Strategy and Tynedale Local Plan. Policy GD1 of the Tynedale Core Strategy establishes a settlement hierarchy with which new development is expected to conform, and identifies Hexham as a main town and a main focus for new development during the plan period of the Strategy up to 2021.
- 7.7 Policies H1 and H3 of the Core Strategy set out that new housing development will only be located in the main towns, service centres and smaller villages with adequate services in order to fulfil the sustainability aims of the development plan so that new residential development is located in sustainable places with access to services and facilities. The provision of housing more generally in the main towns of Hexham, Haltwhistle and Prudhoe is accepted and encouraged within the Core Strategy, with Policy H3 seeking distribution aims of approximately 55% in the main towns, 15% in local centres and 30% in smaller villages where there is an adequate range of services.
- 7.8 The development plan identifies the site as lying within the open countryside, to the east of Hexham. The site is allocated for new housing under Policy H6 of the Tynedale Local Plan, forming part of the 1.7ha parcel referred to as Parkwell. As safeguarded land, the site is excluded from the Green Belt, the boundary of which is drawn around the eastern portion of the Esh development, granted permission and developed under application 14/01279/FUL. The construction of this development, in addition to development immediately west of the application site by David Wilson Homes, is such that this application site now appears as an infill site on safeguarded land in between two larger developments, rather than as an extension to the existing settlement into open countryside.
- 7.9 In this respect, the site would be regarded as being within the built up area of Hexham, albeit towards its easternmost extent. With this in mind, the proposed development would comply with the aims of Policies H1 and H3 of the Core Strategy in that it would provide development within the main town of Hexham, which is recognised as a sustainable settlement in both NPPF and development plan terms.

- 7.10 The detailed provisions of Core Strategy Policies H2 and H3 are considered to be relevant to the supply of housing and should, in the context of the NPPF, be assessed as to whether they are up to date. The key to that assessment is overall housing land supply and whether the Local Planning Authority is able to demonstrate a five-year supply of deliverable housing sites. The NPPF advocates a buffer of 5% to ensure choice and competition in the housing market, 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year, or a further 20% buffer in areas with persistent under-delivery of housing over the previous three years, to improve the prospect of achieving the planning supply.
- 7.11 Paragraph 74 of the NPPF states that a five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:
- a) has been produced through engagement with developers and others who have an impact on delivery, and have been considered by the Secretary of State; and
 - b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.
- 7.12 The Northumberland Five Year Supply of Deliverable Sites (2017-2022) sets out housing figures for the County and concludes that the local planning authority is able to demonstrate a supply of housing in excess of five years. This has not been established in a recently adopted plan, moreover it forms part of the evidence base for the Northumberland Local Plan which has recently undergone initial consultation.
- 7.13 In this respect, it could be said that policies for the supply of housing should not be viewed as being up-to-date, and that a presumption in favour of sustainable development should apply. Notwithstanding the position on five year housing supply, the construction of new homes in the settlement of Hexham is clearly consistent with the aims of both national and local planning policies and would represent a sustainable form of development. The site is safeguarded land for new residential housing within the settlement of Hexham, a town which is identified within the Tynedale Local Plan and Core Strategy as a primary focus for new development, recognised in the emerging Northumberland Local Plan which affords Hexham the same importance on a County-wide scale.
- 7.14 Even if the Council were not able to demonstrate a five year supply, the development would be consistent with national planning policies. In this instance, the Council consider that it can demonstrate a five year housing supply in excess of five years, however the evidence base and thrust of the emerging Northumberland Local Plan seeks not to impose a maximum threshold on housing numbers for delivery. In this sense, the development would contribute more generally to housing development in the County, and would represent a sustainable form of development in one of the main towns.

- 7.15 Further to the above, in terms of sustainability it is pertinent to note the proposals involve the consolidation, construction and extension of footpaths in order to ensure connectivity with the site, Hexham Town Centre via existing footpaths and the wider public transport network through connections toward existing bus stops. The extension of footways to the east and west would help encourage the use of sustainable modes of transport, such as walking and cycling. Although the site is some distance from the town centre and its services, improving connections to the footpath and public transport networks would help discourage the use of private modes of transport.
- 7.16 For these reasons, it is concluded that principle of new residential development in this location is acceptable in accordance with both local and national planning policies. Even in the event that the local planning authority were unable to demonstrate a five year supply of housing land, policies in the NPPF would indicate that the development should be supported and would represent a sustainable form of development. In this instance, the local planning authority would contend that it is able to demonstrate a supply of housing land in excess of five years, and as such view the application to be acceptable in accordance with Policies GD1, H1 and H3 of the Tynedale Core Strategy.

Housing Density

- 7.17 Policy H5 states that proposals for additional dwellings involving new building will be required to have a minimum site density of 30 dwellings to the hectare unless such development would adversely affect the character of an existing area of low density housing. Paragraph 122 of the NPPF states that planning policies and decisions should support development that makes use of efficient use of land. Paragraph 123 states at part c) that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account policies in the Framework.
- 7.18 The application proposes eight dwellings on an area of land approximately 0.48ha in size. This would, on the face of it, provide for a housing density of approximately 16 dwellings per hectare, below the requirement of Policy H5. The NPPF does not impose minimum or maximum densities for new housing development but, rather, encourages efficient use of land subject to consideration of policies elsewhere in the plan. Policy H5, on the other hand, states that proposals for additional dwellings will be required to have a minimum site density unless it would adversely affect the character of an existing area of low density housing. In this respect, it is somewhat limited in its scope and as such is afforded limited weight given the position within the NPPF which requires development to be considered in the round, in the context of a presumption in favour of sustainable development.
- 7.19 The density of the development is consistent with the density of development of adjacent sites, with a comparable density evident on the site to the east which has approximately 16 dwellings per hectare, as set out in the report for committee prepared for application 14/01279/FUL. In this report, it was identified that the edge of settlement location was such that a lower density was considered appropriate in terms of character of place. In turn, development of this site at a similar density would be consistent with the

character of the area, and would be acceptable in accordance with Policy H5 in this respect. Furthermore, the site is to the rear of a listed building and a lower density would help reduce the impact on its setting, as well as the amenity of occupants of the property, which is assessed in more detail below. Therefore, setting the footprint of the development further into the site assists in addressing other considerations which, when viewed in the round, would lead to the conclusion that the density of the development is appropriate to the site as, clearly, a higher density would be likely to have a greater, and potentially harmful, impact on the setting of the listed building, the amenity of local residents and upon surface water drainage and sewerage issues.

- 7.20 Notwithstanding the acknowledgement that the density of the development falls below the 30 dwellings per hectare required in Policy H5, the proposal is considered an efficient use of land which is of an appropriate density for the site and surroundings. The development is therefore considered to be acceptable in accordance with Policy H5 of the Tynedale Core Strategy, and the aims of Paragraphs 122 and 123 of the NPPF.

Design

- 7.21 The site is located on one of the main road entrances to Hexham, with Corbridge Road providing a tree lined approach to the settlement. The character of this part of the settlement has significantly changed following the granting of planning permission and construction of dwellings on land at Parkwell and Craneshough on the southern side of the road, as well as a small group of affordable units to the north of Corbridge Road near to the site. As the site is infilling in between two larger developments, the impact on the character of the area would be negligible, as it now has a very residential character, aside from the existence of Mole Country Stores and the Arnold Clark Ford dealership. Whilst the site would be visible from the public domain, its redevelopment would be read in context with the changes to the surrounding areas.
- 7.22 The application proposes eight bespoke, Architect designed dwellings of four styles, the Duke, Linnel, Dipton and Dilston, utilising a contemporary style within a traditional context. The materials palette seeks to include a mixture of traditional and modern materials, consisting of natural stone, facing brick and brick detailing, natural slate roofing, cast stone detailing, timber and zinc cladding. In this sense, the development would be reflective of its surroundings given the variety in house types in the immediate area, particularly the modern Esh development to the east of this site. Owing to the high standard of design demonstrated, the proposals would be consistent with the aims of the NPPF which seeks to secure good quality design, reaffirming this by introducing policies to prevent the quality of development from being diminished from approval to construction.
- 7.23 The development of eight dwellings would inevitably change the character of the site, but due to its position between two large housing developments and to the rear of an existing dwelling, it would not appear out of context and would not impose harm to the character of the landscape in this location, or to the setting of the town. The proposals would be regarded as being compatible and consistent with the requirements of Policies BE1 and NE1 of the Tynedale

Core Strategy, Policies GD2 and H32 of the Tynedale Local Plan and the aims of the NPPF in this respect.

Heritage Impact

- 7.24 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires local planning authorities to have regard to the desirability of preserving a listed building, its setting and any features of architectural or historic interest it possesses in considering whether to grant planning permission for development which affects a listed building or its setting.
- 7.25 Policy BE1 of the Tynedale Core Strategy seeks to conserve and where appropriate enhance the quality and integrity of Tynedale's built environment and its historic features including archaeology, giving particular protection to listed buildings, scheduled monuments and conservation areas. Policy BE22 of the Tynedale Local Plan states that proposals for development which adversely affect the essential character or setting of a listed building will not be permitted. It also states that proposals for the development within the setting of a listed building will only be appropriate where the following criteria are met:
- the detailed design is in keeping with the listed building in terms of scale, height, massing and alignment; and
 - the works proposed make use of traditional or sympathetic building materials and techniques which are in keeping with those found on the listed building.
- 7.26 Planning applications have been refused and dismissed on appeal, the most recent of which is understood to have been dismissed by the Planning Inspectorate on 11th November 2003, prior to the adoption of the Tynedale Core Strategy, prior to the saving (by way of direction) of policies in the Tynedale Local Plan and prior to the introduction to the 2012 NPPF and 2018 NPPF. Significant policy change has been made since these applications and appeals were determined, however legislation has remained consistent since 1990 that regard must be had to the desirability of preserving or enhancing the setting of a listed building, with planning law also requiring that each application be viewed on its merits.
- 7.27 Application T/20021116 proposed the construction of three dwellings and garaging on land south of Red Lion House, within the safeguarded land to which this application relates. In this decision, the construction of new dwellings was found not to give rise to any impact on the setting of the listed building. In this respect, it is clear that residential development could occur at the site without compromising the setting of the listed building.
- 7.28 The Council's Building Conservation Officer has assessed the proposed development, and acknowledges the significance of Red Lion House, which originally formed the Red Lion Public House dating from the late 18th century and which has now been subdivided into two properties. The original building occupies an imposing position fronting Corbridge Road, turned slightly to the west owing to the former route of the highway which it fronted, prior to

upgrades of the A695, and is an attractive building of architectural and historic significance.

- 7.29 The Council's Building Conservation Officer has concluded that the design, scale and siting of the proposed dwellings are considered to be sympathetic to the character and appearance of the area and, importantly, would not cause harm to the setting of the adjacent listed building. It is recognised that the initial element of built form would be a single storey flat roof garage, which would provide additional distance between the existing garage and shed to the rear of Red Lion Cottage. For other reasons, this element has been removed and as such Plot 1 now features a property with no garage, attached or otherwise, which further offsets the built form from the curtilage of Red Lion House and Red Lion Cottage. High Quality hard and soft landscaping is proposed as part of the application which, when combined with the high quality design, are factors which would ensure that the development is sympathetic to the listed building and preserves its setting.
- 7.30 Accordingly, the Council's Building Conservation Team welcome what they consider is an interesting and well designed, high quality contemporary housing scheme, and conclude that there will be no harm to the significant of the important Grade II listed building. Conditions regarding external materials, boundary treatments and hard and soft landscaping proposals are recommended to be imposed on any grant of permission, to ensure that the quality is maintained and the setting of the listed building is preserved. Accordance with such conditions would result in an acceptable scheme which, in the opinion of the local planning authority, would preserve the setting of the listed building. The proposal would therefore viewed to be acceptable in accordance with Policy BE1 of the Tynedale Core Strategy, Policies GD2 and BE22 of the Tynedale Local Plan, and the aims of the NPPF.

Residential Amenity

- 7.31 The application proposes eight dwellings on land to the rear of Red Lion House and Red Lion Cottage, both of which are permanent residential dwellings in occupation. The site would be accessed via a single track road, which would be accessed directly from the A695, passing to the side of Red Lion Cottage. There are only a limited number of windows on the western elevation, with those on the rear extension serving the kitchen. The existing garage, as recognised in the appeal decision for application T/20021116, combines with the rear extension to create a private area to the rear of the cottage, with open garden to the side.
- 7.32 As reflected in this earlier appeal decision, the proposed access would pass an existing dwelling which is not dissimilar to the relationship of dwellings adjacent to nearby housing development, with the Craneshough site to the west serving as a good example. In this instance, however, and by comparison to the larger neighbouring development the resultant traffic movements would be comparatively low.
- 7.33 In line with current guidelines, traffic movements for new residential schemes would be approximately 3-4 times the number of units, equating to 24-32 trips per day across the site, which takes into account daily traffic variations. The

use of private vehicles would be further discouraged by the introduction of footpath links to the east and west, ensuring pedestrian connectivity to the town and public transport network. As a consequence, it is not anticipated that vehicular trip generation will be significant from the site, and in any event would not be to a level that would be harmful to the amenity of neighbouring residents, taking account of properties in similar positions. Whilst there would be a significant change to the amenity of occupants of Red Lion House and Cottage, the overall effect as a result of traffic movements would not be considered to be harmful.

- 7.34 In terms of other impacts, the proposals have been amended to address concerns raised by the local planning authority and those raised in letters of objection received. Plot 1 has been amended to remove the garage, thus setting the development limit further into the site, away from existing buildings. The distance from the rear elevation of Red Lion Cottage to the gable of Plot 1 is 17m, in excess of the 15m distance sought in Policy H15. This would help reduce any overbearing impact caused by this particular property to an acceptable level, given its separation distance from the rear walls of Red Lion Cottage and Red Lion House. The lack of windows in this elevation, save for two rooflights on the lean-to entrance lobby, is such that there would be no direct overlooking from this building into neighbouring dwellings. Given the layout of the site and treatment of openings elsewhere, the dwelling on Plot 1 would largely prevent there being any direct overlooking from other properties into neighbouring dwellings to the north. Similarly, owing to the scale and layout of the site and the topography of the land rising to the south, the dwellings further into the site would have no greater impact on the existing dwellings in terms of an overbearing impact than that imposed by Plot 1, which would be acceptable. The garage to Red Lion Cottage and orientation of Red Lion House away from the development site are also factors which help to reduce the impacts of the development.
- 7.35 Landscaping proposals have been provided as part of this application; however there are areas which are still subject to consideration at this stage, including the enclosure of curtilage within the site which is being assessed by the Council's Ecologists. The scheme presents suitable boundary treatments for the enclosure of each property in planning terms, which would ensure adequate privacy is maintained for existing and future residents. At present, Red Lion House is bound to the south by a high close boarded timber fence, which also runs towards the rear of Red Lion Cottage. The western portion of Red Lion Cottage is currently open, enclosed only by a low post and rail timber fence. The application proposes additional boundary treatments, which would help mitigate against harm to the amenity of this property. In any event, the property would still benefit from a private and enclosed area beyond the rear extension, ensuring that adequate private amenity space would be maintained for this dwelling.
- 7.36 The design and layout of the estate is such that the new dwellings would be afforded an acceptable standard of amenity, with adequate private rear gardens and suitable living accommodation. In this respect, the amenity of occupants of the new dwellings would be acceptable in terms of privacy, outlook and sunlight.

- 7.37 Taking the above into consideration, it is considered that the proposals comply with the aims of Policies GD2 and H32 of the Tynedale Local Plan, and would provide a well-designed scheme which ensures adequate standards of amenity for occupants of existing dwellings, as well as those of occupants of the proposed development.

Highways Safety

- 7.38 Extensive discussions and negotiations have been undertaken during the course of the application process to address matters related to highways safety and development of the site. No formal response has been received at the time of writing this report, and as such members will be updated prior to or at the Committee of the position of the Highway Authority.
- 7.39 The development has evolved during the process of discussions to now include pedestrian connectivity to the existing pavements on the northern side of the A695, by providing a footpath extension on the southern side westward towards Hexham so that it links with an existing traffic island crossing point in the centre of the carriageway. Additional footpath extension is proposed eastward to the existing bus stop. Amendments have been made to the access track, reducing it slightly in width to account for land ownership issues. The result is that the access track cannot be fully compliant with standards required to be adoptable, and as such would result in the creation of a private road maintained by the residents or, in the alternative, a private limited company or management company into which residents pay a fee. The aim is, however, to provide a development which strives to achieve adoptable standards, and still proposes a high quality finish.
- 7.40 Although final comments are awaited, it is understood that from early discussions with the applicant there are no in principle objections to the scheme from a highways safety perspective. From a planning perspective, there are wider public benefits derived from the scheme which would weigh positively in the overall planning balance, which include the improvements of the public footpath network as these would enable continuous pedestrian access to the town centre from the site for its residents, and would improve existing arrangements for users of developments nearby, including the David Wilson Homes and Esh developments.
- 7.41 Subject to no objections being received from the Highway Authority, delegated authority is sought for the imposition of any necessary conditions as recommended by the Highway Authority in addition to those included as part of this recommendation, accordance with which would be imposed to ensure conformity with Policies GD4 and GD7 of the Tynedale Local Plan, as well as the wider aims of the NPPF.

Ecology and Landscaping

- 7.42 The application has been supported by a landscaping plan and ecological survey, which recognises the value of the site from an ecological perspective. Extensive discussion has been undertaken between the Council's Ecologists and the applicant in order to address concerns raised with regard to the potential impact on biodiversity value of the site, and issues facing the viability

of the landscaping scheme as presented within the application. Fundamentally, the development of the site will result in the loss of habitats and as such mitigation or compensation will be required. As it stands, the applicant is in the process of addressing concerns raised in order to provide a scheme which mitigates against the impact of the development on the biodiversity value of the site.

- 7.43 Amended plans have been received and are currently being considered by the Council's Ecologists. These take account of a request for the use of native species within the development, being of primary importance for maintaining local biodiversity, and the introduction of a dry stone wall to ensure the existing watercourse on the east of the site is kept out-with residential curtilage in order for it to avoid being maintained as garden land which could result in the loss of the remaining habitat on the site.
- 7.44 The Town Council has previously objected to the scheme on the basis that there would be a negative effect on wildlife corridors and nature conservation. The applicant is seeking to address this issue in consultation with the Council's Ecologists, in order that any impacts imposed by the development are properly compensated for or mitigated against. Following re-consultation on receipt of amended information, the Town Council have advised that there are no objections or comments regarding this application and, in this respect, it is assumed that the previous objections have been satisfactorily addressed through the submission of amended plans. Given that discussions are ongoing, albeit near to resolution, delegated authority is sought for the imposition of any necessary conditions as recommended by the Council's Ecologists in addition to those included as part of this recommendation, accordance with which would be imposed to ensure conformity with Policies NE27 and NE37 of the Tynedale Local Plan, as well as the wider aims of the NPPF.

Drainage and Sewerage

- 7.45 As with the above considerations, the drainage and sewerage provision proposed as part of the application has evolved during the process. Final comments are awaited from consultees in this respect; however the application seeks to address a number of issues raised during the consultation process. Amended plans have now been received which seek to provide a sustainable urban drainage system on the site, as well as new drainage channels on the western portion to divert surface water run-off from the site through new drainage routes, rather than through the existing watercourse which occurs at present. As a consequence, localised flooding experienced when the watercourse experiences increased capacity would be reduced, as the new drainage system would capture existing runoff as well as that from the development site itself. The effect is that only the small portion of watercourse on the southernmost end of the site would run to the existing watercourse, with the remainder channelled to an exposed drainage, which in turn would be diverted underground and to the mains system.
- 7.46 The effect of the above would reduce the burden on the existing watercourse and prevent additional run-off from entering this, thereby reducing the risk of this flooding for existing properties in accordance with the aims of Policy GD5

of the Core Strategy. In principle, the solution addresses concerns raised by the Council's LLFA Team who, although not statutory consultees, have been involved as part of the process. Delegated authority is therefore sought in this respect for the imposition of any necessary conditions as recommended by and following final consultation with the Lead Local Flood Authority in addition to those included as part of this recommendation, accordance with which would be imposed to ensure conformity with Policy GD5 of the Tynedale Core Strategy and Policy CS27 of the Tynedale Local Plan, as well as the wider aims of the NPPF.

- 7.47 The site accommodates a borehole which provides drinking water for existing residents of Red Lion House and Cottage. The scheme has been amended to remove the garage from plot one and provide alternative arrangements for parking, thereby ensuring that this borehole remains exposed and not developed upon.
- 7.48 No formal objections have been raised by the Council's Public Protection Team as part of the application process; however concerns had been raised about the potential ability for the developer to maintain the adequacy of the private water supply, resulting in the submission of amended plans. At present, the application would not impact on the private water supply on completion however it is anticipated that there are a number of technical and civil issues that require addressing, particularly during construction in terms of access to the borehole for maintenance and ensuring it remains protected throughout. Accordingly, it is recommended that a condition be imposed to secure precise details of the method of protection during construction, with information provided to the developer regarding access and private water supply sampling regulations, which may impact on the local authority's ability to undertake sampling in the future. Due to the issues related to this, no formal final consultation response has been received in relation to this point from the Council's Public Protection Team. Accordingly, delegated authority is sought for the imposition of any necessary conditions as recommended by the Council's Public Protection Team in addition to those included as part of this recommendation, accordance with which would be imposed to ensure conformity with Policy CS27 of the Tynedale Local Plan, as well as the wider aims of the NPPF.

Archaeology

- 7.49 The proposed development comprises eight dwellings and associated works in an area between two recent development sites, which have been subject to geophysical survey, trenching or watching brief during the course of the planning and development phases. No significant archaeological remains were identified in those larger development areas and as a result the Council's Archaeologists have concluded that the proposed development is unlikely to impact on significant archaeological remains. Based on the information available, therefore, no further survey work is considered necessary. The proposals are considered acceptable in accordance with the aims of Policy BE1 of the Tynedale Core Strategy, Policy BE27 of the Tynedale Local Plan and the aims of the NPPF.

Equality Duty

- 7.50 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

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

Human Rights Act Implications

- 7.52 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.
- 7.53 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.
- 7.54 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 site forms part of an allocated housing site within the built up area of Hexham. The principle of new residential dwellings is considered to be

acceptable, and would represent a sustainable form of development. The proposals are consistent with the aims of Policies GD1, H1 and H3 of the Tynedale Core Strategy in this respect, and would contribute towards the supply of housing.

- 8.2 The former Red Lion coaching inn is a Grade II listed building, which has been subdivided to form two dwellings: Red Lion House and Red Lion Cottage. The application has been assessed and members are advised that the setting of the listed building would be preserved, and that the proposals raise no archaeological issues. The design of the scheme, which is welcomed by the Council's Building Conservation Officer, is considered to be of a high quality and would help raise standards of design more generally. It is not considered that there would be significant harm to the amenity of existing residents to a degree which would justify withholding planning permission. The proposals are considered to be acceptable in these respects, in accordance with Policy BE1 of the Tynedale Core Strategy, Policies GD2, H32, BE22 and BE27 of the Tynedale Local Plan, and the wider aims of the NPPF.
- 8.3 Significant alterations are proposed to the site to achieve suitable access, and provide improvements to footpath network in the immediate area. The development would provide for upgraded footpath links towards the existing bus stop at Mole Country Stores, and the pedestrian traffic island to the west of the site within the A695. Final comments from the Highway Authority are awaited, and members will be updated on this aspect at the Committee.
- 8.4 Final comments from the Council's Ecologists, LLFA Officers and Public Protection Team are awaited in respect ecological mitigation and biodiversity enhancement, drainage and sewerage proposals, and the protection of the borehole and existing private water supply for neighbouring dwellings. Members will be updated on these aspects at the Committee.

9. Recommendation

That members be minded to grant planning permission, subject no new issues being raised within the consultation period, and with delegated authority to officers sought for the imposition of any other necessary conditions in addition to the following:

Conditions/Reason

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. The development hereby permitted shall not, except where modified by conditions elsewhere in this permission, be carried out other than in complete accordance with the following approved plans:

1. Location Plan LP_01 (received 09 August 2018)
2. Proposed Site Plan SP_01 Rev E

3. Proposed Boundary Treatments BT_01 Rev B
4. Detailed Landscape Proposals 2947/1 Rev D
5. The Linnel Floor Plans HT1_A100
6. The Linnel Elevations HT1_A200
7. The Linnel - Side Aspect Floor Plans HT1_S_A100
8. The Linnel - Side Aspect Elevations HT1_S_A200
9. The Dipton Floor Plans HT2_A100
10. The Dipton Elevations HT2_A200
11. The Dilston Floor Plans HT3_A100
12. The Dilston Elevations HT3_A200
13. The Duke Floor Plans HT4_A100
14. The Duke Elevations HT4_A200
15. Proposed Drainage Strategy DS_01 Rev A
16. Proposed Site Entrance and Highway Improvements SP_02 Rev C

Reason: To ensure the development is carried out in accordance with the approved plans, in the interests of proper planning.

03. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered to throughout the construction period. The Construction Method Statement shall, where applicable, provide for:

- i. details of temporary traffic management measures, temporary access, routes and vehicles;
- ii. vehicle cleaning facilities;
- iii. the parking of vehicles of site operatives and visitors;
- iv. the loading and unloading of plant and materials;
- v. storage of plant and materials used in constructing the development;
- vi. measures to control the emission of dust and dirt, including details of contact number for site management in the event of a complaint being received by the local planning authority; and
- vii. floodlighting.

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with Policies GD2 and GD4 of the Tynedale Local Plan.

04. Notwithstanding the detail contained within the application, no development shall commence beyond damp proof course level of any dwelling hereby permitted until a full schedule of materials to be used in the exterior of proposed dwellings and within hardscaping of the site has first been submitted to and approved in writing by the local planning authority. The schedule of materials shall include details and specification of the external facing stone, brick, timber and slate, windows and doors, rainwater goods, hard surfaces and materials for all boundary treatments within the site. Thereafter, the development shall be constructed in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development upon completion of the works, in accordance with the requirements of Policies GD2 and H32 of the Tynedale Local Plan.

05. No development shall commence beyond damp proof course level of the dwellings hereby permitted until a detail scheme for the disposal of foul and surface water from the development hereby approved has first been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To prevent the risk of flooding and to ensure adequate provision is made for the disposal of foul and surface water, in accordance with Policy GD5 of the Tynedale Core Strategy and Policy CS27 of the Tynedale Local Plan.

06. During the construction period, there shall be no noisy activity i.e. audible at the site boundary on Sundays or Bank Holidays, or outside the following hours:

Monday to Friday 0800-1800hrs
Saturday 0800-1300hrs

Reason: To safeguard the amenity of neighbouring residential properties, in accordance with Policy GD2 of the Tynedale Local Plan.

07. The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been undertaken by a competent and qualified consultant then submitted to and approved in writing by the Local Planning Authority and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing:

- a) A desk-top study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk-top study and a non-technical summary shall be submitted to the Local Planning Authority without delay upon completion.
- b) If identified as being required following the completion of the desk-top, a site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/ or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority without delay upon completion.
- c) Thereafter, a written Method Statement (or Remediation Strategy) detailing the remediation requirements for the land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority, and all requirements shall be implemented and

completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without express written agreement of the Local Planning Authority.

- d) Two full copies of a full closure (Verification Report) report shall be submitted to and approved by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants, in accordance with Policy CS23 of the Tynedale Local Plan.

08. If during development contamination not previously considered is identified, then an additional method statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out.

Reason: To ensure that any contaminants not previously considered within the site are dealt with in an appropriate manner to afford protection to the public.

09. An assessment of noise emanating from the road traffic (A695) upon the proposed development shall be submitted to and approved in writing by the Local Planning authority prior to the commencement of any development on site. No dwelling shall be constructed until an acoustic design scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that internal noise levels of 35dB LAeq during the day and 30dB LAeq and 45dB LAMax during the night can be achieved in habitable rooms. Habitable rooms on the façade facing away from the A695 shall have windows which are not restricted from opening. The scheme shall include internal room layouts to show that the main habitable rooms shall have access to a window which can be opened without causing the ingress of obtrusive noise above guidance levels. Thereafter, the approved acoustic design scheme shall implemented in full before the occupation of the dwelling it relates to and retained in perpetuity.

Main habitable rooms shall be taken to mean living rooms (07:00 - 23:00) and the master bedrooms (23:00 - 07:00)

Reason: To ensure that the development is not detrimental to future residential occupiers by reason of undue noise emission and vibrations from road traffic, in accordance with the aims of Policy GD2 of the Tynedale Local Plan.

10. All trees and hedges within the site and on its boundaries shall be retained and protected throughout the course of the development. No materials, plant or machinery shall be stored within root protection areas of trees during construction.

Reason: To ensure the protection of trees within the site, in accordance with Policy NE33 of the Tynedale Local Plan.

11. The landscaping of the site shall be carried out in accordance with the approved plans no later than the first planting season following occupation of the first dwelling. The landscaped areas shall be maintained to ensure establishment of the approved scheme, including watering, weeding and the replacement of any plants which fail within a period of up to 5 years from the completion of the development.

Reason: In the interests of visual and residential amenity, in accordance with Policies GD2 and NE37 of the Tynedale Local Plan.

Date of Report: 11th September 2018

Background Papers: Planning application file(s) 17/04661/FUL, T/20021116